



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 19-038

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 in 2011 Wisconsin Act 10.

2. Form, Style and Placement in Administrative Code

a. Throughout the rule summary, references to repealed statutes could be followed by “2009 Stats.”. For example, in the first paragraph under the plain language analysis, “Section 111.075” could be replaced with “Section 111.075, 2009 Stats.”.

b. In the introductory clause, “ss. ERC 8” should be replaced with “chs. ERC 8”.

c. In the plain language analysis, “ss. ERC 8” should be replaced with “chs. ERC 8” in the last paragraph.

d. In SECTION 1, “ss. ERC 8” should be replaced with “chs. ERC 8”.