



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRBs0058/en  
CMH:ahe

**SENATE SUBSTITUTE AMENDMENT 1,  
TO SENATE BILL 15**

1     **AN ACT** *to repeal* 227.137 (6) and (7) and 227.17 (3) (em); *to renumber and*  
2     *amend* 227.137 (3) (b) and 227.16 (6); *to amend* 227.12 (4), 227.135 (2),  
3     227.135 (3), 227.137 (3) (intro.) and (a), 227.14 (4m), 227.15 (1), 227.15 (1m)  
4     (bm), 227.16 (1), 227.17 (1) (intro.), 227.185, 227.19 (3) (intro.), 227.19 (3) (c),  
5     227.19 (4) (b) 1. (intro.), 227.19 (5) (b) 1. (intro.), 227.19 (5) (d), 227.19 (5) (dm),  
6     227.19 (5) (em), 227.19 (5) (f) (title), 227.19 (5) (fm), 227.19 (6) (b), 227.24 (1) (a),  
7     227.24 (1) (e) 1d. and 227.24 (4); and *to create* 35.93 (2) (b) 3. bm., 227.136,  
8     227.137 (3) (b) 1. and 2., 227.137 (4m), 227.139, 227.14 (2) (a) 3m., 227.17 (3)

1 (eg) and 227.19 (5) (b) 3. of the statutes; **relating to:** various changes regarding  
2 administrative rules and rule-making procedures.

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***Analysis by the Legislative Reference Bureau***

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

3 **SECTION 1.** 35.93 (2) (b) 3. bm. of the statutes is created to read:

4 35.93 (2) (b) 3. bm. Notices of preliminary public hearings and comment periods  
5 under s. 227.136.

6 **SECTION 2.** 227.12 (4) of the statutes is amended to read:

7 227.12 (4) If a petition to the department of revenue establishes that the  
8 department has established a standard by which it is construing a state tax statute,  
9 but has not promulgated a rule to adopt the standard or published the standard in  
10 a manner that is available to the public, the department shall, as provided under s.  
11 227.135, submit a statement of the scope of the proposed rule to the ~~governor~~  
12 department of administration no later than 90 days after receiving the petition. No  
13 later than 270 days after the statement is approved by the governor, the department  
14 shall submit the proposed rule in final draft form to the governor for the governor's  
15 approval, as provided under s. 227.185. At the department's request, the governor  
16 or the department of administration may, at any time prior to the expiration of any  
17 deadline specified in this subsection, extend the time for submitting the statement  
18 or proposed rule in draft form for any period not to exceed 60 days. The governor or  
19 the department of administration may grant more than one extension under this  
20 subsection, but the total period for all such extensions may not exceed 120 days. The  
21 rule need not adhere to the standard established by the department, but shall

1 address the same circumstances as the standard addresses. If the department fails  
2 to comply with this subsection, any of the petitioners may commence an action in  
3 circuit court to compel the department's compliance. If an action is commenced  
4 under this subsection, the court may compel the department to provide information  
5 to the court related to the degree to which the department is enforcing the standard,  
6 except that the information provided by the department shall not disclose the  
7 identity of any person who is not a party to the action.

8 **SECTION 3.** 227.135 (2) of the statutes is amended to read:

9 227.135 (2) An agency that has prepared a statement of the scope of the  
10 proposed rule shall present the statement to the ~~governor and to the individual or~~  
11 ~~body with policy-making powers over the subject matter of the proposed rule for~~  
12 approval department of administration, which shall make a determination as to  
13 whether the agency has the explicit authority to promulgate the rule as proposed in  
14 the statement of scope and shall report the statement of scope and its determination  
15 to the governor who, in his or her discretion, may approve or reject the statement of  
16 scope. The agency may not send the statement to the legislative reference bureau  
17 for publication under sub. (3) until the governor issues a written notice of approval  
18 of the statement. The agency shall also present the statement to the individual or  
19 body with policy-making powers over the subject matter of the proposed rule for  
20 approval. The individual or body with policy-making powers may not approve the  
21 statement until at least 10 days after publication of the statement under sub. (3) and,  
22 if a preliminary public hearing and comment period are held by the agency under s.  
23 227.136, until the individual or body has received and reviewed any public comments  
24 and feedback received from the agency under s. 227.136 (5). No state employee or  
25 official may perform any activity in connection with the drafting of a proposed rule,

1 except for an activity necessary to prepare the statement of the scope of the proposed  
2 rule until the governor and the individual or body with policy-making powers over  
3 the subject matter of the proposed rule approve the statement.

