

1987 Senate Bill 523

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1987 Wisconsin Act 253

AN ACT to renumber 227.14 (6) (a); to renumber and amend 227.14 (6) (b); to amend 227.17 (4), 227.19 (4) (b) 2, 227.19 (4) (b) 3, 227.19 (4) (b) 4 and 227.19 (5) (b) 2; and to create 227.14 (6) (a) of the statutes, relating to modifications of and the time allowed for legislative committee review of administrative rules.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1b. 227.14 (6) (a) of the statutes is renumbered 227.14 (6) (b).

SECTION 1d. 227.14 (6) (a) of the statutes is created to read:

227.14 (6) (a) Notwithstanding s. 227.01 (10), in this subsection, "proposed rule" means all of the agency's proposal to promulgate a rule.

SECTION 1h. 227.14 (6) (b) of the statutes, as affected by 1987 Wisconsin Act 22, is renumbered 227.14 (6) (c) and amended to read:

227.14 (6) (c) A proposed rule shall be considered withdrawn on December 31 of the 4th year after the year in which it is submitted to the legislative council staff under s. 227.15 (1), unless it has been filed in the office of the revisor under s. 227.20 (1) or withdrawn by the agency before that date. No action by a legislative committee or by either house of the legislature

under s. 227.19 delays the date of withdrawal of a proposed rule under this paragraph.

SECTION 1p. 227.17 (4) of the statutes is amended to read:

227.17 (4) An agency may modify a proposed rule prior to a hearing without providing additional notice under this section if the modification is germane to the subject matter of the proposed rule. In this subsection, an agency's proposal to delete part of a proposed rule for which notice was given under sub. (1) shall be treated as a germane modification of the proposed rule.

SECTION 1t. 227.19 (4) (b) 2 of the statutes is amended to read:

227.19 (4) (b) 2. If a committee, by a majority vote of a quorum of the committee, recommends modifications in a proposed rule, and the agency, in writing, agrees to make modifications, the review period for both committees is extended either to the 10th working day following receipt by the committees of the modified proposed rule or to the expiration of the review period under subd. 1, whichever is later. There is no limit either on the number of modification agreements that may be entered into or on the time within which modifications may be made.

SECTION 2. 227.19 (4) (b) 3 of the statutes is amended to read:

227.19 (4) (b) 3. An agency may, on its own initiative, submit a germane modification to a proposed rule to a committee during its review period. If a germane modification is submitted within the final 10 days of a committee review period, the review period for both committees is extended for 10 working days. If a germane modification is submitted to a committee after the committee in the other house has concluded its jurisdiction over the proposed rule, the jurisdiction of the committee of the other house is revived for 10

working days. In this subdivision, an agency's proposal to delete part of a proposed rule under committee review shall be treated as a germane modification of the proposed rule.

SECTION 2m. 227.19 (4) (b) 4 of the statutes is amended to read:

227.19 (4) (b) 4. An agency may modify a proposed rule following the committee review period if the modification is germane to the subject matter of the proposed rule. If a germane modification is made, the agency shall recall the proposed rule from the chief clerk of each house of the legislature. The proposed rule, with the germane modification, shall be resubmitted to the presiding officer in each house of the legislature as provided in sub. (2) and the committee review period shall begin again. Following the committee review period, an agency may not make any modification that is not germane to the subject matter of the proposed rule. In this subdivision, an agency's proposal to delete part of a proposed rule under committee review shall be treated as a germane modification of the proposed rule.

SECTION 3. 227.19 (5) (b) 2 of the statutes is amended to read:

227.19 (5) (b) 2. If the joint committee for review of administrative rules, by a majority vote of a quorum of the committee, recommends modifications in a proposed rule, and the agency, in writing, agrees to make modifications, the review period for the joint committee for review of administrative rules is extended either to the 10th working day following receipt by the joint committee of the modified proposed rule or to the expiration of the review period under subd. 1, whichever is later. There is no limit either on the number of modification agreements that may be entered into or on the time within which modifications may be made.