



2013 ASSEMBLY BILL 515

1 **AN ACT** *to repeal* 106.20; *to amend* 13.92 (4) (c), 13.92 (4) (d), 13.92 (4) (e), 13.92
2 (4) (f), 13.94 (4) (a) 5., 35.93 (2) (b) 4., 35.93 (2) (c) 1., 35.93 (3), 35.93 (3) (e)
3 (intro.), 35.93 (3) (e) 1., 227.01 (13) (intro.), 227.11 (2) (intro.) and 227.27 (2); and
4 **to create** 13.92 (4) (bm) and 227.265 of the statutes; **relating to:** rule-making
5 procedures and repealing various rules promulgated by the Department of
6 Workforce Development.

Analysis by the Legislative Reference Bureau

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

7 **SECTION 1.** 13.92 (4) (bm) of the statutes is created to read:
8 13.92 (4) (bm) If 2 or more rules filed under s. 227.20 or modified under s.
9 227.265 affect the same unit of the Wisconsin administrative code without taking
10 cognizance of the effect thereon of the other rules and if the legislative reference

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1 bureau finds that there is no mutual inconsistency in the changes made by each such
2 rule, the legislative reference bureau shall incorporate the changes made by each
3 rule into the text of the unit and document the incorporation in a note to the unit.
4 For each such incorporation, the legislative reference bureau shall include in a
5 correction bill a provision formally validating the incorporation. Section 227.27 (2)
6 is not affected by printing decisions made by the legislative reference bureau under
7 this paragraph.

8 **SECTION 2.** 13.92 (4) (c) of the statutes is amended to read:

9 13.92 (4) (c) The legislative reference bureau may insert in the Wisconsin
10 administrative code a note explaining any change made under par. (b) or (bm).

11 **SECTION 3.** 13.92 (4) (d) of the statutes is amended to read:

12 13.92 (4) (d) Sections 227.114, 227.116, 227.135, and 227.14 to 227.24 do not
13 apply to any change made by the legislative reference bureau under par. (b) or (bm).

14 **SECTION 4.** 13.92 (4) (e) of the statutes is amended to read:

15 13.92 (4) (e) The legislative reference bureau shall prepare and keep on file a
16 record of each change made under par. (b) or (bm).

17 **SECTION 5.** 13.92 (4) (f) of the statutes is amended to read:

18 13.92 (4) (f) The legislative reference bureau shall notify the agency involved
19 of each change made under par. (b) or (bm).

20 **SECTION 6.** 13.94 (4) (a) 5. of the statutes is amended to read:

21 13.94 (4) (a) 5. A local service agency ~~as defined in s. 106.20 (1) (d)~~ designated
22 under s. 101.35 (3), 1991 stats.

23 **SECTION 7.** 35.93 (2) (b) 4. of the statutes, as affected by 2013 Wisconsin Act 20,
24 is amended to read:

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1 35.93 (2) (b) 4. Copies of all rules filed with the legislative reference bureau
2 under s. 227.20 (1) or modified under s. 227.265 since the compilation of the
3 preceding register, including emergency rules filed under s. 227.24 (3).

4 **SECTION 8.** 35.93 (2) (c) 1. of the statutes, as affected by 2013 Wisconsin Act 20,
5 is amended to read:

6 35.93 (2) (c) 1. Each chapter of the Wisconsin administrative code that has been
7 affected by rules filed with the legislative reference bureau under s. 227.20 (1) or
8 modified under s. 227.265, in accordance with sub. (3) (e) 1.

9 **SECTION 9.** 35.93 (3) of the statutes is amended to read:

10 35.93 (3) The legislative reference bureau shall compile and deliver to the
11 department for printing copy for a register which shall contain all the rules filed
12 under s. 227.20 or modified under s. 227.265 since the compilation of rules for the
13 preceding issue of the register was made and those executive orders which are to be
14 in effect for more than 90 days or an informative summary thereof. The complete
15 register shall be compiled and published before the first day of each month and a
16 notice section of the register shall be compiled and published before the 15th day of
17 each month. Each issue of the register shall contain a title page with the name
18 “Wisconsin administrative register”, the number and date of the register, and a table
19 of contents. Each page of the register shall also contain the date and number of the
20 register of which it is a part in addition to the other necessary code titles and page
21 numbers. The legislative reference bureau may include in the register such
22 instructions or information as in the bureau’s judgment will help the user to correctly
23 make insertions and deletions in the code and to keep the code current.

