



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 19-044

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]

1. Statutory Authority

The proposed rule meets the standard required to submit a petition under s. 227.26 (4), Stats., for expedited repeal of an unauthorized rule. The rule repeals ss. NR 544.20 to 544.27. Those provisions implement a pilot program that was repealed in 2011 Wisconsin Act 32, the 2011-12 Biennial Budget Act.

2. Form, Style and Placement in Administrative Code

The rule summary’s listing of statutory authority should be revised to include s. 287.11 (4) (a) (intro.), 2009-10 Stats. The citations to ss. 227.26 (4) (b) and 227.29 (1) (a), Stats., should be removed, as those provisions establish the expedited repeal process and require an annual report by each agency of unauthorized rules, respectively. They do remove or not confer rulemaking authority for the subject matter addressed in the proposed rule. [s. 1.02 (2m) (a), Manual.]

4. Adequacy of References to Related Statutes, Rules and Forms

a. In the rule summary’s listing of statutes interpreted, it may be helpful to insert “2009-10” before “Stats.”.

b. In the rule summary’s listing of statutes interpreted, the department cites 2011 Wisconsin Act 32. Due to the comprehensive nature of that law, the department may want to cite SEC. 2977n of that law in particular.