

2001 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB55)

Received: 06/23/2001

Received By: nelsorp1

Wanted: As time permits

Identical to LRB:

For: Assembly Republican Caucus

By/Representing: Emerson

This file may be shown to any legislator: NO

Drafter: nelsorp1

May Contact:

Addl. Drafters:

Subject: **Administrative Law**

Extra Copies:

Submit via email: NO

Requester's email:

Pre Topic:

ARC:.....Emerson - AM75,

Topic:

Emergency rule time period limit

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	nelsorp1 06/23/2001	gilfokm 06/23/2001	jfrantze 06/23/2001	_____	lrb_docadmin 06/23/2001		
/2	nelsorp1 06/28/2001	gilfokm 06/28/2001	kfollet 06/28/2001	_____	lrb_docadmin 06/28/2001		

FE Sent For:

<END>

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FE Sent For:

12-6/28
6/28
6/28
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1/?	nelsorp1	6/23 kmf		==			

FE Sent For:

<END>

Budget Amendments 2001 - 2003

Prepared by the Assembly Republican Caucus

Statement of Intent Enhance legislative oversight of emergency rules process.

Legislator	Foti	Amendment	75
Legislator 2		Pass or Fail	Pass
Legislator 3		Spending Cut	
Legislator 4		Withdrawn	
Staff contact	Heifetz	Package	

Agency Legislature

Summary 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.

This motion would reduce initial duration of emergency rules from 150 days to 90 days and two renewal dates of 90 days each.

A rule must be sent to the revisor of statutes within 30 days of committee action.

Fiscal Impact There does not appear to be any.

Drafting Inst

ARC Analyst Emerson

JHKRPW

Request # 189



ARC:.....Emerson – AM75, Emergency rule time period limit

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 1003, line 12: after that line insert:

3 “SECTION 3034j. 227.24 (1) (c) of the statutes is amended to read:

4 227.24 (1) (c) A rule promulgated under par. (a) takes effect upon publication
5 in the official state newspaper or on any later date specified in the rule and, except
6 as provided under sub. (2), remains in effect only for ~~150~~ 90 days.

7 History: 1985 a. 182 ss. 6, 46, 55 (1), 57; 1985 a. 332 s. 253; 1987 a. 403; 1989 a. 31; 1995 a. 151; 1997 a. 185.

7 SECTION 3034k. 227.24 (2) (a) of the statutes is amended to read:

8 227.24 (2) (a) At the request of an agency, the joint committee for review of
9 administrative rules may, at any time prior to the expiration date of a rule
10 promulgated under sub. (1) (a), extend the effective period of the emergency rule or

1 part of the emergency rule for a period specified by the committee not to exceed 60
2 90 days. Any number of extensions may be granted under this paragraph, but the
3 total period for all extensions may not exceed ~~120~~ 180 days.”.

4 History: 1985 a. 182 ss. 6, 46, 55 (1), 57; 1985 a. 332 s. 253; 1987 a. 403; 1989 a. 31; 1995 a. 151; 1997 a. 185.

(END)

Nelson, Robert P.

From: Hanaman, Cathlene
Sent: Thursday, June 28, 2001 9:38 AM
To: Nelson, Robert P.
Subject: FW: LRB Draft: 01b1603/1 Emergency rule time period limit

-----Original Message-----

From: Emerson, James
Sent: Thursday, June 28, 2001 9:37 AM
To: Hanaman, Cathlene
Subject: FW: LRB Draft: 01b1603/1 Emergency rule time period limit

The change listed below needs to be made to LRB 01b1603/1.

-----Original Message-----

From: Heifetz, Michael
Sent: Wednesday, June 27, 2001 8:30 AM
To: Emerson, James
Subject: RE: LRB Draft: 01b1603/1 Emergency rule time period limit

Jim:

Looks good, but we may need one addition. Rep. Seratti added a requirement for the administering agency to submit the revised rules (after JCRAR approval) to the Revisor of Statutes. Currently, after JCRAR acts, the agencies do no follow-up to reflect JCRAR action.

