

# ☞ 05hr\_AC-CF\_Misc\_pt04a



Details: Committee (general information)

(FORM UPDATED: 08/11/2010)

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

### 2005-06

(session year)

### Assembly

(Assembly, Senate or Joint)

### Committee on ... Children and Families (AC-CF)

#### 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**

\* Contents organized for archiving by: Stefanie Rose (LRB) (May 2012)

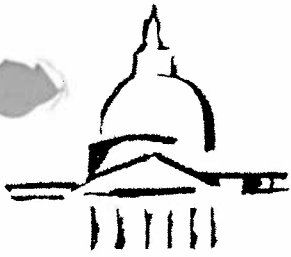
TO: All Assembly Offices.

January 5, 2005

Reminders When Submitting Proposals For Bill/Resolution/Jt. Resolution Introduction

- \* You will receive your proposal's draft from the Legislative Reference Bureau (LRB) either by paper in a blue envelope or electronically sent by e-mail. After reviewing the draft, either sign the cover sheet or submit the electronic form indicating your approval to the Legislative Reference Bureau. It is the LRB that will jacket the proposal and return it to your office in the bill jacket.
- \* Please write the coauthors (Assembly members) and cosponsors (Senate members) legibly on the bill jacket, with Assembly names in the two left columns and Senate names in the two right columns using single-spacing. Try to fit all the names on the front of the jacket. There is room for a total of 53 Representatives' names. When necessary, additional names can be put on a sheet of paper and placed inside of the jacket, but make sure you make a note of that on the last line of the jacket. If possible, enter the names of the coauthors and cosponsors in alphabetical order after the first two main authors. The first two names that appear on the jacket are always considered the main authors.
- \* Please remember to include first names or initials for Representatives Annette Williams and Mary Williams. Also, please remember that we have both Senators and Representatives with the last name of Lasee and Fitzgerald.
- \* There must be at least Three Copies of the original proposal inside the jacket when submitted to the Chief Clerk's Office. LRB provides at least 4 copies to you. You may keep one of the copies and the others stay in the jacket (Joint Rule 54(2)).
- \* If there is inclement weather, please remember to put the jacket in the large envelope provided by the LRB, or some other protective container, so that the ink does not smudge and become unreadable.
- \* It is best to have all the coauthors and cosponsors already written on the bill jacket. However, if it is necessary, a name may be added up until the bill is referred. If you know the bill jacket is in the Speaker's Office waiting to be referred, please do not call their office with additional names. Instead, e-mail or call Kay Inabnet in the Chief Clerk's Office.
- \* Under Assembly Rule 39 (4)(c), once a jacketed proposal is submitted to the Chief Clerk's Office for introduction, the Speaker has 14 working days (excluding Saturdays, Sundays and holidays) to refer it to a committee. After referral by the Speaker, the Assembly Chief Clerk's Office delivers it to the Chairperson of that committee. Please remember that it is not considered officially introduced and given a number until the Speaker's office refers the bill to a committee. The 14 working days begin once the jacket is submitted to the Clerk's Office.
- \* The referral, bill history and bill text will first appear in Folio the day after publication in the Assembly Journal. All future actions entered in the bill history also appear the next day in Folio. Another way to keep track of the proposal is to sign up for the Legislative Notification Service provided at <http://notify.legis.state.wi.us/>.
- \* Jacketed proposals are submitted to Kay Inabnet in the Assembly Chief Clerk's Office, 17 West Main Street, Room 208, (266-5550). If you have any questions, please feel free to call.

Your cooperation is appreciated. Thank you.



