



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 19-001

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 repeal or amendment of the law that previously authorized its promulgation.

In this case, the repeal of ss. 50.36 (2) (c) and 50.38, Stats., by 2007 Wisconsin Act 20, removed both the requirement that hospitals refer certain patients to a resource center, and the penalties for noncompliance with that requirement. The proposed rule removes the department’s rules related to the repealed referral and penalty provisions and accordingly follows the Legislature’s intent to remove the requirement that hospitals refer certain patients to a resource center or risk penalty for failing to do so.