

1979 Senate Bill 462

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## CHAPTER 154, Laws of 1979

AN ACT to repeal 5.05 (9), 13.565 (2) and (3), 13.685 (8), 19.57, 29.175 (3), 29.33 (9), 30.92 (5m), 56.068 (5) (a) to (f), 71.09 (12) (j), 97.42 (2m), 101.57 (11), 101.655 (9), 101.955, 144.50 (10), 144.939, 145.25 (4), 163.04 (3) (a) to (g), 186.40, 196.97 (4), 227.018 (7) (b), 227.029 (7), 628.04 (3m), 636.36, 645.11 and 757.83 (3) (b) to (g); to renumber 145.25 (5), 196.97 (5) and (6) and 227.018 (7) (a); to renumber and amend 13.565 (1), 56.068 (5) (intro.) and 757.83 (3) (a); and to amend 33.02 (1), 83.42 (9), 84.30 (14), 103.968, 110.06 (2), 110.075 (6), 146.35 (8), 194.41 (4), 227.019 (3), 655.015 and 973.155 (4) of the statutes, relating to review and disapproval of administrative rules.

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

SECTION 1. 5.05 (9) of the statutes is repealed.

SECTION 2. 13.565 (1) of the statutes is renumbered 13.565 and amended to read:

**13.565 Legislative approval of certain rules.** Except as provided under s. 144.25 (3) (b) 1, prior to adopting any rule relating to animal waste treatment, the ~~state agency proposing the rule shall submit~~ presiding officer, under s. 227.018, shall refer it to a senate and an assembly committee dealing with agriculture. The committees shall hold a public

hearing to review the proposed rule. ~~The rule shall take effect only upon approval by a joint resolution of the legislature.~~

SECTION 2m. 13.565 (2) and (3) of the statutes are repealed.

SECTION 3. 13.685 (8) of the statutes is repealed.

SECTION 4. 19.57 of the statutes is repealed.

SECTION 5. 29.175 (3) of the statutes is repealed.

SECTION 6. 29.33 (9) of the statutes is repealed.

SECTION 7. 30.92 (5m) of the statutes is repealed.

SECTION 8. 33.02 (1) of the statutes is amended to read:

33.02 (1) RULES. The department shall adopt rules as necessary to administer this chapter, ~~but a rule shall not take effect until submitted to a senate and an assembly committee dealing with agriculture and a senate and an assembly committee dealing with natural resources.~~ Such rules shall provide for the administration of financial aids to districts and shall prescribe data to be secured, methods of analysis and evaluation, duration of data gathering and other technical regulations for the efficient administration of the program and efficient intergovernmental organization.

SECTION 9. 56.068 (5) (intro.) of the statutes is renumbered 56.068 (5) and amended to read:

56.068 (5) The department shall promulgate rules to implement this section. ~~This subsection does not apply to emergency rules adopted under s. 227.027.~~

SECTION 10. 56.068 (5) (a) to (f) of the statutes are repealed.

SECTION 11. 71.09 (12) (j) of the statutes is repealed.

SECTION 12. 83.42 (9) of the statutes is amended to read:

83.42 (9) RULES AND STANDARDS. The board shall promulgate rules and establish standards for the maintenance, identification, construction, use and preservation of the rustic roads system. ~~Such rules and standards may be amended or revoked by the senate committee on transportation and the assembly committee on highways, acting jointly.~~

SECTION 13. 84.30 (14) of the statutes is amended to read:

84.30 (14) DEPARTMENT RULES. The department may promulgate rules deemed necessary to implement and enforce ~~provisions of this section.~~ The department shall promulgate rules to restrict the erection and maintenance of signs as to their lighting, size, number and spacing when such signs are visible from the highway but outside the adjacent area. The department shall by rule establish a priority system for the removal or relocation of all signs not specified in sub. (5) (d) which fail to conform ~~under to the requirements of sub. (5) and which are not covered under sub. (5) (d), and shall submit any such rule to the legislature under s. 13.565 (2).~~

SECTION 14. 97.42 (2m) of the statutes is repealed.

SECTION 15. 101.57 (11) of the statutes, as created by chapter 34, laws of 1979, is repealed.

SECTION 16. 101.655 (9) of the statutes is repealed.

SECTION 17. 101.955 of the statutes is repealed.

SECTION 18. 103.968 of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

**103.968 Council review of rules.** The department shall submit every rule which it proposes to promulgate under ss. 103.90 to 103.97 to the council on migrant labor at the same time that the department files notice of its intent to adopt the rule with the appropriate standing committees of the legislature under s. 227.018 ~~(2)~~ (1). If the council disap-

proves the rule within 45 days after the rule is submitted, the department may not adopt the rule, and if adopted, the rule is void.

