



Wisconsin Legislative Council

RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 21-035

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]

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. For purposes of the expedited repeal process, 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In this case, 2013 Wisconsin Act 20, s. 652, repealed s. 38.28 (6), 2011 Stats., which governed supplemental aid payments. The proposed rule removes the associated administrative rule provision.

2. Form, Style and Placement in Administrative Code

In the rule summary’s listing of statutory authority, the citations to ss. 227.26 (4) and 227.29 (1) (a), Stats., should be removed, as those provisions establish the expedited rulemaking process and the biennial agency review requirement, and do not remove or confer rulemaking authority for the subject matter addressed in the proposed rule.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In the rule summary’s listing of statutes interpreted and statutory authority, it may be helpful to insert “2011” before “Stats.”, in both instances of the reference to s. 38.28 (6), Stats.

b. The statutes interpreted section of the proposed rule analysis refers to “2103 Wis. Act 20 ss. 652”. It should refer to “**2013** Wis. Act 20 ss. 652”. A similar transposition error is made in the text of the letter.