

1985 Senate Bill 94

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1985 Wisconsin Act 182

AN ACT to repeal 13.56 (2) (d) 1 to 6 and (j) 1 to 6, 13.56 (5) (title) and (a), 29.415 (9), 227.0105, 227.011, 227.013 to 227.019, 227.021 to 227.029, 227.031, 227.033, 227.066 (title) and 227.24; to renumber 13.56 (4), 13.56 (5) (b) and (c), 227.012 (title), 227.012 (1) (a) to (d), 227.03, 227.06, 227.064, 227.08, 227.09, 227.10, 227.11, 227.115, 227.12 to 227.14, 227.15, 227.16, 227.17, 227.18 to 227.21, 227.25 and 227.26; to renumber and amend 13.56 (2) (title), (a), (b), (c) and (d) (intro.), 13.56 (2) (e), (f), (g), (h), (i), (j) (intro.) and (k) and (3), 227.012 (1) (intro.) and (2), 227.05, 227.065, 227.066 and 227.07; to amend 87.30 (1) (a), 103.968, 144.448 (3) and 147.07 (1) (a); to repeal and recreate 227.01, 227.02 and 227.22; and to create subchapter I (title) of chapter 227, subchapter II of chapter 227, subchapter III (title) of chapter 227, 13.56 (3), 227.03, 227.15, 227.16, 227.17, 227.18 to 227.21, 227.23, 227.24 (title), (1), (2) (title) and (a), (3) and (4), 227.25, 227.26 (title) and (1), 227.44 (2m) and 990.01 (30m) of the statutes, relating to recodifying and making technical and minor substantive changes in the administrative rule-making process.

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

SECTION 1. 13.56 (2) (title), (a), (b), (c) and (d) (intro.) of the statutes are renumbered 227.26 (2) (title), (a), (b), (c) and (d), and 227.26 (2) (a) to (d), as renumbered, are amended to read:

227.26 (2) (a) *Purpose.* The joint committee for review of administrative rules shall promote adequate and proper rules, statements of general policy and interpretations of statutes by agencies and an understanding upon the part of the public respecting such the rules, statements and interpretations.

(b) *Requirement for promulgation.* If the committee determines that a statement of policy or an interpretation of a statute is meets the definition of a rule, as defined in s. 227.01 (9) and (11), it may direct the agency to promulgate the statement or interpretation

as an emergency rule under s. ~~227.027~~ 227.24 (1) (a) within 30 days ~~of~~ after the committee's action.

(c) *Public hearings.* The committee shall hold a public hearing to investigate any complaint with respect to a rule ~~or portion of a rule~~ if it considers the complaint meritorious and worthy of attention.

(d) *Temporary suspension of rules.* The committee may suspend any rule ~~or portion of a rule~~ by the affirmative vote of at least a majority of the members present vote of a quorum of the committee. A rule ~~or portion thereof~~ may be suspended only on the basis of testimony in relation to that rule ~~or portion thereof~~ received at a public hearing and only for one or more of the ~~following~~ reasons: specified under s. 227.19 (4) (d).

SECTION 2. 13.56 (2) (d) 1 to 6 and (j) 1 to 6 of the statutes are repealed.

SECTION 3. 13.56 (2) (e), (f), (g), (h), (i), (j) (intro.) and (k) and (3) of the statutes are renumbered 227.26 (2) (e), (f), (g), (h), (i), (j) and (k) and (3) and amended to read:

227.26 (2) (e) *Notice*. When the committee suspends a rule ~~or portion of a rule~~, it shall ~~give~~ publish a class 1 notice, under ch. 985, of the suspension in the official state newspaper and ~~such~~ give any other notice as it ~~deems~~ considers appropriate.

(f) *Introduction of bills*. If any rule ~~or portion of a rule~~ is so suspended, the committee shall, within 30 days ~~of after~~ the suspension, ~~place before~~ introduce in each house of the legislature, for consideration at any regular session, a bill to repeal the suspended rule ~~or portion of a rule~~.

(g) *Committee report required*. No bill required by this subsection may be ~~acted upon~~ considered by the legislature until the committee submits a written report on the proposed bill. The report shall ~~accompany the introduced bills required by this subsection,~~ be printed as an appendix to the bills introduced under par. (f). The report shall contain all of the following:

1. An explanation of the issue regarding the suspended rule ~~or a portion of the rule~~ and the factual situation out of which the issue arose;
2. Arguments presented for and against the suspension action at the public hearing held under par. (c);
3. A statement of the action taken by the committee regarding the rule ~~or portion of the rule~~; and
4. A statement and analysis of the grounds upon which the committee relies for suspending the rule ~~or portion of the rule~~.