4 **SECTION 4.** 227.135 (3) of the statutes is amended to read:

5 227.135 (3) If the governor approves a statement of the scope of a proposed rule  
6 under sub. (2), the agency shall send an electronic copy of the statement to the  
7 legislative reference bureau, in a format approved by the legislative reference  
8 bureau, for publication in the register. On the same day that the agency sends the  
9 statement to the legislative reference bureau, the agency shall send a copy of the  
10 statement to the secretary of administration and to the chief clerks of each house of  
11 the legislature, who shall distribute the statement to the cochairpersons of the joint  
12 committee for review of administrative rules. The agency shall include with any  
13 statement of scope sent to the legislative reference bureau the date of the governor's  
14 approval of the statement of scope. The legislative reference bureau shall assign a  
15 discrete identifying number to each statement of scope and shall include that  
16 number and the date of the governor's approval in the publication of the statement  
17 of scope in the register.

18 **SECTION 5.** 227.136 of the statutes is created to read:

19 **227.136 Preliminary public hearing and comment period.** (1) Within  
20 10 days after publication of a statement of the scope of a proposed rule under s.  
21 227.135 (3), either cochairperson of the joint committee for the review of  
22 administrative rules may submit a written directive to the agency that prepared the  
23 statement for the agency to hold a preliminary public hearing and comment period  
24 on the statement of scope as provided in this section.

1           **(2)** If the agency is directed to hold a preliminary public hearing and comment  
2 period on a statement of scope as provided in sub. (1) or if the agency otherwise opts  
3 to do so on its own initiative, the agency shall submit to the legislative reference  
4 bureau, in a format approved by the legislative reference bureau, a notice of a  
5 preliminary public hearing and comment period to allow for public comment and  
6 feedback on the statement of scope. The agency may also take any other action it  
7 considers necessary to provide notice of the preliminary public hearing and comment  
8 period to other interested persons. The notice shall be approved by the individual  
9 or body with policy-making powers over the subject matter of the proposed rule and  
10 shall include all of the following:

11           (a) A statement of the date, time, and place of the preliminary public hearing.

12           (b) The place where comments on the statement of scope should be submitted  
13 and the deadline for submitting those comments.

14           **(3)** The agency shall hold the preliminary public hearing and comment period  
15 in accordance with the notice required under sub. (2), but may not hold the hearing  
16 sooner than the 3rd day after publication of the notice in the register.

17           **(4)** The agency shall conduct a hearing under this section in accordance with  
18 s. 227.18.

19           **(5)** The agency shall report all public comments and feedback on the statement  
20 of scope of the proposed rule that the agency receives at the preliminary public  
21 hearing and comment period to the individual or body with policy-making powers  
22 over the subject matter of the proposed rule.

23           **(6)** Failure of any person to receive notice of a preliminary public hearing as  
24 provided in this section is not grounds for invalidating any resulting rule if notice of  
25 the hearing was published in the register in accordance with s. 35.93 (2) (b) 3. bm.

1           **SECTION 6.** 227.137 (3) (intro.) and (a) of the statutes are amended to read:

2           227.137 **(3)** (intro.) An economic impact analysis of a proposed rule shall  
3 contain information on the economic effect of the proposed rule on specific  
4 businesses, business sectors, public utility ratepayers, local governmental units, and  
5 the state's economy as a whole. ~~When~~ The agency or person preparing the analysis,  
6 ~~the agency~~ shall solicit information and advice from businesses, associations  
7 representing businesses, local governmental units, and individuals that may be  
8 affected by the proposed rule. The agency or person shall prepare the economic  
9 impact analysis in coordination with local governmental units that may be affected  
10 by the proposed rule. The agency or person may also request information that is  
11 reasonably necessary for the preparation of an economic impact analysis from other  
12 businesses, associations, local governmental units, and individuals and from other  
13 agencies. The economic impact analysis shall include all of the following:

14           (a) An analysis and quantification of the policy problem that the proposed rule  
15 is intending to address, including comparisons with the approaches used by the  
16 federal government and by Illinois, Iowa, Michigan, and Minnesota to address that  
17 policy problem ~~and, if.~~ If the approach chosen by the agency to address that policy  
18 problem is different from those approaches, an economic impact analysis prepared  
19 by an agency shall include a statement as to why the agency chose a different  
20 approach.

