

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2209/1dn  
ARG:cjs:jm

April 19, 2013

ATTN: Tim Fiocchi

Attached please find the companion bill to LRB-1896. I am not aware of any bill previously drafted for the Wisconsin Legislature that directly amends or repeals provisions of the administrative code in a manner unrelated to the statutory procedure for rule suspension under ch. 227. Accordingly, this bill includes novel provisions. We have also included statutory treatments that we believe are necessary to make these rule treatments workable and consistent with the statutes. For example, a "rule" is defined in s. 227.01 (13) as "a regulation, standard, ... *issued by an agency* ...", but these rule modifications are not issued by DOT; they result from legislative enactment.

I have not conducted any significant research on whether a bill enacted by the legislature and signed by the governor that modifies the details of executive branch rules might be subject to challenge under constitutional principles of separation of powers.

Please let me know if you have any questions or would like any changes made to the attached draft.

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