

2013 DRAFTING REQUEST

Bill

Received: 11/4/2013 Received By: gmalaise
Wanted: Today Same as LRB:
For: Workforce Development By/Representing: Tyler Tichenor
May Contact: Drafter: gmalaise
Subject: Administrative Law Addl. Drafters:
Employ Priv - job training Extra Copies:

Submit via email: YES
Requester's email: tyler.tichenor@wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Repeal of obsolete DWD rules; rule-making procedures

Instructions:

See attached--draftcompanion to -3220 and jacketfor assembly

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 11/4/2013	csicilia 11/6/2013	rschluet 11/6/2013	_____			
/1				_____	lparisi 11/6/2013	lparisi 11/6/2013	

FE Sent For:

none

<END>

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/?	gmalaise	1 gjs	11/6 13				
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Handwritten notes: 11/6 13, 12/6/13, and a circled scribble.

FE Sent For:

<END>

Malaise, Gordon

From: Parisi, Lori
Sent: Monday, November 04, 2013 1:19 PM
To: Malaise, Gordon
Subject: DWD companions

Hi Gordon, I just spoke to Tyler Tichenor from DWD and he would like Assembly companions for LRB's 3220 [REDACTED]. Could you please take care of this and put a note on the request sheet so that we PA's will jacket these as soon as they come through from typing??

Thanks much...

Lori

"RESEARCH APPENDIX"

... Drafting History Reproduction Request Form ...

 DRAFTING ATTORNEYS: PLEASE COMPLETE THIS FORM AND GIVE TO MIKE BARMAN

(Request Made By: GMM) (Date: 11 / 4 / 13)

Note:

BOTH DRAFTS SHOULD HAVE THE SAME "REQUESTOR"

(exception: companion bills)



~~Please transfer the drafting file for~~

~~**2011 LRB** _____~~

~~(For: Rep. / Sen. _____)~~

~~to the drafting file for~~

~~**2013 LRB** _____~~

~~(For: Rep. / Sen. _____)~~

----- **OR** -----



Please copy the drafting file for

2013 LRB -3220 / 1

(include the version)

(For: ~~Rep.~~ Sen. DWD)

and place it in the drafting file for

2013 LRB -3570 (ABSIS)

(For: ~~Rep.~~ Sen. DWD)



Are These "Companion Bills" ?? ... Yes No

If yes, who in the initial requestor's office authorized the copy/transfer of the drafting history ("guts") from the original file: Same requestor - DWD



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3220/1 35701

GMM:cjs:jm

stays

Now

In 1114
1000
Companion

2013 BILL

LPS:

Please fix request sheet as shown on request sheet

Gen Cat

1 AN ACT ~~to repeal~~ 106.20; to amend 13.92 (4) (c), 13.92 (4) (d), 13.92 (4) (e), 13.92
 2 (4) (f), 13.94 (4) (a) 5., 35.93 (2) (b) 4., 35.93 (2) (c) 1., 35.93 (3), 35.93 (3) (e)
 3 (intro.), 35.93 (3) (e) 1., 227.01 (13) (intro.), 227.11 (2) (intro.) and 227.27 (2); and
 4 to create 13.92 (4) (bm) and 227.265 of the statutes; relating to: rule-making
 5 procedures and repealing various rules promulgated by the Department of
 6 Workforce Development.

Analysis by the Legislative Reference Bureau

STATUTORY TREATMENTS

Rule-making procedures

Current law sets forth a procedure for the promulgation of administrative rules (rules). Generally, that procedure consists of the following steps:

1. The agency planning to promulgate the rule prepares a statement of the scope of the proposed rule, which the governor and the agency head must approve before any state employee or official may perform any activity in connection with the drafting of the proposed rule.
2. The agency drafts the proposed rule, together with an economic impact analysis, plain language analysis, and fiscal estimate for the proposed rule, and submits those materials to the Legislative Council Staff for review.
3. Subject to certain exceptions, a public hearing is held on the proposed rule.

BILL

4. The final draft of the proposed rule is submitted to the governor for approval.

5. The final draft of the proposed rule, together with an economic impact analysis, plain language analysis, and fiscal estimate for the proposed rule, are submitted to the legislature for review by one standing committee in each house and by the Joint Committee for Review of Administrative Rules.

6. The proposed rule is filed with the Legislative Reference Bureau (LRB) for publication in the Wisconsin Administrative Code (code) and the Wisconsin Administrative Register (register), and, subject to certain exceptions, the rule becomes effective on the first day of the first month beginning after publication.

Under this bill, if a bill that repeals or modifies a rule is enacted, the ordinary rule-making procedures under current law do not apply. Instead, the LRB must publish the repeal or modification, in the code and the register, and the repeal or modification, subject to certain exceptions, takes effect on the first day of the first month beginning after publication.

TREATMENTS OF ADMINISTRATIVE RULES

Under current law, the Department of Workforce Development (DWD) has promulgated various rules governing the administration in this state of the federal Job Training Partnership Act of 1982 (JTPA). Those rules govern: 1) allowable costs under the JTPA; 2) performance-based contracting by agencies receiving funds under the JTPA; 3) administration of the Dislocated Worker Program under the JTPA; and 4) administration of certain other employment and training programs under the JTPA. The JTPA was replaced by the federal Workforce Investment Act of 1998. This bill repeals those rules.

Under current law, DWD has promulgated rules governing the Wisconsin Job Opportunity Business Subsidy (WISJOBS) Program. Statutory authority for the awarding of grants under the WISJOBS Program expired on June 30, 1993. This bill repeals those rules.

Under current law, DWD has promulgated rules governing the filing and hearing of mining damage claims. Statutory responsibility for the hearing of such claims was transferred to the Department of Commerce in 1996 and, subsequently, to the Department of Safety and Professional Services in 2011. This bill repeals those rules.