21           **SECTION 7.** 227.137 (3) (b) of the statutes is renumbered 227.137 (3) (b) (intro.)  
22 and amended to read:

23           227.137 **(3)** (b) (intro.) An analysis and detailed quantification of the economic  
24 impact of the proposed rule, including the implementation and compliance costs that  
25 are reasonably expected to be incurred by or passed along to the businesses, local

1 governmental units, and individuals that may be affected by the proposed rule.,  
2 specifically including all of the following:

3 **SECTION 8.** 227.137 (3) (b) 1. and 2. of the statutes are created to read:

4 227.137 (3) (b) 1. An estimate of the total implementation and compliance costs  
5 that are reasonably expected to be incurred by or passed along to businesses, local  
6 governmental units, and individuals as a result of the proposed rule, expressed as  
7 a single dollar figure. With respect to an independent economic impact analysis  
8 prepared under sub. (4m) or s. 227.19 (5) (b) 3., the person preparing the analysis  
9 shall provide a detailed explanation of any variance from the agency's estimate  
10 under this subdivision.

11 2. A determination, for purposes of the requirement under s. 227.139, as to  
12 whether \$10,000,000 or more in implementation and compliance costs are  
13 reasonably expected to be incurred by or passed along to businesses, local  
14 governmental units, and individuals over any 2-year period as a result of the  
15 proposed rule.

16 **SECTION 9.** 227.137 (4m) of the statutes is created to read:

17 227.137 (4m) (a) After an agency submits an economic impact analysis for a  
18 proposed rule to the legislature under sub. (4), but before the agency submits the  
19 proposed rule for approval under s. 227.185, either cochairperson of the joint  
20 committee for review of administrative rules may request an independent economic  
21 impact analysis to be prepared for the proposed rule.

22 (am) 1. A request by the senate cochairperson of the joint committee for review  
23 of administrative rules for an independent economic impact analysis under par. (a)  
24 requires approval by the committee on senate organization.

1           2. A request by the assembly cochairperson of the joint committee for review  
2 of administrative rules for an independent economic impact analysis under par. (a)  
3 requires approval by the committee on assembly organization.

4           (b) 1. If a cochairperson of the joint committee for review of administrative rules  
5 requests an independent economic impact analysis under par. (a), and the request  
6 is approved under par. (am), the cochairperson shall notify the agency proposing the  
7 proposed rule and shall contract with a person that is not an agency to prepare the  
8 independent economic impact analysis.

9           2. Costs of completing an independent economic impact analysis shall be paid  
10 as follows:

11           a. If the estimate in the independent economic impact analysis of total  
12 implementation and compliance costs under sub. (3) (b) 1. varies from the agency's  
13 estimate by 15 percent or more or varies from the agency's determination that there  
14 will be no implementation or compliance costs, the cochairperson shall assess the  
15 agency that is proposing the proposed rule for the costs of completing the  
16 independent economic impact analysis.

17           b. If the estimate in the independent economic impact analysis of total  
18 implementation and compliance costs under sub. (3) (b) 1. does not vary from the  
19 agency's estimate by 15 percent or more or is in accord with the agency's  
20 determination that there will be no implementation and compliance costs, the costs  
21 of completing the independent economic impact analysis shall be paid from the  
22 appropriation account that corresponds to his or her house of the legislature under  
23 s. 20.765 (1) (a) or (b).

24           c. Notwithstanding subd. 2. a. and b., if the maximum potential obligation  
25 under the contract for completing the independent economic impact analysis exceeds



1       \$50,000, the cochairperson of the joint committee for review of administrative rules  
2       who is requesting the independent economic impact analysis shall submit the  
3       proposed contract to the joint committee on finance for the purpose of determining  
4       the funding source for the costs of completing the independent economic impact  
5       analysis, and the costs of completing the independent economic impact analysis shall  
6       be paid as provided by the joint committee on finance. If the joint committee on  
7       finance does not act to determine the funding source within 90 days, the costs of  
8       completing the independent economic impact analysis shall be paid as provided in  
9       subd. 2. a. and b.

10       (c) A person preparing an independent economic impact analysis under par. (b)  
11       shall do all of the following:

12           1. Include in the analysis the information that is required under sub. (3).