**Rick Skindrud**  
 SERGEANT-AT-ARMS  
 WISCONSIN STATE ASSEMBLY

**Anne Tonnon Byers**  
 DEPUTY SERGEANT-AT-ARMS

# Memo

**To:** ALL ASSEMBLY LEGISLATORS  
**From:** Rick Skindrud  
**Date:** 01/14/05  
**Re:** Committee Room Number Assignments 2005-2006 Session

Tuesday Even		Wednesday Even		Thursday Even	
Southeast WI Freeways (6) <i>Honadel</i>	225NW	Labor (9) <i>Nass</i>	225NW	Aging & Long Term Care (10) <i>Townsend</i>	225NW
Forestry (6) <i>Friske</i>	300NE	Ways & Means (13) <i>Wood</i>	300NE	Campaigns & Elections (6) <i>Freese</i>	300NE
State Affairs (9) <i>Fitzgerald</i>	328NW	Rural Development (8) <i>M. Williams</i>	328NW	Children & Families (8) <i>Kestell</i>	328NW
Economic Development (9) <i>McCormick</i>	400NE	Highway Safety (8) <i>Petrowski</i>	400NE	Family Law (6) <i>Owens</i>	400NE
Health (13) <i>Underheim</i>	GAR	Military Affairs (8) <i>Musser</i>	GAR	Agriculture (15) <i>Ott</i>	GAR
Energy & Utilities (11) <i>Montgomery</i>	415NW	Natural Resources (15) <i>Gunderson</i>	415NW	Financial Institutions (16) <i>Hundertmark</i>	415NW
Tuesday Odd		Wednesday Odd		Thursday Odd	
Colleges & Universities (12) <i>Kreibich</i>	225NW	Government Operations & Spending Limitations (6) <i>Lasee</i>	225NW	Judiciary (8) <i>Gundrum</i>	225NW
Tourism (12) <i>Pettis</i>	300NE	Property Rights & Land Management (6) <i>Albers</i>	300NE	Rural Affairs & Renewable Energy (9) <i>Hahn</i>	300NE
Budget Review (6) <i>Kerkman</i>	328NW	Education Reform (9) <i>Vukmir</i>	328NW	Insurance (15) <i>Nischke</i>	328NW
Urban & Local Affairs (8) <i>LeMahieu</i>	400NE	Corrections & the Courts (10) <i>Bies</i>	400NE	Housing (6) <i>Wieckert</i>	400NE
Education (12) <i>Towns</i>	GAR	Criminal Justice & Homeland Security (12) <i>Suder</i>	GAR	Transportation (15) <i>Ainsworth</i>	GAR
Small Business (8) <i>VanRoy</i>	415NW	Public Health (8) <i>Hines</i>	415NW	Workforce Development (12) <i>Krawczyk</i>	415 NW
Veteran Affairs (8) <i>Loeffelholz</i>	NHR	Medicaid Reform (8) <i>Gielow</i>	NHR	State-Federal Relations (6) <i>Lothian</i>	NHR

NONE  
 VOS  
 Kestell/Albers  
 Ksicki  
 VOS

### **Note to Committee Chairs: How the Even/Odd System Works**

The Assembly leadership has established a system of alternating even and odd weeks for the allocation of committee meeting dates and rooms. This has been done for several reasons. It helps to minimize situations in which members have multiple hearings to attend simultaneously. It also increases the ability of the Sergeant at Arms office to assure that committee chairs will have access to the hearing rooms they need when they want to hold committee meetings.

There are several ways for the committee chair to determine whether a date on which he or she proposes to meet falls within an "even" or "odd" week. The Chief Clerk's office has sent out a calendar of the biennium, indicating which weeks are even and which are odd. If you need a copy of the even/odd calendar feel free to contact my office and we will forward you a copy.

### **Presumptive Right of Access**

There are a number of good reasons for committee chairs to schedule their hearings on their assigned day. The best reason is that, with the exception of certain events sponsored by the Assembly leadership (like party caucuses), a committee chair has bumping rights over other events scheduled in the room assigned to his or her committee – including other committee hearings. So scheduling a hearing on the scheduled day and in the assigned room greatly reduces the chance that the chair will be asked to change rooms or to re-schedule his or her hearing. Our office will also require the permission of the Speaker, contact Ellen Nowak, to schedule hearings for committees outside of their regularly scheduled day.

