Clearinghouse Rule 19-046

PETITION OF THE STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES REPEALING AN UNAUTHORIZED RULE

> The Wisconsin Department of Natural Resources proposes the following permanent rule to **repeal** s. NR 47.93, Wis. Adm. Code, relating to the forestry research and development grant program

EXR 13

Analysis Prepared by the Department of Natural Resources

1. Statute Interpreted:

- Section 26.386, Wis. Stats. (2005-2005 Stats.)
- 2007 Wis. Act 20

2. Statutory Authority:

- Section 227.26(4)(b), Stats.
- Section 227.29(1)(a), Stats.

3. Explanation of Agency Authority:

Statutory authority for s. NR 47.93, Wis. Adm. Code, was repealed by 2007 Wis. Act 20.

4. Related Statutes or Rules: N/A.

5. Plain Language Analysis:

Wis. Stats. s. 28.385 (2005-06 Stats.) was created in 2005 and provided DNR the authority to create a grant program to provide grants to nonprofit organizations to research, develop, encourage, and increase the uses of forestry biomass. The statute included a list of approvable project types and limitations on the size of the grant and origin of the funding. One-time funding of $537,500 was provided in the 2005-07 biennium to match anticipated federal forestry biomass grants.

Section 47.93, Wis. Adm. Code, established procedures for a program of forestry research and development grants for forest biomass and biomass energy. The rule includes sections regarding applicability, selection of a program administrator, soliciting proposals for grants, and selecting grantees.

Wis. Stats. s. 28.385 was repealed in 2007 Wis. Act 20, removing the explicit statutory authority for the grant program detailed in s. 47.93, Wis. Adm. Code. This proposal is to remove the unauthorized rule.

6. Agency Contact Person:

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TEXT OF RULE

SECTION 1.   NR 47.93 is repealed.

SECTION 2. EFFECTIVE DATE. This rule takes effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Stats.

END OF TEXT