



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2005 Wisconsin Act 249
[2005 Senate Bill 150]

Administrative Rule Review

2005 Wisconsin Act 249 makes minor, technical amendments to ch. 227, Stats., relating to administrative procedure.

On May 4, 2004, the co-chairs of the Joint Legislative Council directed the Legislative Council staff to examine laws relating to the procedures used for the promulgation of administrative rules and to develop proposed legislation that modifies statutory language, codifies practices used in the process, coordinates statutory changes made in the 2003 Session of the Legislature, and makes minor substantive changes to the law.

In order to fill this request, the Legislative Council staff sought comments from rule-promulgating state agencies, the Chief Clerks of the Legislature, and the Revisor of Statutes. Act 249, as described in NOTES accompanying each SECTION, responds to many of the comments the Legislative Council staff received as well as to issues noted by the experience of the Legislative Council staff itself.

The amendments to ch. 227, Stats., as contained in Act 249, can be categorized as follows:

1. Amending or eliminating obsolete provisions.
2. Clarifying terminology and correcting cross-references.
3. Streamlining the timing and procedure of the administrative rule-making process.
4. Coordinating and clarifying certain provisions of Wisconsin Acts 118 and 145 that affected ch. 227, Stats.

Act 249 also contains minor substantive changes that clarify and streamline the process. For example, SECTION 25 provides a new method by which an agency may reconsider a proposed administrative rule. SECTION 25 authorizes an agency, during the committee review period, to reconsider the proposed rule by recalling it from the Chief Clerk of each house of the Legislature. If the

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

agency decides to continue the rule-making process with regard to the proposed rule, it must resubmit the proposed rule, either in its recalled form or with one or more germane modifications, to the Chief Clerk in each house of the Legislature for the commencement of a new committee review period. An additional example can be found in SECTION 45. This SECTION clarifies and codifies current practice by stating that if the Joint Committee for Review of Administrative Rules suspends an emergency rule, the agency may not submit to the Legislature the substance of the emergency rule as a proposed permanent rule during the time the emergency rule is suspended.

Effective Date: The Act takes effect on July 1, 2006.

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RS:ksm