13           2. Upon completion of the analysis, submit the analysis to the agency, to the  
14       department of administration, to the governor, and to the chief clerks of each house  
15       of the legislature, who shall distribute the analysis to the presiding officers of their  
16       respective houses, to the chairpersons of the appropriate standing committees of  
17       their respective houses, as designated by those presiding officers, and to the  
18       cochairpersons of the joint committee for review of administrative rules.

19           3. Complete the independent economic impact analysis within 60 days after  
20       contracting to prepare the analysis.

21       (d) When an independent economic impact analysis is requested under par. (a),  
22       the agency may not submit the proposed rule for approval under s. 227.185 until the  
23       agency receives the completed independent economic impact analysis.

24       **SECTION 10.** 227.137 (6) and (7) of the statutes are repealed.

25       **SECTION 11.** 227.139 of the statutes is created to read:

1           **227.139 Passage of bill required for certain rules.** (1) If an economic  
2 impact analysis prepared under s. 227.137 (2), a revised economic impact analysis  
3 prepared under s. 227.137 (4), or an independent economic impact analysis prepared  
4 under s. 227.137 (4m) or 227.19 (5) (b) 3. indicates that \$10,000,000 or more in  
5 implementation and compliance costs are reasonably expected to be incurred by or  
6 passed along to businesses, local governmental units, and individuals over any  
7 2-year period as a result of the proposed rule, the agency proposing the rule shall  
8 stop work on the proposed rule and may not continue promulgating the proposed rule  
9 notwithstanding any provision authorizing or requiring the agency to promulgate  
10 the proposed rule, except as authorized under sub. (2).

11           (2) (a) Any member of the legislature may introduce a bill authorizing an  
12 agency to promulgate a rule that the agency is prohibited from promulgating under  
13 sub. (1). The agency may resume the rule-making process as provided in this  
14 subchapter upon enactment of a bill introduced under this paragraph.

15           (b) If an agency is prohibited from promulgating a rule under sub. (1), the  
16 agency may modify the proposed rule, if the modification is germane to the subject  
17 matter of the proposed rule, to address the implementation and compliance costs of  
18 the proposed rule. If the agency modifies a proposed rule under this paragraph, the  
19 agency shall prepare a revised economic impact analysis under s. 227.137 (4).  
20 Following the modification, the agency may continue with the rule-making process  
21 as provided in this subchapter if the revised economic impact analysis prepared by  
22 the agency indicates, and any independent economic impact analysis prepared under  
23 s. 227.137 (4m) or 227.19 (5) (b) 3. subsequent to the agency's modification also  
24 indicates, that \$10,000,000 or more in implementation and compliance costs are not  
25 reasonably expected to be incurred by or passed along to businesses, local

1 governmental units, and individuals over any 2-year period as a result of the  
2 proposed rule.

3 **(3)** This section does not apply to rules promulgated under s. 227.24.

4 **(4)** (a) This section does not apply to a proposed rule of the department of  
5 natural resources relating to air quality if all of the following apply:

6 1. The rule is necessary to comply with an explicit call for a state  
7 implementation plan by the federal environmental protection agency under 42 USC  
8 7410 (a) (1), 42 USC 7411 (c) (1) or (d) (1), or 42 USC 7412 (l) (1).

9 2. Any standard, requirement, or limitation proposed in the rule is consistent  
10 with and no more stringent in substance or form than what is required under the  
11 federal clean air act, 42 USC 7401 to 7671q, and regulations issued by the federal  
12 environmental protection agency under that act.

13 3. The rule proposes to regulate only those emissions or substances explicitly  
14 required to be regulated under a state implementation plan described in subd. 1.

15 (b) If the department of natural resources believes that par. (a) applies to a  
16 proposed rule, the department shall include a statement to that effect in any  
17 economic impact analysis prepared under s. 227.137 for the proposed rule.

18 **SECTION 12.** 227.14 (2) (a) 3m. of the statutes is created to read:

19 227.14 **(2)** (a) 3m. A summary of any public comments and feedback on the  
20 statement of scope of the proposed rule that the agency received at any preliminary  
21 public hearing and comment period held under s. 227.136 and a description of how  
22 and to what extent the agency took those comments and that feedback into account  
23 in drafting the proposed rule.

