

2013 DRAFTING REQUEST

Bill

Received: 10/29/2013 Received By: mduchek
Wanted: As time permits Same as LRB: -3703
For: Legislative Reference Bureau By/Representing: Bruce Hoesly
May Contact: Drafter: mduchek
Subject: Administrative Law Addl. Drafters:
Extra Copies: GMM, JTK

Submit via email: YES
Requester's email: bruce.hoesly@legis.wisconsin.gov
Carbon copy (CC) to: steve.miller@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Clarify definition of date of publication for purposes of rules

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>
/?	mduchek 10/31/2013			_____			
/1	mduchek 11/6/2013	csicilia 11/7/2013	rschlue 11/7/2013	_____	srose 11/1/2013		
/2				_____	sbasford 11/7/2013	srose 11/27/2013	

FE Sent For:

None
Needed

<END>

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*Jacket for Senate
 per Anne S.
 Leg Council*

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2 cjs 11/7/13
JTB
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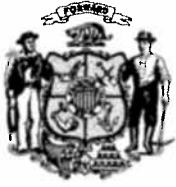
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/?	mduchek			_____			
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<END>

FE Sent For:



MAN

State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3531/1

MED: /:....

g's

2013 BILL

Gen. Cat

1 AN ACT ~~...~~; relating to: the effective date of administrative rules promulgated by
2 state agencies (suggested as remedial legislation by the Legislative Reference
3 Bureau).

Analysis by the Legislative Reference Bureau

2013 Wisconsin Act 20 provides that, effective January 1, 2015, administrative rules promulgated by state agencies (rules) generally become effective on the first day of the month commencing after the date on which a Wisconsin Administrative Register (register) is published by the Legislative Reference Bureau (LRB). In addition, Act 20 requires the LRB to publish in the weekly register copies of all rules filed with the LRB since the compilation of the previous register and to publish in each end-of-month register updated chapters of the Wisconsin Administrative Code (code) that have been affected by rules filed with the LRB.

This bill clarifies that rules become effective on the first day of the month commencing after the date on which the LRB publishes the rule in the register in the updated chapters of the code that have been affected by rules filed with the LRB.

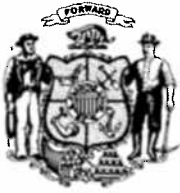
a rule

end-of-month

the rule

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Legislative Reference Bureau (LRB) and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5., stats. After careful consideration



stay

2013 BILL

dates of, and dates of hearing notices for,

Refer

1 AN ACT to amend 227.22 (1) of the statutes; relating to: the effective date of
2 administrative rules promulgated by state agencies (suggested as remedial
3 legislation by the Legislative Reference Bureau).

Analysis by the Legislative Reference Bureau

2013 Wisconsin Act 20 provides that, effective January 1, 2015, administrative rules promulgated by state agencies (rules) generally become effective on the first day of the month commencing after the date on which a Wisconsin Administrative Register (register) is published by the Legislative Reference Bureau (LRB). In addition, Act 20 requires the LRB to publish in the weekly register copies of all rules filed with the LRB since the compilation of the previous register and to publish in each end-of-month register updated chapters of the Wisconsin Administrative Code (code) that have been affected by rules filed with the LRB.

This bill clarifies that a rule becomes effective on the first day of the month commencing after the date on which the LRB publishes in the end-of-month register the updated chapters of the code that have been affected by the rule.

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

Ins
Analysis
A

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Legislative Reference Bureau (LRB) and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5., stats. After careful consideration

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3531/2ins
MED:cjs:rs

Insert Analysis A

Also ^{under} ~~under~~ current law ~~and under Act 20~~, ^{often} subject to ~~limited~~ ^{certain} exceptions, rule making by an agency must be preceded by a notice and public hearing. The notice must, under current law, be given at least 10 days prior to the date set for a hearing, and notice through the register is considered to have been given on the "effective date" of the issue of the register in which the notice first appears.

~~Insert Analysis B~~

^{will} The bill ^{this} also clarifies that notice through the register is considered to have been given on the *publication date* of the issue of the register in which the notice first appears.

1

Insert 2-1



2

SECTION 1. 227.17 (2) of the statutes, as affected by 2013 Wisconsin Act 20, is

3

amended to read:

^{on which}

4

227.17 (2) The notice under sub. (1) shall be given at least 10 days prior to the

5

date set for a hearing. Notice through the register is considered to have been given

6

on the effective date of ~~that~~ the issue of the register in which the notice first appears

7

is published under s. 35.93 (2).

^{current}

^{by}

~~through~~ such a notice is considered to have been given

NOTE: NOTE: Sub. (2) is shown as amended eff. 1-1-15 by 2013 Wis. Act 20. Prior to 1-1-15 it reads: NOTE:

8

(2) The notice under sub. (1) shall be given at least 10 days prior to the date set for a hearing. Notice through the register is considered to have been given on the effective date of the issue of the register in which the notice first appears, or, if applicable, on the date prescribed under s. 227.22 (4).

History: 1985 a. 182; 1985 a. 332 s. 253; 1987 a. 253; 1995 a. 106; 2003 a. 145; 2005 a. 249; 2007 a. 20; 2011 a. 21; 2013 a. 20

****NOTE: Clarifies an ambiguity in existing law regarding the date ^{of a hearing} ~~of a hearing~~

notice is considered to have been given in the register, providing that the ~~effective~~ ^{publication} date is the date the register is published by the LRB. Current law refers to the "effective date of [a] register" which is not defined or otherwise explained in current law.

^{on which}

of a hearing on a proposed rule

comma stays

Change to note: std