### **Why This Room?**

Unfortunately, the amount of space available to the Assembly for hearings is quite limited. In developing these room assignments, we tried to keep committees in the rooms they had previously met in. If changes were made, various considerations were taken into account including the number of legislators and support staff on each committee, the number of times each committee is likely to meet, and the size of the crowds the committee is likely to draw. The assignments have been developed in coordination with Speaker's office. Should considerable conflicts arise, we will review the assignments once the committees start meeting regularly, and make changes if they are warranted, based on practical experience. But, out of fairness to everyone, our inclination is to leave the assignments as unchanged as possible.

### **Reserving Your Room**

Committee chairs are respectfully asked to contact Anne Tonnon Byers (266-2004) or me (267-9808) to reserve a hearing room for their committees. Rooms may also be requested on-line by access the Room Management System at <http://rms>. It is imperative that the Sergeant's office be called to check on room availability before a hearing notice is published. Even though committee chairs have bumping rights in their assigned rooms, it is not safe to assume automatically that a given room is available. A committee's room may already be reserved for a superceding use, such as a partisan caucus, leadership press conference, or the like. Additionally, we need to make sure the meeting actually gets added to our schedule, so we can assign a messenger to work at the hearing and make sure the room is set up in advance.



**Important** - Please do not assume that your room is available. The Sergeant's office should **always** be contacted prior to scheduling a hearing. We would not want a committee clerk, chair, or other committee members to be embarrassed by not having the committee set up or worse yet not having a committee room available at all.

In addition, it is important to notify us if you expect to have an extraordinary large turn out at a committee meeting so that we can try to accommodate all who are in attendance.

### **Questions?**

Please feel free to call me at 267-9808. I can also be reached at [rick.skindrud@legis.state.wi.us](mailto:rick.skindrud@legis.state.wi.us).

## 2005-06 COMMITTEE HEARING INFORMATION SHEET

Welcome to the 2005-06 biennial session of the Wisconsin Legislature! We have many returning committee clerks as well as a number of individuals who will be a committee clerk for the first time. As a result, for some of you this information is a review, and for others it is new information.

### I. WHERE & WHEN TO MEET

Hearing room and meeting day assignments for committees for this session have been established. The Assembly Sergeant-at-Arms memo that was previously distributed to you provides a list of the room and day assignments, the list of "even" and "odd" weeks for the biennium, and an explanation of how the even/odd week system works. If you need another copy, please contact the Assembly Sergeant-at-Arms.

All committees have been assigned a hearing day. Approval by the Speaker is required before a meeting on a non-assigned day is noticed. If for example, your committee has been assigned "Tuesday-even," the committee may only meet on Tuesdays in an even week, unless prior approval by the Speaker is obtained.

#### **How to request permission for a hearing on a non-assigned day**

In order to help avoid committee scheduling conflicts for members, please adhere to the following procedures when requesting a hearing for a non-assigned day:

- The committee chair must submit a request to the Speaker at least **two weeks** in advance of a proposed hearing on a non-assigned day. Please allow at least **three business days** for the Speaker to consider the request.
- All requests shall include: (a) the purpose for which the hearing will be held; (b) the reason(s) why it is necessary to hold the hearing in advance of a regularly-scheduled meeting day; and (c) whether an executive session will be held.
- Requests may be sent via e-mail or by letter to Ellen Nowak in the Speaker's office.
- In the event that a request is made in order to expedite legislation for floor action, please contact Bob Karius in Majority Leader Huebsch's office to coordinate timing regarding scheduling requirements for the Rules Committee and floor scheduling.
- Committee chairs are responsible for determining if committee members will be attending other committee meetings previously scheduled for the date and time in question. This verification process requires the

committee chair to first determine on which other committees the members serve.

- Committee chairs must also contact the committee chairs of potentially affected committees to determine if a committee meeting is scheduled for the date in question. Any potential scheduling conflicts must be included in the written request submitted to the Speaker.
- As a general rule, **holding a committee meeting on a session day is strongly discouraged**. Please verify the floor period schedule with Majority Leader Huebsch's office if the desired committee date falls within a scheduled floor period. This must be done before submitting the written request to the Speaker. If the committee chair determines it is absolutely necessary to hold a hearing on a scheduled floor session day, the chair must request a hearing time which would conclude before the time that the Assembly is called to the floor or request that the hearing be commenced upon adjournment of the day's floor period.

