

2013 DRAFTING REQUEST

Bill

Received: 11/22/2013 Received By: mduchek
Wanted: As time permits Same as LRB: -3531
For: Legislative Council - LRC By/Representing: Anne
May Contact: Drafter: mduchek
Subject: Administrative Law Addl. Drafters:
Extra Copies: GMM, JTK

Submit via email: YES
Requester's email: Anne.Sappenfield@legis.wisconsin.gov
Carbon copy (CC) to: steve.miller@legis.wisconsin.gov
bruce.hoesly@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>
/1	mduchek 11/22/2013	csicilia 11/22/2013		_____	mbarman 11/22/2013	lparisi 11/27/2013	

FE Sent For:

at
Intro

<END>

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/1	mduchek 11/22/2013	11/22/13		_____			

FE Sent For:

<END>



State of Wisconsin
2013 - 2014 LEGISLATURE



3703/1

LRB-3531/2

MED:cjs:rs

Stays

2013 BILL

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companion
matters
run

No changes

1 AN ACT *to amend* 227.17 (2) and 227.22 (1) of the statutes; **relating to:** the
2 effective date of administrative rules promulgated by state agencies (suggested
3 as remedial 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.

Under current law, subject to 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 ten 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. This bill clarifies that notice through the

BILL

register is considered to have been given on the *publication date* of the issue of the register in which the notice first appears.

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 of the provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1 **SECTION 1.** 227.17 (2) of the statutes, as affected by 2013 Wisconsin Act 20, is
2 amended to read:

3 227.17 (2) The notice under sub. (1) shall be given at least 10 days prior to the
4 date set for a hearing. Notice through the register is considered to have been given
5 on the effective date of on which the issue of the register in which the notice first
6 appears is published under s. 35.93 (2).

NOTE: Clarifies an ambiguity in current law regarding the date notice of a hearing on a proposed rule is considered to have been given in the register, by providing that the date such a notice is considered to have been given is the date on which 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.

7 **SECTION 2.** 227.22 (1) of the statutes, as affected by 2013 Wisconsin Act 20, is
8 amended to read:

9 227.22 (1) In this section, "date of publication" means the date on which a
10 register rule is published in the code as required under s. 35.93 (2) (c) 1.

NOTE: Currently, the Wisconsin Administrative Register (register) is distributed in print form. Administrative rules, as filed with the LRB, are not published in full in the register and are only published in the register as incorporated into the relevant updated chapters of the Wisconsin Administrative Code (code) that were affected by the filed rule. Effective January 1, 2015, the register will be published electronically and rules will be published in the register in two forms, once in the form filed by an agency with the LRB and again when incorporated into the affected code chapters. This bill clarifies that, as is the case currently, the date of publication of the code chapters is the relevant date for purposes of the general effective date of rules. This change is consistent with the law prior to Act 20 and current law and practice.

11 **SECTION 3. Effective date.**

Parisi, Lori

From: Sappenfield, Anne
Sent: Wednesday, November 27, 2013 10:47 AM
To: LRB.Legal
Subject: Draft Review: LRB -3703/1 Topic: Clarify definition of date of publication for purposes of rules

Please Jacket LRB -3703/1 for the ASSEMBLY.