24 **SECTION 13.** 227.14 (4m) of the statutes is amended to read:

1           227.14 (4m) NOTICE OF SUBMITTAL TO LEGISLATIVE COUNCIL STAFF. On the same  
2 day that an agency submits a proposed rule to the legislative council staff under s.  
3 227.15, the agency shall prepare a written notice of the agency's submittal to the  
4 legislative council staff. The notice shall include a statement of the date on which  
5 the proposed rule has been submitted to the legislative council staff for review, of the  
6 subject matter of the proposed rule, and of whether a public hearing on the proposed  
7 rule is required under s. 227.16, and shall identify the organizational unit within the  
8 agency that is primarily responsible for the promulgation of the rule. The notice  
9 shall also include a statement containing the identifying number of the statement  
10 of scope for the proposed rule assigned under s. 227.135 (3), the date of publication  
11 and issue number of the register in which the statement of scope is published, and  
12 the date of approval of the statement of scope by the individual or body with  
13 policy-making powers over the subject matter of the proposed rule under s. 227.135  
14 (2). The notice shall be approved by the individual or body with policy-making  
15 powers over the subject matter of the proposed rule. The agency shall send an  
16 electronic copy of the notice to the legislative reference bureau, in a format approved  
17 by the legislative reference bureau, for publication in the register. On the same day  
18 that the agency sends the notice to the legislative reference bureau, the agency shall  
19 send a copy of the notice to the secretary of administration.

20           **SECTION 14.** 227.15 (1) of the statutes is amended to read:

21           227.15 (1) SUBMITTAL TO LEGISLATIVE COUNCIL STAFF. Prior to a public hearing  
22 on a proposed rule required under s. 227.16 or, if no such public hearing is required,  
23 prior to notice under s. 227.19, an agency shall submit the proposed rule to the  
24 legislative council staff for review. The proposed rule shall be in the form required  
25 under s. 227.14 (1), and shall include the material required under s. 227.14 (2), (3),

1 and (4), the economic impact analysis required under s. 227.137 (2), and any revised  
2 economic impact analysis required under s. 227.137 (4). An agency may not hold a  
3 public hearing on a proposed rule or give notice under s. 227.19 until after it has  
4 received a written report of the legislative council staff review of the proposed rule  
5 or until after the initial review period of 20 working days under sub. (2) (intro.),  
6 whichever comes first. An agency may give notice of a public hearing prior to receipt  
7 of the legislative council staff report. This subsection does not apply to rules  
8 promulgated under s. 227.24.

9 **SECTION 15.** 227.15 (1m) (bm) of the statutes is amended to read:

10 227.15 (1m) (bm) The economic impact analysis required under s. 227.137 (2)  
11 ~~and~~, any revised economic impact analysis required under s. 227.137 (4), and any  
12 independent economic impact analysis prepared under s. 227.137 (4m).

13 **SECTION 16.** 227.16 (1) of the statutes is amended to read:

14 227.16 (1) ~~Except as provided under sub. (2)~~ In addition to any preliminary  
15 public hearing and comment period held under s. 227.136, all rule making by an  
16 agency shall be preceded by notice and public hearing as provided in ss. 227.17 and  
17 227.18, except as provided in sub. (2).

18 **SECTION 17.** 227.16 (6) of the statutes is renumbered 227.136 (7) and amended  
19 to read:

20 227.136 (7) For the purpose of soliciting public comment, an agency may hold  
21 a hearing on the general subject matter of possible or anticipated rules before  
22 preparing a statement of scope for a proposed rule in draft form. A hearing held  
23 under this subsection does not satisfy the requirement of sub. (1) with respect to the  
24 promulgation of a specific proposed rule relieve the agency from its obligation to

1 comply with a directive under sub. (1) or the requirement to hold a hearing under s.  
2 227.16.

3 **SECTION 18.** 227.17 (1) (intro.) of the statutes is amended to read:

4 227.17 (1) (intro.) If a hearing is required under s. 227.16, the agency shall do  
5 all of the following:

6 **SECTION 19.** 227.17 (3) (eg) of the statutes is created to read:

7 227.17 (3) (eg) Any independent economic impact analysis prepared under s.  
8 227.137 (4m).

9 **SECTION 20.** 227.17 (3) (em) of the statutes is repealed.