## II. NOTICE FOR PUBLIC HEARINGS

Subject to some exceptions, Wisconsin law requires that government officials conduct hearings that are open to the public and that the public receives advance notice of a meeting. The relevant Wisconsin statutes are sections 19.83-19.85, 19.87-19.88. The following is a summary of the requirements set forth in the law as well as the procedures that the Assembly has established.

### **What Information Should a Notice Contain?**

All notices must provide the date, time, place and agenda for the hearing. When possible, it is best to notice hearings on properly introduced bills. However, if an LRB draft is included on the agenda and it is introduced before the hearing, an amended notice should be sent with the number of the properly introduced bill.

If an executive session may be held on any of the items on the agenda, it should be noted on the notice.

### **Who Should Be Notified?**

Committee chairs are responsible for notifying all committee members and the Legislative Council Attorney assigned to their committee of the hearing. It is also customary for the chair to notify the authors of the bills included on the agenda.

Copies of a hearing notice are required to be posted on the Assembly and Senate Bulletin Boards and filed with the Assembly Chief Clerk for their records and publication in the *Weekly Schedule of Committee Activities*. To be included in the *Weekly Schedule of Committee Activities*, the notice has to be filed with Jody Nussbaum of the Chief Clerk's office before Monday noon for hearings to be held the

following week. It is important for committees to have their hearing notice published in the in the *Weekly Schedule of Committee Activities*.

If a notice cannot be included in the *Weekly Schedule of Committee Activities*, it must be provided at least 24 hours before the committee meets. If the chair determines, with good cause, that the 24 hour notice requirement cannot be met, the law allows shorter notice, but not less than 2 hours under any circumstances. In such cases, the hearing notice is required to be posted as follows:

- If the notice is ready at least 26 hours before the hearing, it is required to be posted on the Assembly and Senate Bulletin Boards and sent to the Chief Clerk. It is also a good idea to send a copy to the media. The Capitol Press Room is located at 235 SW.
- If the notice is ready less than 26 hours before the hearing, it is required to be posted on the Assembly and Senate Bulletin Boards, sent to the Chief Clerk, sent to the official state newspaper, *The Wisconsin State Journal*, and the news media that have specifically requested that they be given such notice (check with the Chief Clerk's office for a list.) Again, it is also a good idea to provide a copy of the notice to the Capitol Press Room.

#### **What if Information Changes After I send a notice?**

In general, the same requirements that apply to hearing notices that are described in this memo apply to amended notices. Remember, you must prepare an Amended Notice and post in on the Assembly and Senate Bulletin Boards, send it to the Assembly Chief Clerk and send a copy to committee members. Again, it is a good idea to provide a copy of the amended notice to the Capitol Press Room.

#### **Important Things to Remember**

- ❖ Committees should always try to have their public hearing printed in the *Weekly Schedule of Committee Activities*.
- ❖ Committees should meet on their regularly scheduled hearing day. A written request to do otherwise must be approved by the Speaker.
- ❖ Amended Notices should be posted and distributed in the manner explained above.
- ❖ If you have any questions about committee procedures, please contact the Legislative Council Attorney assigned to your committee, the Chief Clerk, or the Speaker's office.

# Wisconsin Legislative Council

Wisconsin Legislator  
Briefing Book  
2003-04

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By:  
Ronald Sklansky  
Senior Staff Attorney

## Review of Administrative Rules

An "administrative rule" is a regulation, standard, policy statement, or order of general application promulgated by a state agency. An administrative rule has the force of law.

Rules are issued by an agency:

- To make specific, implement, or interpret provisions of statutes that are enforced or administered by the agency; or
- To establish procedures for the agency to follow in administering its programs.

Rules are published in the 18-volume Wisconsin Administrative Code. Each legislator is entitled to a set of Administrative Code volumes upon written request to the Revisor of Statutes. Electronic access is available for the Administrative Code at <http://www.legis.state.wi.us/rsb/code>.

