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(FORM UPDATED: 08/11/2010)

# WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

## 2003-04

(session year)

## Assembly

(Assembly, Senate or Joint)

### Committee on Government Operations and Spending Limitations...

## COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

## INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)  
(**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)  
(**sb** = Senate Bill)                              (**sr** = Senate Resolution)                      (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

## Assembly

### Record of Committee Proceedings

#### **Committee on Government Operations and Spending Limitations**

##### **Assembly Bill 131**

Relating to: the duration of the effect of emergency rules.

By Representatives Foti, Hines, M. Lehman, Staskunas, Albers, Bies, J. Fitzgerald, Friske, Gunderson, Krawczyk, Ladwig, F. Lasee, LeMahieu, McCormick, Montgomery, Musser, Nass, Olsen, Owens, Petrowski and Suder; cosponsored by Senators Reynolds, Welch, Stepp, Kedzie and Schultz.

March 06, 2003      Referred to Committee on Government Operations and Spending  
Limitations.

April 23, 2003      **PUBLIC HEARING HELD**

Present:    (6)      Representatives F. Lasee, Loeffelholz, Musser,  
Weber, Zepnick and Wasserman.

Absent:    (0)      None.

##### Appearances For

- Adam Raschka, Rep. Steve Foti, 38th Assembly District

##### Appearances Against

- None.

##### Appearances for Information Only

- None.

##### Registrations For

- Sen. Bob Welch, 14th Senate District
- Sen. Tom Reynolds, 5th Senate District

##### Registrations Against

- None.

May 21, 2003      **EXECUTIVE SESSION HELD**

Present:    (6)      Representatives F. Lasee, Loeffelholz, Musser,  
Weber, Zepnick and Wasserman.

Absent:    (0)      None.

Moved by Representative Musser, seconded by Representative  
Weber that **Assembly Bill 131** be recommended for passage.

Ayes: (6) Representatives F. Lasee, Loeffelholz,  
Musser, Weber, Zepnick and Wasserman.

Noes: (0) None.

PASSAGE RECOMMENDED, Ayes 6, Noes 0



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Lance Burri  
Committee Clerk

Vote Record

Committee on Government Operations and Spending  
Limitations

Date: 5-21-03

Moved by: Musser

Seconded by: Weber

AB 131

SB \_\_\_\_\_

Clearinghouse Rule \_\_\_\_\_

AJR \_\_\_\_\_

SJR \_\_\_\_\_

Appointment \_\_\_\_\_

AR \_\_\_\_\_

SR \_\_\_\_\_

Other \_\_\_\_\_

A/S Amdt \_\_\_\_\_

A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_

A/S Sub Amdt \_\_\_\_\_

A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_

A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_

Be recommended for:

- Passage     Adoption     Confirmation     Concurrence     Indefinite Postponement  
 Introduction     Rejection     Tabling     Nonconcurrence

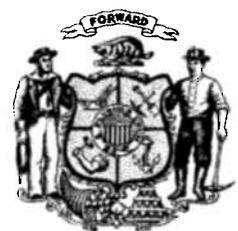
Committee Member

	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Representative Frank Lasee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Gabe Loeffelholz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Terry Musser	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Becky Weber	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Josh Zepnick	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Sheldon Wasserman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: 6 0 \_\_\_\_\_



# WISCONSIN STATE LEGISLATURE





REPRESENTATIVE  
S T E V E

**FOTI**  
ASSEMBLY  
MAJORITY LEADER

### Duration of Emergency Rules

Testimony before the Assembly Committee on Government Operations and  
Spending Limitations  
April 23, 2003

Chairperson Lasee and members of the committee, thank you for the opportunity to testify today on this proposal.

The *regular* administrative rules procedure is a valuable tool for executive agencies to implement policies under the appropriate oversight of the Legislature. Additionally, *emergency* rules may be implemented under time constraints to preserve the public health, safety and welfare.

Under current law, emergency rules expire after a maximum of 150 days. The Joint Committee for Review of Administrative Rules (JCRAR) may grant any number of extensions totaling a maximum of 120 days.

While certain situations may call for emergency rules, some agencies are relying on the emergency rules process too often and with insufficient rationale, or in situations better suited for the normal administrative rules process.

Two examples include Department of Revenue implementation of agriculture use value assessment and Department of Natural Resources implementation of a snowmobile speed limit. Many other issues, large and small, also are administered through the emergency rules process.

Therefore, AB 131 would reduce the duration of effect of emergency rules from the current 150 days to 90 days to increase legislative oversight and agency accountability. This proposal lengthens the extension period to a maximum of 180 days. This retains the current law maximum possible duration of 270 days.

A similar proposal was incorporated into the last budget, however, Governor McCallum vetoed this provision, claiming it places "unnecessary restrictions on the executive branch and the emergency rule process".

I disagree. AB 131 is a simple way to retain appropriate legislative and public oversight of the emergency rules process. An initial duration of 90 days in no way impedes the executive branch from implementing such rules. But it will require the executive branch to plan further ahead and justify their actions more than under current law. This accountability is needed if we are truly trying to protect the public health, safety and welfare.

I urge your support of this legislation. Thank you.

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