10 **SECTION 21.** 227.185 of the statutes is amended to read:

11 **227.185 Approval by governor.** After a proposed rule is in final draft form,  
12 the agency shall submit the proposed rule to the governor for approval. The governor,  
13 in his or her discretion, may approve or reject the proposed rule. If the governor  
14 approves a proposed rule, the governor shall provide the agency with a written notice  
15 of that approval. No proposed rule may be submitted to the legislature for review  
16 under s. 227.19 (2) unless the governor has approved the proposed rule in writing.  
17 The agency shall notify the joint committee for review of administrative rules  
18 whenever it submits a proposed rule for approval under this section.

19 **SECTION 22.** 227.19 (3) (intro.) of the statutes is amended to read:

20 227.19 (3) FORM OF REPORT. (intro.) The report required under sub. (2) shall be  
21 in writing and shall include the proposed rule in the form specified in s. 227.14 (1);  
22 the material specified in s. 227.14 (2), (3), and (4); including any statement,  
23 suggested changes, or other material submitted to the agency by the small business  
24 regulatory review board; a copy of any economic impact analysis prepared by the  
25 agency under s. 227.137 (2); a copy of any revised economic impact analysis prepared

1 by the agency under s. 227.137 (4); a copy of any ~~report prepared by the department~~  
2 ~~of administration under s. 227.137 (6);~~ independent economic impact analysis  
3 prepared under s. 227.137 (4m); a copy of any energy impact report received from the  
4 public service commission under s. 227.117 (2); and a copy of any recommendations  
5 of the legislative council staff. The report shall also include all of the following:

6 **SECTION 23.** 227.19 (3) (c) of the statutes is amended to read:

7 227.19 (3) (c) A list of the persons who appeared or registered for or against the  
8 proposed rule at a public hearing held under s. 227.136 or 227.16.

9 **SECTION 24.** 227.19 (4) (b) 1. (intro.) of the statutes is amended to read:

10 227.19 (4) (b) 1. (intro.) ~~Except as otherwise provided under subds. 1m. and 5.~~  
11 in this paragraph, the committee review period for each committee extends for 30  
12 days after referral of the proposed rule to the committee under sub. (2). If the  
13 chairperson or the cochairpersons of a committee take either of the following actions  
14 within the 30-day period, the committee review period for that committee is  
15 continued for 30 days from the date on which the first 30-day review period would  
16 have expired:

17 **SECTION 25.** 227.19 (5) (b) 1. (intro.) of the statutes is amended to read:

18 227.19 (5) (b) 1. (intro.) ~~Except as otherwise provided in subd. 1m. this~~  
19 paragraph, the review period for the joint committee for review of administrative  
20 rules extends for 30 days after the last referral of a proposed rule and any objection  
21 to that committee, and during that review period that committee may take any action  
22 on the proposed rule in whole or in part permitted under this subsection. The joint  
23 committee for review of administrative rules shall meet and take action in executive  
24 session during that period with respect to any proposed rule or any part of a proposed  
25 rule to which a committee has objected and may meet and take action in executive

1 session during that period with respect to any proposed rule or any part of a proposed  
2 rule to which no committee has objected, except that if the cochairpersons take either  
3 of the following actions within the 30-day period, the joint committee review period  
4 is continued for 30 days from the date on which the first 30-day review period would  
5 have expired:

6 **SECTION 26.** 227.19 (5) (b) 3. of the statutes is created to read:

7 227.19 (5) (b) 3. The joint committee for review of administrative rules, by a  
8 majority vote of a quorum of the committee, may request the preparation of an  
9 independent economic impact analysis for a proposed rule, regardless of whether an  
10 independent economic impact analysis was prepared under s. 227.137 (4m). If the  
11 joint committee for review of administrative rules requests an independent economic  
12 impact analysis under this subdivision, the committee shall request approval by the  
13 committee on senate organization and the committee on assembly organization. If  
14 both the committee on senate organization and the committee on assembly  
15 organization approve the request, the joint committee for review of administrative  
16 rules shall notify the agency proposing the proposed rule and shall contract with a  
17 person that is not an agency to prepare the independent economic impact analysis,  
18 and the review period for the committee is extended to the 10th working day  
19 following receipt by the committee of the completed analysis. The person preparing  
20 the independent economic impact analysis shall comply with s. 227.137 (4m) (c) 1.  
21 to 3. Costs of completing an independent economic impact analysis shall be paid as  
22 follows:

23 a. If the estimate in the independent economic impact analysis of total  
24 implementation and compliance costs under s. 227.137 (3) (b) 1. varies from the  
25 agency's estimate by 15 percent or more or varies from the agency's determination



1 that there will be no implementation or compliance costs, the committee shall assess  
2 the agency that is proposing the proposed rule for the costs of completing the  
3 independent economic impact analysis.

