

WISCONSIN ETHICS COMMISSION
Proposed Rule Making Order

INTRODUCTORY CLAUSE

The Wisconsin Ethics Commission proposes an order to repeal ETH 1.02, 1.04, 1.05, 1.06, 1.10, 1.11, 1.15, 1.26 (3), 1.26 (4), 1.28, 1.30, 1.34, 1.36, 1.38, 1.42, 1.43, 1.44, 1.45, 1.455, 1.46, 1.50, 1.56 (4), 1.65, 1.655, 1.75, 1.85 (1), (2), (4), (5), (6), (7), 1.91 related to campaign finance.

RULE SUMMARY

A. Statutes interpreted: Chapter 11, Stats.

B. Statutory authority: The Wisconsin Ethics Commission is specifically directed to promulgate rules to administer Chapter 11 pursuant to s. 11.1304(17), Stats.

11.1304 Duties of the ethics commission. The commission shall:
(17) Promulgate rules to administer this chapter.

The Commission also has general authority for the promulgation of rules to carry out the requirements of Chapters 11, 13, and 19.

s. 19.48(1), Stats.:

19.48 Duties of the ethics commission. The commission shall:
(1) Promulgate rules necessary to carry out ch. 11, subch. III of ch. 13, and this subchapter.

s. 227.11(2)(a), Stats.:

227.11 Extent to which chapter confers rule-making authority.
(2) Rule-making authority is expressly conferred on an agency as follows:
(a) Each agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation.

C. Explanation of agency authority: The Ethics Commission is required to promulgate rules to administer Chapter 11, Stats. The Legislature's repeal and re-creation of Chapter 11 by 2015 Act 117 required the Government Accountability Board to conduct a full review of all administrative rules promulgated by the Government Accountability Board that were affected by the provisions of the Act and required that any administrative rule found inconsistent with the Act could not be enforced. The Government Accountability Board did not take steps to repeal these inconsistent provisions before it was dissolved. The Ethics Commission now seeks to repeal these provisions.

D. Related statute(s) or rule(s): Chapters ETH 6 and 26.

E. Plain language analysis: The rule repeals the parts of Chapter ETH 1 that have been ruled unconstitutional or have been deemed inconsistent with the new campaign finance law created by 2015 Act 117.

F. Summary of, and comparison with, existing or proposed federal regulations: N/A

G. Comparison with similar rules in adjacent states: N/A

H. Summary of factual data and analytical methodologies: N/A

I. Analysis and supporting documentation used to determine effect on small businesses:
N/A

J. Effect on small business: N/A

K. Agency contact person:

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L. Place where comments are to be submitted and deadline for submission:

Written comments on the proposed rule will be accepted and receive consideration if they are received by August 21, 2018. Written comments should be addressed by mail to: David Buerger, P.O. Box 7984, Madison, WI 53707-7984; or by email to: eth.rulecomments@wi.gov.

Fiscal Estimate: The creation of this rule does not affect business.

Initial Regulatory Flexibility Analysis: The creation of this rule has no fiscal effect.

TEXT OF RULE

SECTION 1. ETH 1.02, 1.04, 1.05, 1.06, 1.10, 1.11, 1.15, 1.26 (3), 1.26 (4), 1.28, 1.30, 1.34, 1.36, 1.38, 1.42, 1.43, 1.44, 1.45, 1.455, 1.46, 1.50, 1.56 (4), 1.65, 1.655, 1.75, 1.85 (1), (2), (4), (5), (6), (7), 1.91 are repealed.

SECTION 2. 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.