



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 19-057

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 that is required to submit a petition under s. 227.26 (4), Stats., for expedited repeal of an unauthorized rule. An “unauthorized rule” is a rule for which an agency lacks the authority to promulgate the rule due to the repeal or amendment of the law that previously authorized its promulgation.

In this case, the agency’s rulemaking authority was removed by the repeal of various statutes by 2003 Wisconsin Act 33, 2009 Wisconsin Act 110, and 2011 Wisconsin Act 182.

2. Form, Style and Placement in Administrative Code

a. The agency should consider including the content it describes in the summary of the rule in the explanation of authority, as this would give the reader a fuller understanding of the actions taken and the chain of statutes and rules involved.

b. The effective date of the rule should be SECTION 4 of the proposed rule text.