4 b. If the estimate in the independent economic impact analysis of total  
5 implementation and compliance costs under s. 227.137 (3) (b) 1. does not vary from  
6 the agency's estimate by 15 percent or more or is in accord with the agency's  
7 determination that there will be no implementation and compliance costs, the costs  
8 of completing the independent economic impact analysis shall be paid in equal parts  
9 from the appropriation accounts under s. 20.765 (1) (a) and (b).

10 c. Notwithstanding subd. 3. a. and b., if the maximum potential obligation  
11 under the contract for completing the independent economic impact analysis exceeds  
12 \$50,000, the joint committee for review of administrative rules shall submit the  
13 proposed contract to the joint committee on finance for the purpose of determining  
14 the funding source for the costs of completing the independent economic impact  
15 analysis, and the costs of completing the independent economic impact analysis shall  
16 be paid as provided by the joint committee on finance. If the joint committee on  
17 finance does not act to determine the funding source within 90 days, the costs of  
18 completing the independent economic impact analysis shall be paid as provided in  
19 subd. 3. a. and b.

20 **SECTION 27.** 227.19 (5) (d) of the statutes is amended to read:

21 227.19 (5) (d) *Joint committee action.* The joint committee for review of  
22 administrative rules may nonconcur in a committee's objection to a proposed rule or  
23 a part of a proposed rule, concur in a committee's approval of a proposed rule or a part  
24 of a proposed rule, otherwise approve a proposed rule or a part of a proposed rule, or  
25 waive its jurisdiction over a proposed rule or a part of a proposed rule by voting to

1 nonconcur, concur, or approve, or to waive its jurisdiction, during the applicable  
2 review period under par. (b). ~~Except as provided in par. (dm), if~~ If the joint committee  
3 for review of administrative rules objects to a proposed rule or a part of a proposed  
4 rule and invokes this paragraph, an agency may not promulgate the proposed rule  
5 or part of the proposed rule objected to until a bill introduced under par. (e) fails to  
6 be enacted. The joint committee for review of administrative rules may object to a  
7 proposed rule or a part of a proposed rule under this paragraph only for one or more  
8 of the reasons specified under sub. (4) (d).

9 **SECTION 28.** 227.19 (5) (dm) of the statutes is amended to read:

10 227.19 (5) (dm) ~~Rules increasing dwelling construction costs; Indefinite~~  
11 ~~objection; joint committee action.~~ If the joint committee for review of administrative  
12 rules objects to a proposed rule or a part of a proposed rule for a reason specified in  
13 sub. (4) (d) 7. and invokes this paragraph, the ~~department of safety and professional~~  
14 ~~services~~ agency may not promulgate the proposed rule or part of the proposed rule  
15 objected to until a bill introduced under par. (em) is enacted. ~~This paragraph applies~~  
16 ~~notwithstanding that the purpose of the one- and 2-family dwelling code under s.~~  
17 ~~101.60 includes promoting interstate uniformity in construction standards~~ The joint  
18 committee for review of administrative rules may object to a proposed rule or a part  
19 of a proposed rule under this paragraph only for one or more of the reasons specified  
20 under sub. (4) (d). This paragraph does not apply to a proposed rule whose  
21 promulgation has been previously authorized under par. (fm).

22 **SECTION 29.** 227.19 (5) (em) of the statutes is amended to read:

23 227.19 (5) (em) ~~Rules increasing dwelling construction costs; Indefinite~~  
24 ~~objection; bill to authorize promulgation.~~ If the joint committee for review of  
25 administrative rules objects to a proposed rule or a part of a proposed rule under par.

1 (dm), any member of the legislature may introduce a bill to authorize promulgation  
2 of the proposed rule or part of the proposed rule. ~~This paragraph applies~~  
3 ~~notwithstanding that the purpose of the one- and 2-family dwelling code under s.~~  
4 ~~101.60 includes promoting interstate uniformity in construction standards.~~ This  
5 paragraph does not apply to a proposed rule whose promulgation has been previously  
6 authorized under par. (fm).

