



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2017 Senate Bill 745

Senate Amendment 1

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Contact: Margit S. Kelley, Senior Staff Attorney

2017 SENATE BILL 745

2017 Senate Bill 745 addresses three aspects of actions by state agencies. First, the bill prohibits an agency from seeking, and a court from granting, deference to the agency's interpretation of a law when an agency decision is contested. Second, the bill prohibits an agency from using a settlement agreement, consent decree, or court order as rulemaking authority. Third, the bill provides certain procedural requirements for the issuance of a guidance document, including a notice and public comment period, with initial and ongoing posting on the agency's website.

SENATE AMENDMENT 1

Senate Amendment 1 revises the following aspects of the bill's provisions regarding guidance documents:

- The amendment specifies that the 21-day public comment period before a guidance document may be adopted begins with the date the notice and proposed guidance document are published by the Legislative Reference Bureau, rather than beginning with the date of posting on the agency's website.
- The amendment removes the specification that the agency's website is the official location for posting a proposed guidance document for the initial public comment period.
- The amendment requires the Legislative Council staff to assist agencies in determining whether documents are subject to the bill's requirements for guidance documents.

BILL HISTORY

Senate Amendment 1 was offered by Senator Craig on February 13, 2018. On February 14, 2018, the Senate Committee on Labor and Regulatory Reform recommended adoption of the amendment on a vote of Ayes, 5; Noes, 0, and recommended passage of the bill, as amended, on a vote of Ayes, 3; Noes, 2.

MSK:jal