

## Clearinghouse Rule 19-051

### 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** NR 60.02 (2) and (Note) relating to: public inland lake protection and rehabilitation.

EXR - 14

#### Analysis Prepared by the Department of Natural Resources

#### 1. Statutes Interpreted:

- Section 33.16, Wis. Stats.
- 15.347 (8), Wis. Stats., as affected by 1997 Wis. Act 27

#### 2. Statutory Authority:

- Section 227.26 (4) (b), Stats.
- Section 227.29 (1) (a), Stats.
- Section 15.347 (8), Stats., as affected by 1997 Wis. Act 27

#### 3. Explanation of Agency Authority:

Under s. 227.26 (4) (b), Stats., an agency that promulgated or that otherwise administers a rule that the agency determines is an unauthorized rule shall petition the joint committee for review of administrative rules for authorization to repeal that rule.

The Department of Natural Resources proposes repealing s. NR 60.02 (2) and (Note), Wis. Adm. Code, *Public Inland Lake Protection and Rehabilitation*, because they are in conflict with state law and unauthorized since the Inland Lakes Protection and Rehabilitation Council (council) as defined in s. NR 60.02 (2) and (Note) and created by s. 15.347 (8), Stats., was repealed by 1997 Wis. Act 27.

Pursuant to s. 227.26 (4) (b) 1., Stats., the department has determined that the repeal of this specific section in ch. NR 60 as described herein is appropriate since it meets the criteria for unauthorized rules.

#### 4. Related Statutes or Rules:

- Section 281.68, Stats.
- Section 281.69, Stats.
- NR 190, Wis. Adm. Code
- NR 191, Wis. Adm. Code

## **5. Plain Language Analysis:**

Under the statutes interpreted and statutory authority described above, the proposed rule will repeal s. NR 60.02 (2) and (Note), Wis. Adm. Code, as an unauthorized rule.

Section 1 repeals s. NR 60.02 (2) and (Note) because under 1997 Wis. Act 27, the Inland Lakes Protection and Rehabilitation Council was eliminated by the repeal of s. 15.347 (8), Stats.

## **6. Agency Contact Person:**

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### TEXT OF RULE

**SECTION 1. NR 60.02 (2) and (Note) are repealed.**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