

WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

Ronald Sklansky
Director
(608) 266-1946

Richard Sweet
Assistant Director
(608) 266-2982



Terry C. Anderson
Director
Legislative Council Staff
(608) 266-1304

One E. Main St., Ste. 401
P.O. Box 2536
Madison, WI 53701-2536
FAX: (608) 266-3830

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.