



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 19-071

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 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In this case, 2011 Wisconsin Act 154 repealed s. 196.97, Stats., a law that prohibited installation or connection to the natural gas distribution system any device that the Public Service Commission (PSC) had determined, by rule, to be a nonessential use of natural gas, and 2017 Wisconsin Act 59, SECTION 1799g, repealed s. 256.35 (3m), Stats., which governed an already sunset grant program administered by the PSC to reimburse local governments and wireless telephone service providers certain costs related to providing enhanced wireless 911 service.

2. Form, Style and Placement in Administrative Code

In its explanation of authority, the agency should identify 2017 Wisconsin Act 59, SECTION 1799g, as the source of the repeal of s. 256.35 (3m), Stats.