Thanks. Please let me know if you have questions. We can also ask Leg. Council to assist.

-----Original Message-----

From: Emerson, James
Sent: Tuesday, June 26, 2001 5:44 PM
To: Rep.Foti; Foti, Steve; Heifetz, Michael
Subject: FW: LRB Draft: 01b1603/1 Emergency rule time period limit

Rep. Foti:

Below is the draft for Amendment request #189, dealing with emergency rule time limits.

Please let me know if you approve of the amendment as is, or if it needs changes.

Thank you,
Jim Emerson
ARC

-----Original Message-----

From: Hanaman, Cathlene
Sent: Saturday, June 23, 2001 5:46 PM
To: Emerson, James
Cc: Legislative Fiscal Bureau; Hanaman, Cathlene; Haugen, Caroline
Subject: LRB Draft: 01b1603/1 Emergency rule time period limit

Following is the PDF version of draft 01b1603/1.

<< File: 01b1603/1 >>



SOON

ARC:.....Emerson - AM75, Emergency rule time period limit

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

✓

At the locations indicated, amend the substitute amendment as follows:

2
insert 1-2
3

1. Page 1003, line 12: after that line insert:

SECTION 3034j. 227.24 (1) (c) of the statutes is amended to read:

227.24 (1) (c) A rule promulgated under par. (a) takes effect upon publication in the official state newspaper or on any later date specified in the rule and, except as provided under sub. (2), remains in effect only for 150 90 days.

SECTION 3034k. 227.24 (2) (a) of the statutes is amended to read:

227.24 (2) (a) At the request of an agency, the joint committee for review of administrative rules may, at any time prior to the expiration date of a rule promulgated under sub. (1) (a), extend the effective period of the emergency rule or

1 part of the emergency rule for a period specified by the committee not to exceed 60
2 90 days. Any number of extensions may be granted under this paragraph, but the
3 total period for all extensions may not exceed ~~120~~ 180 days.”.

4

(END)

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1603/2ins
RPN:king:cmh

Insert 1-2

*OF
a rule*

1 "SECTION 3034d. ~~227.20~~ (1) of the statutes is amended to read:
2 227.20 (1) ~~An~~ Within 30 days after legislative review ~~is~~ completed under s.
3 ~~227.19, an~~ agency shall file a certified copy of each ~~a~~ proposed rule it promulgates in
4 the office of the secretary of state and in the office of the revisor. No rule is valid until
5 the certified copies have been filed. A certified copy shall be typed or duplicated on
6 8 1/2 by 11 inch paper, leaving sufficient room for the secretary of state's stamp at the
7 top of the first page. Forms that are filed need not comply with the specifications of
8 this subsection.

History: 1985 a. 182; 1993 a. 214.

b Johnston

1603

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~~140 to 95 to 97 to 11~~

Dir Emerson

w/30 day of approving

a permanent rule, &

department shall forward

a copy of the rule to

the revisor of statutes

Mike Heit (1/12)

helped

Following to

within 227.19 / 30 after

leg review is completed
re a pro rule under section 227.19



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBb1603/2
RPN:kmg:kjf

ARC:.....Emerson – AM75, Emergency rule time period limit

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 1003, line 12: after that line insert:

3 **“SECTION 3034d.** 227.20 (1) of the statutes is amended to read:

4 227.20 (1) ~~An~~ Within 30 days after legislative review of a rule is completed
5 under s. 227.19, the agency shall file a certified copy of each the proposed rule it
6 promulgates in the office of the secretary of state and in the office of the revisor. No
7 rule is valid until the certified copies have been filed. A certified copy shall be typed
8 or duplicated on 8 1/2 by 11 inch paper, leaving sufficient room for the secretary of
9 state’s stamp at the top of the first page. Forms that are filed need not comply with
10 the specifications of this subsection.

1 **SECTION 3034j.** 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 3034k.** 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

(END)