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CHAPTER 253

1981 Senate Bill 450

Date published: April 26, 1982

CHAPTER 253 , Laws of 1981

AN ACT to amend 227.02 (1) (c) and 227.027; and to create 13.56 (5) and 227.027 (3) of the statutes, relating to increasing the application period of, and providing for the extension of, emergency rules.

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

SECTION 1. 13.56 (5) of the statutes is created to read:

13.56 (5) EMERGENCY RULES; SPECIAL AUTHORITY. (a) At the request of an agency, the committee, by a majority vote of the members present, may extend the period of application of an emergency rule, in addition to the maximum period provided in s. 227.027 (1) (a), for a period specified by the committee not to exceed 60 days at any time during the effective period of an emergency rule.

(b) In making the request for an extension, the agency shall provide the committee with the following:

1. Evidence that there is a threat to the public peace, health, safety or welfare that can be avoided only by extension of the emergency rule.

2. Evidence that it is impossible for the agency to adopt a permanent rule prior to the expiration date of the emergency rule under s. 227.027 (1).

(c) Whenever the committee extends an emergency rule under par. (a), it shall file a statement of its action with the agency adopting the emergency rule, the secretary of state and the revisor of statutes. The statement shall identify the specific emergency rule or rules to which it relates.

SECTION 2. 227.02 (1) (c) of the statutes is amended to read:

227.02 (1) (c) The proposed rule is adopted pursuant to s. 227.027 as an emergency rule, in which case the agency shall hold a hearing under s. 227.027 (3); or

SECTION 3. 227.027 (1) of the statutes, as affected by chapter 45, laws of 1981, is amended to read:

227.027 (1) (a) If preservation of the public peace, health, safety or welfare necessitates putting a rule into effect prior to the time it could be put into effect if the agency were to comply with the notice, hearing and publication requirements of this chapter, or if an agency acts under s. 186.012 (4), 215.02 (18) or 220.04 (8), the rule may be adopted as an emergency rule. An emergency rule takes effect upon publication in the official state ~~paper newspaper~~ or on ~~such a later date as is specified in a statement published with the rule.~~ An rule-making order. Except as provided under par. (b), an emergency rule remains in effect only for a period of 120 150 days, except that an unless it is extended under s. 13.56 (5).

(b) An emergency rule adopted under s. 186.012 (4), 215.02 (18) or 220.04 (8) remains in effect for one year or until the emergency rule is suspended or the proposed rule corresponding to the emergency rule is disapproved objected to by the joint committee for review of administrative rules, whichever is sooner. If the emergency rule is suspended or a proposed rule under s. 186.012 (4), 215.02 (18) or 220.04 (8) is disapproved objected to by the joint committee for review of administrative rules, any person may complete any transaction entered into or committed to in reliance on the suspended or disapproved that rule and shall have 45 days to discontinue other activity undertaken in reliance on the suspended or disapproved that rule.

SECTION 3m. 227.027 (2) of the statutes is amended to read:

227.027 (2) An agency shall file an emergency rule as provided in s. 227.023, shall mail copies to each member of the legislature, and shall take such other steps as it considers to be feasible to make the rule known to persons who will be affected by it. The revisor of statutes shall insert in the notice section of each issue of the administrative register a brief description of emergency rules currently in effect. Each copy, notice or description of the emergency rule shall be accompanied by a statement of the emergency finding by the agency or by a statement that the rule is promulgated at the direction of the joint committee for the review of administrative rules under s. 13.56 (2) (b).

SECTION 4. 227.027 (3) of the statutes is created to read:

227.027 (3) An agency shall hold a public hearing within 45 days after adoption of each emergency rule, unless it proposes to adopt the rule permanently in which case the agency shall hold a public hearing on both the emergency rule and the proposed permanent rule within 90 days after adoption of the emergency rule, or within 30 days after the agency receives the report on the rule prepared by the legislative council under s. 227.029 (2), whichever occurs later.

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