The legislative rules review procedure is contained in ch. 227, Stats. This review procedure affords legislators the opportunity to affect the content of policies, having the force of law, that regulate the lives of Wisconsin citizens. These procedures are summarized in Chart 1 and Chart 2 attached to this document.

The authority of the Legislature to review and suspend administrative rules that are in effect has been in place since the 1965 Session. The ability to review all administrative rules before they are promulgated has existed since November 2, 1979. The process has allowed legislators to intervene in numerous rule-making proceedings for the benefit of their constituents. [An administrative agency may promulgate an emergency rule without complying with the pre-promulgation legislative review procedures described in this document. In general, an emergency rule simply takes effect upon publication in the official

Questions regarding the rules review process may be directed to:

**Ronald Sklansky**  
Senior Staff Attorney  
(266-1946)

**Richard Sweet**  
Senior Staff Attorney  
(266-2982)



state newspaper. However, once it takes effect, the rule has the force and effect of law and may be suspended under the same process that is applied to permanent rules.]

## A Rule Begins With an Agency

When an agency decides to promulgate an administrative rule (that is, to either create a new rule or modify an existing rule), it must first draft the proposed rule. The **Administrative Rules Procedures Manual**, prepared by the Legislative Council and the Revisor of Statutes Bureau, sets forth, in detail, the format and style to be used by the agency in preparing rule drafts.

When the draft of a rule is ready, the agency must submit it to the Legislative Council for review.

## Duties of the Rules Clearinghouse

The Legislative Council functions as an administrative rules clearinghouse. Upon receipt of a proposed administrative rule, the Legislative Council staff assigns the rule a Clearinghouse rule number, records the date of the submission of the rule in the Bulletin of Proceedings of the Wisconsin Legislature, and prepares two numbered rule jackets, one for the Assembly and one for the Senate.

Following receipt of a proposed rule, the Legislative Council staff reviews the proposed rule for form, style, and technical adequacy. Of particular importance to the legislative branch, the Legislative Council staff also specifically:

- Reviews the proposed rule to determine whether there is statutory authority for the agency to adopt the proposed rule; and
- Reviews the text of the proposed rule for clarity and the use of plain language.

The Legislative Council staff review may reveal whether an agency is attempting to regulate matters beyond its legal authority or whether a lack of clarity and precision in a proposed rule will inappropriately affect those persons regulated by the rule.

The period for Legislative Council review is 20 working days following receipt of the proposed rule. With the consent of the Director of the Legislative Council, the review period may be extended for an additional 20 working days. (Extensions are very rarely necessary.) A written report containing the staff critique of the rule is then forwarded to the agency promulgating the rule.

In 2001, the Legislature, through its service agencies, began providing electronic access to all proposed administrative rules. The new system mirrors the process already in place for legislative proposals. Interested persons are able to use the Internet to search for proposed rules directly or to link to them from the Legislature's Bulletin of Proceedings. The site contains the initial version of the proposed rule, all modified versions of the proposed rule submitted to the Legislature, and the related agency report to the Legislature. Electronic access is available for proposed rules submitted after 2000. [See [http://www.legis.state.wi.us/lc/adm\\_rules.htm](http://www.legis.state.wi.us/lc/adm_rules.htm).]

## Agency Responsibilities

After the completion of the Legislative Council review, an agency, in most instances, is required to hold a public hearing on the proposed rule. Following the hearing, or if no hearing is required, the agency is required to submit the final version of the proposed rule to the Legislature.

When the agency sends the final draft of a rule to the presiding officers of each house, the agency must include a report that contains, among other things:

- Conclusions and recommendations of the agency that demonstrate the need for the proposed rule.

- Explanations of modifications made in the proposed rule as a result of testimony received at public hearings.
- A list of persons who appeared or registered for or against the proposed rule at any public hearing held by the agency.
- A response to Legislative Council staff recommendations, contained in the Rules Clearinghouse report, indicating acceptance of the recommendations, rejection of the recommendations, and specific reasons for rejecting any recommendation.
- A final regulatory flexibility analysis, if the proposed rule will have an effect on small businesses.

