

PETITION TO REPEAL UNAUTHORIZED RULE
Clearinghouse Rule 18-038

The Department of Health Services hereby petitions the Joint Committee for Review of Administrative Rules to use the process provided in s. 227.26 (4), Stats. The Department has determined that ss. DHS 152.02 and DHS 153.02 contain “unauthorized rules.” The Department submits the following analysis and proposed rule:

I. ANALYSIS

A. Statute/s that the proposed rule interprets

None.

B. Statute/s that authorizes promulgation

Section 227.26 (4), Stats.

C. Related statute/s

None.

D. Related rule/s

None.

E. Explanation of the agency's authority to promulgate the proposed rule

The proposed rule, which strikes language from ss. DHS 152.02 (25) and DHS 153.02 (17), is authorized by s. 227.26 (4), Stats.

F. Brief summary of the proposed rule

Sections DHS 152.02 (25) and DHS 153.02 (17) in part, define the term “resident” by referring to s. DWD 11.15. Chapter DWD 11 was repealed in 2002. The proposed rule strikes references to DWD 11.15.

G. Electronic mail address and telephone number of agency contact person

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II. PROPOSED RULE

SECTION 1. DHS 152.02 (25) is amended to read:

“Resident” means any person who is living in Wisconsin with the intention of remaining permanently in the state. ~~A person under the age of 18 is a resident if he or she is determined to be a resident in accordance with s. DWD 11.15.~~

SECTION 2. DHS 152.02 (25) (note) is repealed.

SECTION 3. DHS 153.02 (17) is amended to read:

“Resident” means any person who is living in Wisconsin with the intention of remaining permanently in the state. ~~A person under the age of 18 is a resident if he or she is determined to be a resident in accordance with s. DWD 11.15.~~

SECTION 4. DHS 153.02 (17) (note) is repealed.

SECTION 5. EFFECTIVE DATE: This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register, as provided in s. 227.22 (2), Stats.