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

1 **SECTION 1.** 13.92 (4) (bm) of the statutes is created to read:
2 13.92 (4) (bm) If 2 or more rules filed under s. 227.20 or modified under s.
3 227.265 affect the same unit of the Wisconsin administrative code without taking
4 cognizance of the effect thereon of the other rules and if the legislative reference
5 bureau finds that there is no mutual inconsistency in the changes made by each such

BILL

1 rule, the legislative reference bureau shall incorporate the changes made by each
2 rule into the text of the unit and document the incorporation in a note to the unit.
3 For each such incorporation, the legislative reference bureau shall include in a
4 correction bill a provision formally validating the incorporation. Section 227.27 (2)
5 is not affected by printing decisions made by the legislative reference bureau under
6 this paragraph.

7 **SECTION 2.** 13.92 (4) (c) of the statutes is amended to read:

8 13.92 (4) (c) The legislative reference bureau may insert in the Wisconsin
9 administrative code a note explaining any change made under par. (b) or (bm).

10 **SECTION 3.** 13.92 (4) (d) of the statutes is amended to read:

11 13.92 (4) (d) Sections 227.114, 227.116, 227.135, and 227.14 to 227.24 do not
12 apply to any change made by the legislative reference bureau under par. (b) or (bm).

13 **SECTION 4.** 13.92 (4) (e) of the statutes is amended to read:

14 13.92 (4) (e) The legislative reference bureau shall prepare and keep on file a
15 record of each change made under par. (b) or (bm).

16 **SECTION 5.** 13.92 (4) (f) of the statutes is amended to read:

17 13.92 (4) (f) The legislative reference bureau shall notify the agency involved
18 of each change made under par. (b) or (bm).

19 **SECTION 6.** 13.94 (4) (a) 5. of the statutes is amended to read:

20 13.94 (4) (a) 5. A local service agency as ~~defined in s. 106.20 (1) (d)~~ designated
21 under s. 101.35 (3), 1991 stats.

22 **SECTION 7.** 35.93 (2) (b) 4. of the statutes, as affected by 2013 Wisconsin Act 20,

23 is amended to read:

BILL

1 35.93 (2) (b) 4. Copies of all rules filed with the legislative reference bureau
2 under s. 227.20 (1) or modified under s. 227.265 since the compilation of the
3 preceding register, including emergency rules filed under s. 227.24 (3).

4 **SECTION 8.** 35.93 (2) (c) 1. of the statutes, as affected by 2013 Wisconsin Act 20,
5 is amended to read:

6 35.93 (2) (c) 1. Each chapter of the Wisconsin administrative code that has been
7 affected by rules filed with the legislative reference bureau under s. 227.20 (1) or
8 modified under s. 227.265, in accordance with sub. (3) (e) 1.

9 **SECTION 9.** 35.93 (3) of the statutes is amended to read:

10 35.93 (3) The legislative reference bureau shall compile and deliver to the
11 department for printing copy for a register which shall contain all the rules filed
12 under s. 227.20 or modified under s. 227.265 since the compilation of rules for the
13 preceding issue of the register was made and those executive orders which are to be
14 in effect for more than 90 days or an informative summary thereof. The complete
15 register shall be compiled and published before the first day of each month and a
16 notice section of the register shall be compiled and published before the 15th day of
17 each month. Each issue of the register shall contain a title page with the name
18 "Wisconsin administrative register", the number and date of the register, and a table
19 of contents. Each page of the register shall also contain the date and number of the
20 register of which it is a part in addition to the other necessary code titles and page
21 numbers. The legislative reference bureau may include in the register such
22 instructions or information as in the bureau's judgment will help the user to correctly
23 make insertions and deletions in the code and to keep the code current.

24 **SECTION 10.** 35.93 (3) (e) (intro.) of the statutes, as affected by 2013 Wisconsin
25 Act 20, is amended to read:

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1 35.93 (3) (e) (intro.) The legislative reference bureau shall incorporate into the
2 appropriate chapters of the Wisconsin administrative code each permanent rule filed
3 with the legislative reference bureau under s. 227.20 (1) or modified under s. 227.265
4 and, for each chapter of the administrative code affected by a rule, do all of the
5 following:

6 **SECTION 11.** 35.93 (3) (e) 1. of the statutes, as affected by 2013 Wisconsin Act
7 20, is amended to read:

8 35.93 (3) (e) 1. Publish the chapter in the appropriate end-of-month register
9 in accordance with the filing deadline for publication established in the rules
10 procedures manual published under s. 227.15 (7) ~~or~~, in an end-of-month register
11 agreed to by the submitting agency and the legislative reference bureau, or, in the
12 case of a rule modified under s. 227.265, in the end-of-month register for the month
13 in which the bill modifying the rule is enacted.

14 **SECTION 12.** 106.20 of the statutes is repealed.

15 **SECTION 13.** 227.01 (13) (intro.) of the statutes is amended to read:

16 227.01 (13) (intro.) “Rule” means a regulation, standard, statement of policy,
17 or general order of general application which has the effect of law and which is issued
18 by an agency to implement, interpret, or make specific legislation enforced or
19 administered by the agency or to govern the organization or procedure of the agency.
20 “Rule” includes a modification of a rule under s. 227.265. “Rule” does not include, and
21 s. 227.10 does not apply to, any action or inaction of an agency, whether it would
22 otherwise meet the definition under this subsection, which:

23 **SECTION 14.** 227.11 (2) (intro.) of the statutes is amended to read:

24 227.11 (2) (intro.) Rule-making authority is expressly conferred on an agency
25 as follows:

