

PETITION OF THE WISCONSIN TECHNICAL COLLEGE SYSTEM REPEALING AN UNAUTHORIZED RULE

The Wisconsin Technical College System (WTCS) proposes the following permanent rule to **repeal** TCS 4.04(1), 4.07(2), 4.08(3), 4.09, 4.13(2), 4.14(1), relating to district budget limitations.

1. Statute Interpreted:

-Section 38.29, 1981 Stats.
-1983 Wis. Act 27 ss. 913i

2. Statutory Authority:

-Section 227.26(4)(b), Stats.
-Section 227.29(1)(a), Stats.
-Section 38.29, 1981 Stats.

3. Explanation of Agency Authority:

Statutory authority for TCS 4.04(1), 4.07(2), 4.08(3), 4.09, 4.13(2), 4.14(1), Wis. Admin. Code, was repealed by 1983 Wis. Act 27 ss. 913i.

4. Related Statutes or Rules:

There are no related statutes or rules.

5. Plain Language Analysis:

Chapter TCS 4 provides guidance on the administrative hearing procedures for the WTCS board and districts. TCS 4.04(1), 4.07(2), 4.08(3), 4.09, 4.13(2), 4.14(1) outlines the WTCS Board appeal process for the WTCS districts to seek district budget limitations relief. This process is no longer needed since the budget limitation section of law was repealed.

Statutory authority for TCS 4.04(1), 4.07(2), 4.08(3), 4.09, 4.13(2), 4.14(1), Wis. Admin. Code, was repealed by 1983 Wis. Act 27 ss. 913i.

6. Agency Contact Person:

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Section 1. TCS 4.04 (title), (intro) and (2) are consolidated, renumbered TCS 4.04 (title), (intro) and amended to read:

TCS 4.04 Parties. Parties to proceedings are known as petitioners, respondents, intervenors, applicants, and objectors, according to the nature of the proceeding and relationship of the parties to the proceedings.

~~(1) Parties seeking relief from district budget limitations are applicants, those opposing such applicants are objectors and those other than applicants or objectors are intervenors.~~

(2) Parties filing petitions for review are petitioners, those opposing such petitioners are respondents.

Section 2. TCS 4.04 (1) is repealed.

Section 3. TCS 4.07 (title), (intro) and (1) are consolidated, renumbered TCS 4.07 (title), (intro) and amended to read:

TCS 4.07 How proceedings instituted. Proceedings for a hearing upon a matter shall be initiated as follows:

~~(1) On a petition for review by an aggrieved individual or technical college district.~~

~~(2) On an application by any technical college district for relief from district budget limitations.~~

Section 4. TCS 4.07 (2) is repealed.

Section 5. TCS 4.08 (Title), (Intro), (1), (2), and (4) are renumbered TCS 4.08 (Title), (Intro), (1), (2), (3) and amended to read:

TCS 4.08 Contents of petition for review. A petition for review shall be in writing and shall contain:

(1) The name, place of residence and post office address of the petitioner.

(2) A concise statement of the grounds for the petition.

~~(3) A concise statement of the relief requested.~~

(3) A signature of the petitioner or duly authorized agent.

Section 5. TCS 4.08 (3) is repealed.

Section 6. TCS 4.09 is repealed.

Section 7. TCS 4.13 (Title) and (1) are consolidated and renumbered 4.13 (Title), (intro) and amended to read:

TCS 4.13 Appearances. ~~(1)~~ Parties may appear in person or by a regularly employed employee or agent, or by a duly authorized attorney at law, and if a corporation by any of its active officers. Upon an appearance at a hearing the name and mail address of the party appearing and the name and mail address of any agent, employee, officer or attorney appearing with or for the party shall be furnished and entered in the record of the proceedings, and the appearances so made and the mail addresses so given shall be binding on the party unless and except as modified by written notice to the state director or the hearing examiner conducting the hearing and to all other parties appearing in the proceeding and served as provided by s. [TCS 4.05](#) which when so modified shall in turn have the same force and effect as in the first instance.

~~(2) Members of the state board's staff appearing in budget limitations hearings are neither in support of nor in opposition to the cause, but solely to discover and present, if necessary, facts pertinent to the issues.~~

Section 8. TCS 4.13 (2) is repealed.

Section 9. TCS 4.14 (1) and (2) are consolidated and renumbered 4.14 (intro) and amended to read:

TCS 4.14 Order of presenting evidence. Evidence ordinarily will be presented in the following order:

~~(1) Upon applications for relief from district budget limitations: a) the applicant, b) intervenors in support of the applicant, c) objector, d) intervenors in support of the objector, and e) state board staff.~~

~~(2) Upon petitions: a) petitioner and supporting witnesses and b) respondent and supporting witnesses.~~

Section 10. TCS 4.14 (1) is repealed.

Section 2. Effective Date. This rule takes effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. [227.22 \(2\) \(intro.\)](#), Stats.

END OF TEXT