

Clearinghouse Rule 18-057

STATE OF WISCONSIN
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF RULEMAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : DEPARTMENT OF SAFETY AND
DEPARTMENT OF SAFETY AND : PROFESSIONAL SERVICES
PROFESSIONAL SERVICES : ADOPTING RULES
: (CLEARINGHOUSE RULE)

The Department of Safety and Professional Services is petitioning the Joint Committee for Review of Administrative Rules to repeal rules the department has determined to be an unauthorized rule using the process under s. 227.26 (4), Stats.

PROPOSED ORDER

An order of the Department of Safety and Professional Services to repeal ch. SPS 304, relating to grants for construction career academies.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 227.26 (4), Stats., and 2015 Wisconsin Act 55, section 2711

Statutory authority:

Section 101.31, 2013 Stats., 227.11 (2) (a), Stats., and 2015 Wisconsin Act 55.

Explanation of agency authority:

Pursuant to s. 101.31, 2013 Stats., the Department of Safety and Professional Services was required to award grants and promulgate rules relating to the construction career academy grant program. Section 101.31, 2013 Stats., was repealed, as affected by 2015 Wisconsin Act 55, effective July 14, 2015.

Section 227.11 (2) (a), Stats., sets forth the parameters of an agency's rule-making authority, stating an agency, "may promulgate rules interpreting provisions of any statute enforced or administered by the agency. . .but a rule is not valid if the rule exceeds the bounds of correct interpretation."

Related statute or rule:

Not applicable

Plain language analysis:

The proposed rule repeals chapter SPS 304, relating to the construction career academy grant program.

Section 101.31, 2013 Stats., required the Department to award grants and promulgate rules relating to the construction career academy grant program. This program was initially created by 2007 Wisconsin Act 20.

2015 Wisconsin Act 55 repealed s. 101.31, 2013 Stats., which eliminated the construction career academy grant program effective July 14, 2015. The repeal of s. 101.31, Stats., also eliminates the Department's administrative requirements and authority relating to the construction career academy grant program.

The Department has determined that chapter SPS 304 is an unauthorized rule and is repealing this chapter pursuant to s. 227.26 (4), Stats.

Agency contact person:

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TEXT OF RULE

SECTION 1. Chapter SPS 304 is repealed.

SECTION 2. EFFECTIVE DATE. The rules repealed in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)