7 **SECTION 30.** 227.19 (5) (f) (title) of the statutes is amended to read:

8 227.19 (5) (f) (title) *Timely introduction of bills Bills to prevent promulgation;*  
9 *effect.*

10 **SECTION 31.** 227.19 (5) (fm) of the statutes is amended to read:

11 227.19 (5) (fm) ~~Rules increasing dwelling construction costs; timely~~  
12 ~~introduction of bill Indefinite objection; bills to authorize promulgation; effect.~~ If all  
13 bills introduced under par. (em) are defeated, or fail to be enacted in any other  
14 manner, the agency may not promulgate the proposed rule or part of the proposed  
15 rule that was objected to unless subsequent law specifically authorizes its  
16 promulgation. If any of those bills becomes law, the agency may promulgate the  
17 proposed rule or part of the proposed rule that was objected to.

18 **SECTION 32.** 227.19 (6) (b) of the statutes is amended to read:

19 227.19 (6) (b) Upon introduction of the bills under sub. (5) (e) or (g), the  
20 presiding officer of each house of the legislature shall refer the bill introduced in that  
21 house to the appropriate committee, to the calendar scheduling committee or directly  
22 to the calendar. If the committee to which a bill is referred makes no report within  
23 30 days after referral, the bill shall be considered reported without recommendation.  
24 No later than 40 days after referral, or as soon thereafter as is possible if the  
25 legislature is not in a floorperiod 40 days after referral, the bills shall be placed on

1 the calendar of each house of the legislature according to its rule governing the  
2 placement of proposals on the calendar. A bill introduced under this section ~~which~~  
3 that is received in the 2nd house shall be referred, reported and placed on the  
4 calendar in the same manner as an original bill introduced under this section.

5 **SECTION 33.** 227.24 (1) (a) of the statutes is amended to read:

6 227.24 (1) (a) An agency may, except as provided in s. 227. 136 (1), promulgate  
7 a rule as an emergency rule without complying with the notice, hearing, and  
8 publication requirements under this chapter if preservation of the public peace,  
9 health, safety, or welfare necessitates putting the rule into effect prior to the time it  
10 would take effect if the agency complied with the procedures.

11 **SECTION 34.** 227.24 (1) (e) 1d. of the statutes is amended to read:

12 227.24 (1) (e) 1d. Prepare a statement of the scope of the proposed emergency  
13 rule as provided in s. 227.135 (1), obtain approval of the statement as provided in s.  
14 227.135 (2), ~~and~~ send the statement to the legislative reference bureau for  
15 publication in the register as provided in s. 227.135 (3), and hold a preliminary public  
16 hearing and comment period if directed under s. 227.136 (1). If the agency changes  
17 the scope of a proposed emergency rule as described in s. 227.135 (4), the agency shall  
18 prepare and obtain approval of a revised statement of the scope of the proposed  
19 emergency rule as provided in s. 227.135 (4). No state employee or official may  
20 perform any activity in connection with the drafting of a proposed emergency rule  
21 except for an activity necessary to prepare the statement of the scope of the proposed  
22 emergency rule until the governor and the individual or body with policy-making  
23 powers over the subject matter of the proposed emergency rule approve the  
24 statement.

25 **SECTION 35.** 227.24 (4) of the statutes is amended to read:

1           227.24 (4) PUBLIC HEARING. Notwithstanding sub. (1) (a) and (b) and in addition  
2 to any preliminary public hearing and comment period held under sub. (1) (e) 1d., an  
3 agency shall hold a public hearing within 45 days after it promulgates a rule under  
4 sub. (1). If within that 45-day period the agency submits to the legislative council  
5 staff under s. 227.15 a proposed rule corresponding to the rule under sub. (1), it shall  
6 hold a public hearing on both rules within 90 days after promulgation of the rule  
7 under sub. (1), or within 30 days after the agency receives the report on the proposed  
8 rule prepared by the legislative council under s. 227.15 (2), whichever occurs later.

9           **SECTION 36. Initial applicability.**

10           (1) This act first applies to a proposed rule or emergency rule whose statement  
11 of scope is presented for approval under section 227.135 (2) of the statutes on the  
12 effective date of this subsection.

13           **SECTION 37. Effective date.**

14           (1) This act takes effect on the first day of the first month beginning after  
15 publication.

16                           **(END)**