

# State of Wisconsin



1995 Assembly Bill 264

Date of enactment: **December 1, 1995**  
Date of publication\*: **December 15, 1995**

## 1995 WISCONSIN ACT 106

AN ACT to repeal 227.16 (2) (a); to amend 13.93 (2m) (d) and 35.93 (4); and to create 227.135, 227.14 (4m), 227.17 (1) (bm) and 227.17 (2m) of the statutes; relating to: requiring state agencies to provide additional notices at various stages of the rule-making process.

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

**SECTION 1.** 13.93 (2m) (d) of the statutes is amended to read:

13.93 (2m) (d) Sections 227.114, 227.116, 227.135 and 227.14 to 227.24 do not apply to any change made by the revisor of statutes bureau under par. (b).

**SECTION 2.** 35.93 (4) of the statutes is amended to read:

35.93 (4) Each issue of the Wisconsin administrative register shall contain a notice section in which shall be printed the notices of hearings on rule making which agencies have transmitted to the revisor for that purpose, statements of scope of proposed rules under s. 227.135, notices of submittal to joint legislative council staff under s. 227.14 (4m), notices of intent to promulgate rules without a public hearing under s. 227.16 (2) (e), notices of referrals of proposed rules to presiding officers under s. 227.19 (2), notices of emergency rules in effect, fiscal estimates for rule-making orders under s. 227.14 (4) and such other notices as may be required by law or determined by the revisor to be appropriate.

**SECTION 3.** 227.135 of the statutes is created to read:

**227.135 Statements of scope of proposed rules. (1)** An agency shall prepare a statement of the scope of any

rule that it plans to promulgate. The statement shall include all of the following:

(a) A description of the objective of the rule.

(b) A description of existing policies relevant to the rule and of new policies proposed to be included in the rule and an analysis of policy alternatives.

(c) The statutory authority for the rule.

(d) Estimates of the amount of time that state employes will spend to develop the rule and of other resources necessary to develop the rule.

(2) Until the individual or body with policy-making powers over the subject matter of a proposed rule approves a statement of the scope of the proposed rule, a state employe or official may not perform any activity in connection with drafting the proposed rule except for an activity necessary to prepare the statement of the scope of the proposed rule. If the individual or body with policy-making powers over the subject matter of a proposed rule does not disapprove the statement of the scope of the proposed rule within 30 days after the statement is presented to the individual or body, the statement is considered to be approved.

(3) The agency shall send the statement of the scope of a proposed rule to the revisor for publication in the register. On the same day that the agency sends the statement to the revisor, the agency shall send a copy of the state-

\* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

ment to the secretary of administration. The individual or body with policy-making powers over the subject matter of a proposed rule may not take action on a statement of the scope of the proposed rule until at least 10 days after publication of the statement in the register.

(4) This section does not apply to emergency rules.

**SECTION 4.** 227.14 (4m) of the statutes is created to read:

227.14 (4m) NOTICE OF SUBMITTAL TO JOINT LEGISLATIVE COUNCIL STAFF. On the same day that an agency submits a proposed rule to the joint legislative council staff under s. 227.15, the agency shall prepare a written notice of the agency's submittal to the joint legislative council staff. The notice shall include a statement of the date on which the proposed rule has been submitted to the joint legislative council staff for review, of the subject matter of the proposed rule and of whether a public hearing on the proposed rule is required, and shall identify the organizational unit within the agency that is primarily responsible for the promulgation of the rule. The notice shall be approved by the individual or body with policy-making powers over the subject matter of the proposed rule. The agency shall send the notice to the revisor for publication in the register. On the same day that the agency sends the notice to the revisor, the agency shall send a copy of the notice to the secretary of administration.

**SECTION 5.** 227.16 (2) (a) of the statutes is repealed.

**SECTION 6.** 227.17 (1) (bm) of the statutes is created to read:

227.17 (1) (bm) Send written notice of the hearing to the secretary of administration on the same day that the notice is sent to the revisor under par. (a).

**SECTION 7.** 227.17 (2m) of the statutes is created to read:

227.17 (2m) The notice under sub. (1) shall be approved by the individual or body with policy-making powers over the subject matter of the proposed rule.

**SECTION 8. Initial applicability.**

(1) The treatment of section 227.135 of the statutes first applies to proposed rules that an agency begins to prepare under section 227.14 of the statutes on the first day of the 4th month beginning after the effective date of this subsection.

(2) The treatment of sections 227.14 (4m) and 227.16 (2) (a) of the statutes first applies to proposed rules that are submitted to the joint legislative council staff under section 227.15 of the statutes on the first day of the 4th month beginning after the effective date of this subsection.

(3) The treatment of section 227.17 (1) (bm) and (2m) of the statutes first applies to proposed rules that are sent to the revisor of statutes under section 227.17 (1) of the statutes on the first day of the 4th month beginning after the effective date of this subsection.