SECTION 19. 110.06 (2) of the statutes is amended to read:

110.06 (2) The secretary shall adopt and enforce such rules as he or she deems necessary in the interests of safety to cover the design, construction, inspection and operation of school busses. Such rules may, but need not, be uniform for each type of bus designated in s. 340.01 (56) (a). ~~A rule adopted under this subsection shall not become effective until approved by majority votes of a senate and an assembly committee dealing with transportation.~~

SECTION 20. 110.075 (6) of the statutes is amended to read:

110.075 (6) The secretary shall set standards and adopt rules to establish a plan of inspection to implement the inspection program provided by this section. ~~Such standards and rules, and any subsequent changes thereto, shall not take effect until submitted to and approved by a senate and an assembly committee dealing with transportation matters. The committees may act jointly in granting approval.~~

SECTION 24. 144.50 (10) of the statutes is repealed.

SECTION 25. 144.939 of the statutes, as affected by chapter 32, laws of 1979, is repealed.

SECTION 26. 145.25 (4) of the statutes is repealed.

SECTION 27. 145.25 (5) of the statutes is renumbered 145.25 (4).

SECTION 28. 146.35 (8) of the statutes is amended to read:

146.35 (8) RULES. The secretary may adopt all rules necessary for the administration of this section and prescribe emergency medical service equipment and standards therefor. ~~A rule adopted by the secretary under this section shall not take effect until approved by a senate and an assembly committee dealing with health services.~~

SECTION 29. 163.04 (3) (a) to (g) of the statutes are repealed.

SECTION 30. 186.40 of the statutes, as created by chapter .... (Assembly Bill 275), laws of 1979, is repealed.

SECTION 31. 194.41 (4) of the statutes is amended to read:

194.41 (4) The department shall adopt rules for the administration and enforcement of this section and the secretary may appoint any employe in the department as a representative to affix the secretary's signature, including any facsimile signature adopted by the secretary, to administrative letters, notices and orders to enforce this section. ~~A rule adopted under this section shall not take effect until approved by majority votes of a senate and an assembly committee dealing with transportation.~~

SECTION 32. 196.97 (4) of the statutes is repealed.

SECTION 33. 196.97 (5) and (6) of the statutes are renumbered 196.97 (4) and (5), respectively.

SECTION 34. 227.018 (7) (a) of the statutes, as created by chapter 34, laws of 1979, is renumbered 227.018 (7).

SECTION 35. 227.018 (7) (b) of the statutes, as created by chapter 34, laws of 1979, is repealed.

SECTION 36. 227.019 (3) of the statutes, as created by chapter 34, laws of 1979, is amended to read:

227.019 (3) An agency shall prepare the fiscal estimate for a proposed rule-making order prior to the time that each proposed rule contained in the order is submitted to the legislative council staff under s. 227.029, ~~or other provisions which require such submittal.~~

SECTION 37. 227.029 (7) of the statutes, as created by chapter 34, laws of 1979, is repealed.

SECTION 38. 628.04 (3m) of the statutes is repealed.

SECTION 39. 636.36 of the statutes, as created by chapter .... (Senate Bill 144), laws of 1979, is repealed.

SECTION 40. 645.11 of the statutes, as created by chapter .... (Senate Bill 23), laws of 1979, is repealed.

SECTION 41. 655.015 of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

**655.015 Future medical expenses.** If a settlement, arbitration award or judgment under this chapter provides for future medical expense payments in excess of \$25,000, that portion of future medical expense payments in excess of \$25,000 shall be paid into the patients compensation fund. The commissioner shall develop by rule a system for managing and disbursing those moneys through periodic payments for these expenses. The periodic payments shall be made under the system until either the amount is exhausted or the patient dies. ~~The rules shall not be effective until approved by the appropriate standing committees of each house of the legislature, as determined by the presiding officer thereof.~~

SECTION 42. 757.83 (3) (a) of the statutes is renumbered 757.83 (3) and amended to read:

757.83 (3) The commission shall promulgate rules under ch. 227 for its proceedings. ~~This subsection does not apply to emergency rules adopted under s. 227.027.~~

SECTION 43. 757.83 (3) (b) to (g) of the statutes are repealed.

SECTION 44. 973.155 (4) of the statutes is amended to read:

973.155 (4) The credit provided in sub. (1) shall include good time earned under ss. 53.11, 53.43, 56.07 (3) and 56.19 (3), whichever are applicable. The department may promulgate rules under ch. 227 to provide criteria for the awarding of good time allowed under this subsection. ~~Written notice of any proposed action by the department to adopt, amend or repeal a rule under this subsection after notice, hearing and publication as provided under ss. 227.02 to 227.026, shall be forwarded to the speaker of the assembly and the president of the senate for referral to and review by the appropriate standing committee of each house as determined by the presiding officer of each. For the purpose of reviewing the proposed action on the rule, the standing committee may be convened upon call of its chairperson or of a majority of its members. Each standing committee may, within 40 days from receipt of notice of the proposed action, approve or disapprove the proposed action, but failure of a standing committee to disapprove the proposed action within the review time shall constitute approval thereof. The proposed action shall become effective only upon the approval of both committees. This subsection does not apply to emergency rules adopted under s. 227.027.~~

SECTION 45. **Reconciliation.** The treatment of section 13.91 (1) (c) of the statutes by chapter 34, laws of 1979, supersedes the treatment of section 13.91 (1) (c) of the statutes by chapters .... (Assembly Bill 275), .... (Senate Bill 23) and .... (Senate Bill 144), laws of 1979.