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STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION

Tony Evers, Governor
Joel Brennan, Secretary
Angela Banks, Division Administrator

April 16, 2019

Senator Nass, Senate Co-Chair
Joint Committee for Review of Administrative Rules
Room 10S, State Capitol
Madison, WI 53702

Representative Ballweg, Assembly Co-Chair
Joint Committee for Review of Administrative Rules
Room 210N, State Capitol
Madison, WI 53702

RE: Petition to Repeal Unauthorized Rule

Dear Committee Co-Chairs:

Enclosed please find a Petition and Order to Repeal Unauthorized Rules under s. 227.26 (4), Wis. Stats. The Department of Administration has determined that Chapter Game 44, Wis. Admin. Code., is unauthorized as defined in s. 227.26 (4) (a), Wis. Stats., following the enactment 2015 Wisconsin Act 6. Accordingly, the Department hereby proposes to repeal Ch. Game 44 using the expedited process laid out in s. 227.26 (4), Wis. Stats.

Please contact me if you have any questions.

Sincerely,

Angela Banks
Division Administrator

Enclosure

DEPARTMENT OF ADMINISTRATION

PETITION AND ORDER TO REPEAL UNAUTHORIZED RULES

The Wisconsin Department of Administration hereby petitions the Joint Committee for Review of Administrative Rules to repeal rules that the Department has determined to be unauthorized, using the process described in s. 227.26 (4), Wis. Stats.

Proposed Order

An order to repeal ch. Game 44, Wis. Admin. Code, relating to the conduct of raffles.

Analysis

1. References to Statutes Interpreted and Related Statutes or Rules

Chapter Game 44 was promulgated in 2005 under subchapter VIII of chapter 563 the Wisconsin Statutes, which had authorized the Department to promulgate rules relating to raffles.

2. References to and Explanation of Statutory Authority

In 2015, the legislature enacted s. 563.05 (4m), Wis. Stats., which provides that, "Notwithstanding s. 227.11, the department may not promulgate or enforce any rule that interprets the provisions under subch. VIII or any other provisions under this chapter that relate to raffles." See 2015 Wisconsin Act 6, § 20. The same act also repealed other provisions of ch. 563 that had previously provided rulemaking authority to interpret and implement subchapter VIII of that chapter. See, e.g., 2015 Wisconsin Act 6, §§ 17-21, 30, 34. Therefore, because the statutes that previously authorized ch. Game 44 have been amended and repealed, the chapter is now unauthorized as defined in s. 227.26 (4) (a), Wis. Stats.

3. Brief Summary of Proposed Rule

Since the authority to promulgate and enforce Chapter Game 44 was eliminated by 2015 Wisconsin Act 6, the Department's Division of Gaming has not enforced any part of that chapter or promulgated any amendments to it, in compliance with s. 563.05 (4m), Wis. Stats. This rule will effectuate the intent of 2015 Wisconsin Act 6 by fully repealing Chapter Game 44.

4. Email Address and Telephone Number for Agency Contact Person

Mike McClure, Attorney, Division of Gaming, MikeMcClure@Wisconsin.gov, (608) 270-2555.

TEXT OF PROPOSED RULE

SECTION 1. Ch. Game 44 is repealed.

SECTION 2. EFFECTIVE DATE. The repeal of rules pursuant to this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro), Stats.