24 **SECTION 10.** 35.93 (3) (e) (intro.) of the statutes, as affected by 2013 Wisconsin
25 Act 20, is amended to read:

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1 35.93 (3) (e) (intro.) The legislative reference bureau shall incorporate into the
2 appropriate chapters of the Wisconsin administrative code each permanent rule filed
3 with the legislative reference bureau under s. 227.20 (1) or modified under s. 227.265
4 and, for each chapter of the administrative code affected by a rule, do all of the
5 following:

6 **SECTION 11.** 35.93 (3) (e) 1. of the statutes, as affected by 2013 Wisconsin Act
7 20, is amended to read:

8 35.93 (3) (e) 1. Publish the chapter in the appropriate end-of-month register
9 in accordance with the filing deadline for publication established in the rules
10 procedures manual published under s. 227.15 (7) ~~or~~, in an end-of-month register
11 agreed to by the submitting agency and the legislative reference bureau, or, in the
12 case of a rule modified under s. 227.265, in the end-of-month register for the month
13 in which the bill modifying the rule is enacted.

14 **SECTION 12.** 106.20 of the statutes is repealed.

15 **SECTION 13.** 227.01 (13) (intro.) of the statutes is amended to read:

16 227.01 (13) (intro.) “Rule” means a regulation, standard, statement of policy,
17 or general order of general application which has the effect of law and which is issued
18 by an agency to implement, interpret, or make specific legislation enforced or
19 administered by the agency or to govern the organization or procedure of the agency.
20 “Rule” includes a modification of a rule under s. 227.265. “Rule” does not include, and
21 s. 227.10 does not apply to, any action or inaction of an agency, whether it would
22 otherwise meet the definition under this subsection, which:

23 **SECTION 14.** 227.11 (2) (intro.) of the statutes is amended to read:

24 227.11 (2) (intro.) Rule-making authority is expressly conferred on an agency
25 as follows:

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1 **SECTION 15.** 227.265 of the statutes is created to read:

2 **227.265 Repeal or modification of rules.** If a bill to repeal or modify a rule
3 is enacted, the procedures under ss. 227.114 to 227.21 and 227.26 do not apply.
4 Instead, the legislative reference bureau shall publish the repeal or modification in
5 the Wisconsin administrative code and register as required under s. 35.93, and the
6 repeal or modification shall take effect as provided in s. 227.22.

7 **SECTION 16.** 227.27 (2) of the statutes is amended to read:

8 227.27 (2) The code shall be prima facie evidence in all courts and proceedings
9 as provided by s. 889.01, but this does not preclude reference to or, in case of a
10 discrepancy, control over a rule filed with the legislative reference bureau ~~or the~~
11 ~~secretary of state~~ under s. 227.20 or modified under s. 227.265, and the certified copy
12 of a rule shall also and in the same degree be prima facie evidence in all courts and
13 proceedings.

14 **SECTION 17.** Chapter DWD 82 of the administrative code is repealed.

15 **SECTION 18.** Chapter DWD 805 of the administrative code is repealed.

16 **SECTION 19.** Chapter DWD 811 of the administrative code is repealed.

17 **SECTION 20.** Chapter DWD 816 of the administrative code is repealed.

18 **SECTION 21.** Chapter DWD 820 of the administrative code is repealed.

19 **SECTION 22.** Chapter DWD 830 of the administrative code is repealed.

20 **SECTION 23. Effective dates.** This act takes effect on the day after publication,
21 except as follows:

22 (1) The treatment of section 35.93 (2) (b) 4. and (c) 1. and (3) (e) (intro.) and 1.
23 of the statutes takes effect on January 1, 2015.

24

(END)