

1973 Assembly Bill 356

**Date published:
January 30, 1973**

CHAPTER 162, Laws of 1973

AN ACT to renumber 227.018; to amend 13.56, 227.01 (5) (e) and (f); and to create 227.018 (2) of the statutes, relating to expanding the powers of the joint committee for review of administrative rules and increasing its membership.

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

SECTION 1. 13.56 of the statutes is amended to read:

13.56 (title) Joint committee for review of administrative rules. (1) CREATION. There is created a legislative joint committee for review of administrative rules, consisting of 4 senators and 5 representatives to the assembly appointed as are standing committees in the respective houses. The 2 major political parties shall be represented in the membership from each house. The chairmanship shall be alternated between the 2 houses every 2 years and the chairman shall be elected at the committee's first meeting in each odd-numbered year. The committee shall meet at the call of its chairman or upon a call signed by 2 of its members or signed by 5 members of the legislature.

(2) REVIEW OF RULES BY COMMITTEE. The committee shall promote adequate and proper rules, statements of general policy and interpretations of statutes by agencies and an understanding upon the part of the public respecting such rules, statements and interpretations. When the committee determines that a statement of policy or an interpretation of a statute is a rule, as defined in s. 227.01 (3) and (5), it may direct the agency to promulgate the statement or interpretation as an emergency rule pursuant to s. 227.027 within 30 days of the committee's action. It may hold public hearings to investigate complaints with respect to rules and portions of rules if it considers such complaints meritorious and worthy of attention and may, on the basis of the testimony received at such public hearings, suspend any such rule complained of or portion of a rule by the affirmative vote of at least ~~6 members~~ a majority of the members present. When the committee suspends a rule or portion of a rule, it shall give a class 1 notice, under ch. 985, of the suspension in the official state newspaper and such other notice as it deems appropriate. If any rule or portion of a rule is so suspended, the committee shall as soon as possible place before the legislature, at any regular session and at any special session upon the consent of the governor, a bill to repeal the suspended rule or portion of a rule. If such bill is defeated, or fails of enactment in any other manner, the rule or portion of a rule shall stand and the committee may not suspend it again. If the bill becomes law, the rule or portion of a rule is repealed and shall not be enacted again unless a properly enacted law specifically authorizes the adoption of that rule. The committee shall make a biennial report to the legislature and governor of its activities and include therein its recommendations.

(3) (title) PUBLIC HEARINGS BY STATE AGENCIES. By a vote of a majority of its members, the committee may ~~request~~ require any ~~department~~ agency, as defined in s. 227.01 (1), issuing rules to hold a public hearing in respect to recommendations made pursuant to sub. (2) and to report its action to the committee within such time as specified by the committee. Such ~~department~~ agency shall give a class 1 notice as provided in s. 227.021 of a, under ch. 985, of the hearing in the official state newspaper and such other notice as the committee directs. ~~The hearing thereon, to shall be conducted in accordance with s. 227.022, which hearing and shall be held not more than 60 days after receipt of notice of such request requirement.~~

SECTION 2. 227.01 (5) (e) and (f) of the statutes are amended to read:

227.01 (5) (e) Relates to the construction or maintenance of highways or bridges ~~or the laying out or relocation of a highway;~~

(f) Relates to the curriculum of public educational institutions or to the admission, ~~conduct, discipline,~~ or graduation of students of such institution;

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SECTION 3. 227.018 of the statutes is renumbered 227.018 (1).

SECTION 4. 227.018 (2) of the statutes is created to read:

227.018 (2) An agency shall notify members of appropriate standing committees of the legislature when rules and revisions or repeals thereof are in final draft form. The notice shall include a brief summary of the draft. Within 30 days of receiving the notice, a committee which received it may direct the agency to meet with it to review the draft. If a committee requests such meeting, the agency may not proceed with the draft until after the meeting. If no committee requests such meeting within 30 days or if the meeting is requested and not held within 30 days of the date of the request, the agency may then proceed with the draft. This subsection shall not apply to emergency rules.
