2003 ASSEMBLY BILL 131

March 6, 2003 – Introduced by Representatives FOTI, HINES, M. LEHMAN, STASKUNAS, ALBERS, BIES, J. FITZGERALD, FRISKE, GUNDERSON, KRAWCZYK, LADWIG, F. LASEE, LEMAHIEU, MCCORMICK, MONTGOMERY, MUSSER, NASS, OLSEN, OWENS, PETROWSKI and SUDER, cosponsored by Senators REYNOLDS, WELCH, STEPP, KEDZIE and SCHULTZ. Referred to Committee on Government Operations and Spending Limitations.

1   AN ACT *to amend* 227.24 (1) (c) and 227.24 (2) (a) of the statutes; **relating to:**

2   the duration of the effect of emergency rules.

Analysis by the Legislative Reference Bureau

Under current law, an agency may promulgate a rule as an emergency rule without complying with the notice, hearing, and publication requirements for regular rule making if the rule is needed to preserve the public health, safety, or welfare. A rule promulgated as an emergency rule takes effect upon its publication in the official state newspaper and remains in effect for 150 days. Current law allows the agency to request that the Joint Committee for Review of Administrative Rules extend the effective date of the emergency rule for additional periods not to exceed 60 days each, but with a maximum of 120 days for all of the extensions. Currently, a request for an extension of an emergency rule must be made at least 30 days before the expiration date of the rule. An agency that issues an emergency rule must hold a public hearing within 45 days after the date on which the rule is promulgated or, if the agency submits a rule to the Legislative Council staff that is the same as the emergency rule, the agency must hold a public hearing on both rules within 90 days after promulgating the emergency rule or within 30 days after the date on which the agency receives the report on the rule prepared by the Legislative Council, whichever is later.

This bill reduces the initial effective period of an emergency rule from 150 days to 90 days. The bill also increases the maximum time of any additional periods that the Joint Committee for Review of Administrative Rules may extend the effective

date of the emergency rule from 60 to 90 days and increases the limit on the total period of those extensions from 120 days to 180 days.

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

1   SECTION 1. 227.24 (1) (c) of the statutes is amended to read:

2   227.24 **(1)** (c) A rule promulgated under par. (a) takes effect upon publication

3 in the official state newspaper or on any later date specified in the rule and, except

4 as provided under sub. (2), remains in effect only for ~~150~~ 90 days.

5   SECTION 2. 227.24 (2) (a) of the statutes is amended to read:

6   227.24 **(2)** (a) At the request of an agency, the joint committee for review of

7 administrative rules may, at any time prior to the expiration date of a rule

8 promulgated under sub. (1) (a), extend the effective period of the emergency rule or

9 part of the emergency rule for a period specified by the committee not to exceed ~~60~~

10 90 days. Any number of extensions may be granted under this paragraph, but the

11 total period for all extensions may not exceed ~~120~~ 180 days.

12   **SECTION 3. Initial applicability.**

13   (1) This act first applies to emergency rules promulgated on the effective date

14 of this subsection.

15   **(END)**