The other parts of the report include a plain language analysis of the proposed rule, copies of or references to related forms, and a fiscal estimate of the cost of the rule.

### **Referral of Rule by Presiding Officer**

Within seven working days following receipt of a proposed administrative rule, the presiding officer of each house refers the rule to one committee. That committee may be either a standing committee or a joint legislative committee created by law, other than the Joint Committee for Review of Administrative Rules (JCRAR).

### **Committee Review Period**

Generally, the committee review period extends for 30 days after referral of a proposed rule by the presiding officer. However, a committee review period may be extended. The review period may be extended for 30 days from the date of either of the following actions, if taken by the chair, within the initial 30-day period:

- The chair requests in writing that the agency meet with the committee to review the proposed rule; or
- The chair publishes or posts a notice that the committee will hold a meeting or hearing to review the proposed rule and immediately sends a copy of the notice to the agency.

The agency is prohibited from promulgating the proposed rule until the conclusion of the committee review period, unless both committees waive their jurisdiction over the rule prior to the end of the review period.

### **Authority of Reviewing Committees**

If both committees fail to take any action during the review period, the agency may complete promulgation of the proposed rule.

If a committee, by majority vote of a quorum of the committee, recommends modifications in a proposed rule (and the agency, in writing, agrees to make modifications), the review period for both committees is extended to the later of:

- The 10th working day following receipt by the committees of the modified proposed rule; or
- The expiration of the initial or extended committee review period.

There is no limit on the number of times that modifications may be sought, prior to the conclusion of the committee review period.

An agency may unilaterally propose rule modifications during, or following, the committee review period.

A committee may object to a proposed rule, or part of a proposed rule, only for one or more of the following reasons:

- An absence of adequate statutory authority.
- An emergency relating to public health, safety, or welfare.
- Failure to comply with legislative intent.
- Being contrary to state law.
- A change in circumstances since the original date of passage of the earliest law upon which the rule is based.
- Being arbitrary and capricious or imposing an undue hardship.

### **Responsibilities of JCRAR**

If either reviewing committee objects to a proposed rule, the rule must be referred to JCRAR. The JCRAR must take executive action on the rule and may:

- Nonconcur in a committee objection;
- Object to the rule (that is, concur with the reviewing committee); or
- Seek rule modifications.

The review period for JCRAR is 30 days. The review period may be extended for an additional 30 days (or more, if modifications are agreed to) in the same manner as by the initial reviewing committee.

If JCRAR objects to a rule, it must introduce, within 30 days, a bill in each house of the Legislature to prevent the promulgation of the rule. If both bills are defeated, or fail to be enacted, the agency may promulgate the proposed rule that received an objection. If either bill is enacted, the agency may not promulgate the proposed rule that was objected to unless a subsequent law specifically authorizes its promulgation.

### **Legislative Review After Promulgation of a Rule**

The statutes give JCRAR authority to suspend rules that have been promulgated and are in effect:

- If JCRAR has first received testimony on the suspension at a public hearing; and
- If the suspension is based on one or more of the reasons listed in the authority of reviewing committees, above, for a committee objecting to a proposed rule.

If JCRAR suspends a rule, it must introduce, within 30 days, a bill in each house of the Legislature to repeal the suspended rule. If both bills are defeated or fail to be enacted in any other manner, the rule remains in effect and JCRAR may not suspend it again. If either bill is enacted, the rule is repealed and may not be promulgated again by the agency unless a subsequent law specifically authorizes such action.

