



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 19-056

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. For purposes of the expedited repeal process, 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In this case, 2009 Wisconsin Act 28, SECS. 1960 and 1961, repealed ss. 92.105 and 92.106, 2007 Stats., which governed department review of county soil and water conservation standards. The proposed rule removes an associated administrative rule provision.

2. Form, Style and Placement in Administrative Code

The rule summary’s listing of statutory authority should be revised to cite the specific statutory provision that granted rulemaking authority for the original rule, s. 92.05 (3) (c), Stats. The citation to s. 227.26 (4), Stats., should be removed, as that provision establishes the expedited rulemaking process and does not remove or confer rulemaking authority for the subject matter addressed in the proposed rule. [s. 1.02 (2m) (a), Manual.]