

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## ***RULES CLEARINGHOUSE***

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## **CLEARINGHOUSE RULE 01-021**

### **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.]**

#### **1. Statutory Authority**

Section 94.73 (15), Stats., requires the department to adjust pesticide license fee surcharges as necessary to maintain a balance of at least \$2 million but not more than \$5 million in the agricultural cleanup fund at the end of each fiscal year without increasing surcharges over statutory limits. The analysis to Clearinghouse Rule 01-021 states that the surcharge adjustments contained in the rule “will not necessarily maintain the required minimum balance of \$2 million.” Similarly, the fiscal estimate states that the fee increases described in the rule will not be sufficient to sustain ongoing reimbursement demands. The department should explain why it is unable to meet the duty imposed upon it by the statutes. Is it simply a matter, as implied by the fiscal estimate, that the rule cannot be completed in time for license year 2002? If so, there are means by which the promulgation process can be expedited. If the surcharges are raised to statutory limits, will the amount of revenue generated nevertheless be insufficient? If so, the department should include this information in the rule-making order.