CHART 1  
REVIEW OF **PROPOSED** ADMINISTRATIVE RULES  
IN WISCONSIN

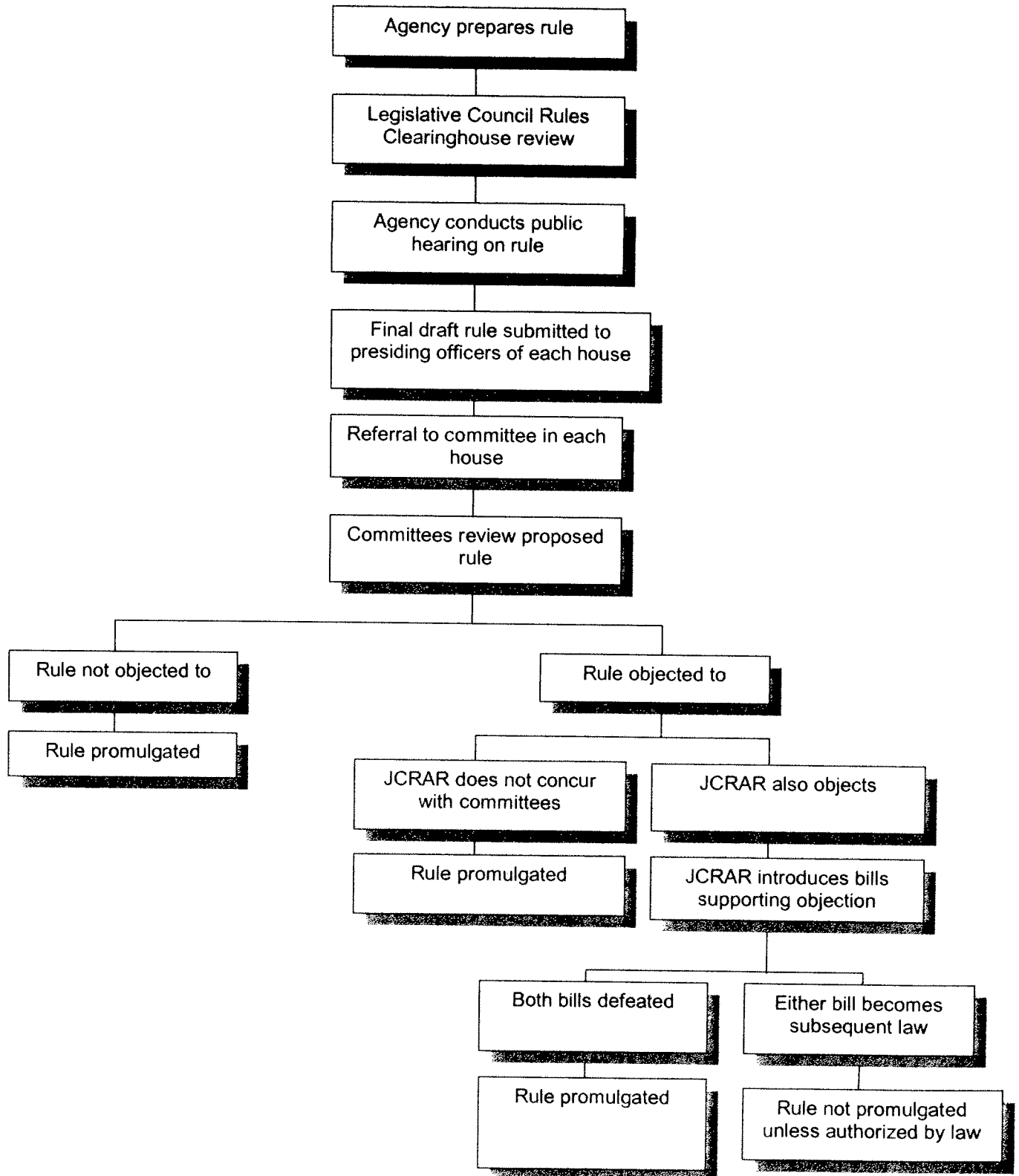
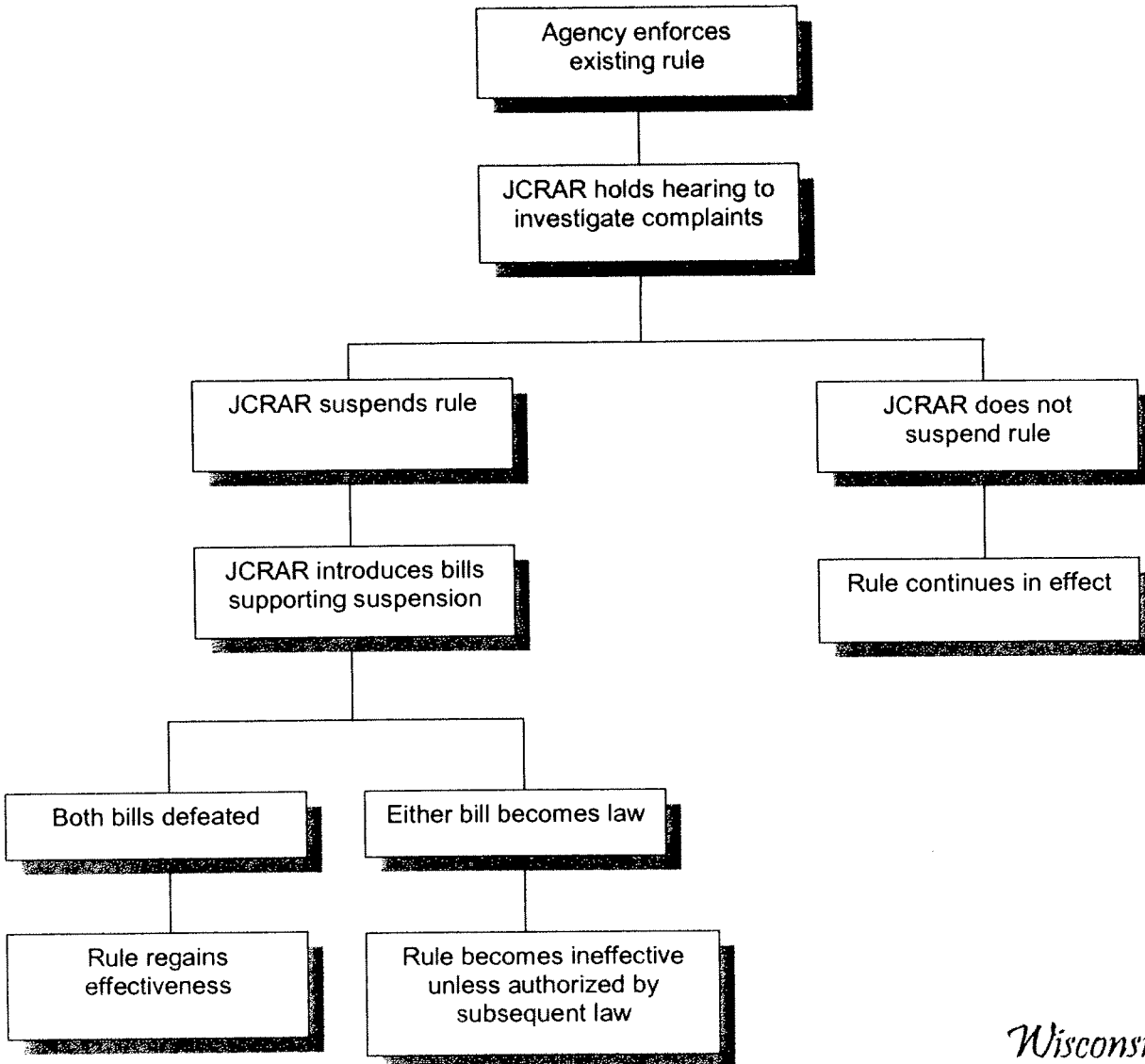


CHART 2  
REVIEW OF **EXISTING** ADMINISTRATIVE RULES  
IN WISCONSIN



*Wisconsin  
Legislative  
Council*

One East Main Street  
Suite 401  
Madison, WI 53703-3382

Phone: (608) 266-1304  
Fax: (608) 266-3830

[www.legis.state.wi.us/lc](http://www.legis.state.wi.us/lc)

# Wisconsin Assembly



## **MANUAL ON COMMITTEE PROCEDURES AND POWERS**

**State Capitol  
Madison, Wisconsin**

**February 2003**

*STATE OF WISCONSIN LEGISLATURE*



*Available  
as Public  
Document  
25 pages*

**COMCLERK  
PROGRAM  
MANUAL**