

DEC 18 2001

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FORM 2



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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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**Ronald Sklansky**  
*Clearinghouse Director*

**Richard Sweet**  
*Clearinghouse Assistant Director*

**Terry C. Anderson**  
*Legislative Council Director*

**Laura D. Rose**  
*Legislative Council Deputy Director*

### CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

### CLEARINGHOUSE RULE 01-131

AN ORDER to repeal chapters PI 23, 33, 39 and 43, relating to the elimination of obsolete rules.

Submitted by **DEPARTMENT OF PUBLIC INSTRUCTION**

11-14-01 RECEIVED BY LEGISLATIVE COUNCIL.

12-07-01 REPORT SENT TO AGENCY.

RS:JLK;jal;ksm

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached      YES       NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached      YES       NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached      YES       NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS [s. 227.15 (2) (e)]

Comment Attached      YES       NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached      YES       NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL REGULATIONS [s. 227.15 (2) (g)]

Comment Attached      YES       NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached      YES       NO



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## RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 01-131

#### Comments

**[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]**

#### 4. Adequacy of References to Related Statutes, Rules and Forms

In the analysis, the statutes interpreted section includes reference to s. 115.28 (21), (35), and (38), Stats. No such statutes currently exist. The conventional method of referring to a version of the statutes that is not current is to specify the appropriate version of the statutes, for example, s. 115.28 (21), 1995-96 Stats.

REPORT TO  
LEGISLATIVE COUNCIL RULES CLEARINGHOUSE  
ELIMINATION OF OBSOLETE RULES  
Chapters PI 23, 33, 39, and 43, Wisconsin Administrative Code

Wisconsin Statutory Authority - ss. 227.11 (2) (a) and 227.16 (2) (b), Stats.

Federal Statutory Authority - None

Court Decisions Directly Relevant - None

Analysis of the Rule - Rule Effect - Reason for the Rule

The department proposes to repeal the following rule chapters because of the elimination or modification of statutory language relating to these chapters:

- Chapter PI 23, relating to the youth initiatives program. This chapter will be repealed since the youth initiatives program under s. 115.28 (21), Stats., was eliminated June 30, 1996, pursuant to 1995 Wisconsin Act 27.
- Chapter PI 33, relating to academic excellence higher education scholarships. This chapter will be repealed since the program is no longer required by statute to be jointly implemented by both the Higher Educational Aids Board (HEAB) and the department. Current statutes, pursuant to 1993 Wisconsin Act 457, require the program to be implemented by HEAB only.
- Chapter PI 39, relating to collaborative projects. This chapter will be repealed since the grants for collaborative projects under s. 115.28 (35), Stats., was eliminated June 30, 1996, pursuant to 1995 Wisconsin Act 27.
- Chapter PI 43, relating to reporting of pupils attending technical college districts. This chapter will be repealed since the reporting requirement under s. 115.28 (38), Stats., was eliminated pursuant to 1995 Wisconsin Act 27.

The elimination of these chapters is technical because the statutes no longer exist for the rule to interpret or implement. Therefore, pursuant to s. 227.16 (2) (b), Stats., the department will not hold public hearings regarding these rules. The department no longer collects information, requires data, or distributes funds that are affected by these rule chapters. Therefore, an initial applicability clause is not necessary.

Agency Procedure for Promulgation

Notice to Legislative Council pursuant to s. 227.15, Stats., and proceeding to the legislature under s. 227.19, Stats. As noted above, pursuant to s. 227.16 (2) (b), Stats., the department will not hold public hearings regarding these rules.

Description of any Forms (attach copies if available) - None

Name and Telephone Number of Agency Liaison(s)

Lori L. Slauson, Administrative Rules Coordinator, Policy and Budget, 267-9127

**PROPOSED ORDER OF THE  
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION  
REPEALING RULES**

The state superintendent of public instruction hereby proposes to repeal chapters PI 23, 33, 39, and 43, relating to the elimination of obsolete rules.

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**ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION**

Statutory authority: ss. 227.11 (2) (a) and 227.16 (2) (b), Stats.

Statute interpreted: ss. 39.41 (8), 115.28 (21), 115.28 (35), 115.28 (38), Stats.

The department proposes to repeal the following rule chapters because of the elimination or modification of statutory language relating to these chapters:

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**SECTION 1.** Chapter PI 23 is repealed.

**SECTION 2.** Chapter PI 33 is repealed.

**SECTION 3.** Chapter PI 39 is repealed.

**SECTION 4.** Chapter PI 43 is repealed.

The proposed rules contained in this order shall take effect on the first day of the month commencing after the date of publication in the Wisconsin Administrative Register, as provided in s. 227.22(2)(intro.), Stats.

Dated this 14<sup>th</sup> day of November, 2001



Elizabeth Burmaster  
State Superintendent