



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 18-002

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]

1. Statutory Authority

The proposed rule meets the standard that is required to submit a petition under s. 227.26 (4), Stats., for expedited repeal of an unauthorized rule. An “unauthorized rule” is a rule for which an agency lacks the authority to promulgate the rule due to the repeal or amendment of the law that previously authorized its promulgation. In this case, the board’s authority was amended by 2017 Wisconsin Act 82.

2. Form, Style and Placement in Administrative Code

a. In the enumeration of provisions treated by the proposed rule, and in the treatment clauses for each affected provision, the designation “(intro.)” should be inserted in the identification of the following affected provisions: ss. Cos 3.02 (1), 5.001, and 8.02. [s. 1.03 (3), Manual.]

b. Also, in the enumeration of provisions treated by the proposed rule, the identification “Cos” can be listed just once after each type of treatment, as follows: “to repeal Cos 1.01 (3m), 5.03, 7.03 (2), and 8.01 (2); to amend Cos 2.06 (4), 2.07 (1) and (1r), 3.02 (1) (intro.) and (2) (b), 5.001 (intro.), 5.01, 6.04 (1) (a), 7.04, 8.02 (intro.), 9.03 (Note), and 11.01.”

c. SECTIONS 3 and 4 of the proposed rule could be combined. When two or more subunits of the same rule section are affected by the same treatment, and any intervening subunits are unaffected, they may be included in the same SECTION of the proposed rule. The same comment applies to SECTIONS 5 and 6 of the proposed rule. [s. 1.04 (2) (a) 4., Manual.]