



Wisconsin Legislative Council

RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

CLEARINGHOUSE RULE 24-022

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]

1. Statutory Authority

a. Should the “statutes interpreted” section of the rule summary reference s. 254.156, Stats.? An entry should be inserted in this section, rather than stating “not applicable”. An agency may promulgate administrative rules to implement or interpret statutes that are enforced or administered by the agency.

b. Should references to s. 250.04 (7), 254.13 (2), and 254.15, Stats., be moved from the statutory authority and explanation of agency authority sections of the rule summary to the “related statutes” section or deleted altogether? The reference to s. 227.11 (2) (a), Stats., could also be removed. The rule is promulgated squarely under the authority provided in s. 254.156, Stats.

4. Adequacy of References to Related Statutes, Rules and Forms

Section 254.156, Stats., provides in part that “Rules promulgated under this section supersede s. 254.11 (9) **with respect to the requirements of this subchapter**”. Given that this rule supersedes the definition in s. 254.11 (9), Stats., within subch. II of ch. 254, Stats., should definitions of “lead exposure” or “lead poisoning” that cite an amount of lead in the blood be modified within other DHS administrative code chapters referenced in ch. 254, Stats., specifically, ss. DHS 163.03 (67) and 182.03 (10), Wis. Adm. Code?