(h) *Legislative procedure*. Upon the introduction of bills by the committee under this subsection, the presiding officer of each house of the legislature shall refer the bill introduced in ~~his or her~~ that house to the appropriate standing committee, to the calendar scheduling committee or directly to the calendar. ~~If the committee to which a bill is referred to a standing committee and the standing committee makes no report within 30 days after referral, the bill shall be considered reported without recommendation. No later than 40 days after referral, the bills shall be placed on the calendars of the respective houses calendar of each house of the legislature according to the rules of the respective houses its rule governing the placement of proposals on calendars the calendar.~~ A bill introduced under this subsection which is received in the 2nd house shall be referred, reported and placed on the calendar in the same manner as an original bill introduced under this subsection.

(i) (title) *Timely introduction of bills; effect*. If both bills required under this subsection are defeated, or fail ~~enactment to be enacted~~ in any other manner, the rule ~~or portion of a rule shall stand~~ remains in effect and the committee may not suspend it again. If either bill becomes law, the rule ~~or portion of a rule~~ is repealed and may not be promulgated again unless a

subsequent law specifically authorizes such action. This paragraph applies to bills that are introduced on or after the day specified under s. 13.02 (1) for the legislature to convene and before February 1 of an even-numbered year.

(j) *Late introduction of bills; effect*. If the bills required ~~by this subsection under par. (f)~~ are introduced 60 days ~~or less before a time at which any rule or resolution of the legislature provides that no additional legislation may be introduced on or after February 1 of an even-numbered year and before the next regular session of the legislature commences, as provided under s. 13.02 (2), unless either house adversely disposes of either bill, the committee shall reintroduce the bills on the first day of the next regular session of the legislature.~~ In such case If the committee is required to reintroduce the bills, the rule or portion of the rule to which the bills pertain shall remain remains suspended except as provided in par. (i). If either house adversely disposes of either bill, ~~then the rule or portion of the rule shall stand~~ remains in effect and the committee may not suspend it again. In this paragraph, "adversely disposes of" ~~means that one house has voted:~~ has the meaning given under s. 227.19 (5) (g).

(k) *Biennial report*. The committee shall make a biennial report of its activities to the legislature and governor ~~of its activities~~ and include recommendations.

(3) PUBLIC HEARINGS BY STATE AGENCIES. By a majority vote of a majority of its members quorum of the committee, the committee may require any agency, ~~as defined in s. 227.01 (1),~~ issuing rules to hold a public hearing in respect to recommendations made pursuant to under sub. (2) and to report its action to the committee within such the time as specified by the committee. ~~Such~~ The agency shall give publish a class 1 notice, under ch. 985, of the hearing in the official state newspaper and ~~such~~ give any other notice as which the committee directs. The hearing shall be conducted in accordance with s. 227.022 227.18 and shall be held not more than 60 days after receipt of notice of ~~such~~ the requirement.

SECTION 4. 13.56 (3) of the statutes is created to read:

13.56 (3) POWERS AND DUTIES. The committee has the powers and duties specified under ss. 227.19, 227.24 and 227.26.

SECTION 5. 13.56 (4) of the statutes is renumbered 13.56 (2).

SECTION 5m. 13.56 (5) (title) and (a) of the statutes are repealed.

SECTION 6. 13.56 (5) (b) and (c) of the statutes are renumbered 227.24 (2) (b) and (c).

SECTION 7. 29.415 (9) of the statutes is repealed.

SECTION 8. 87.30 (1) (a) of the statutes is amended to read:

87.30 (1) (a) If any county, city or village does not adopt a reasonable and effective flood plain zoning ordinance within one year after hydraulic and engineering data adequate to formulate the ordinance becomes available, the department shall, upon petition of an interested state agency, or a municipality or upon its own motion as soon as practicable and after public hearing, determine and fix by order the limits of any or all flood plains within a county, city or village within which serious damage may occur. Thereafter the department shall as soon as practicable after public hearing adopt a flood plain zoning ordinance applicable to a county, city or village, except that no flood plain zoning ordinance may be enacted unless the hydraulic and engineering studies necessary to determine the floodway or flood plain limits, or both, if both limits are deemed necessary by the department, have been made at state or federal expense. If the department utilizes hydraulic and engineering studies previously completed, the department shall be responsible for ensuring that the studies are reasonable and accurate. Thirty days' notice of all hearings on flood plain determination or zoning before the department shall be given to the county, city or village clerk, the clerks of all towns where lands may be affected and to the department of transportation. Exhibits and testimony shall be a part of the official record. Failure of a county, city or village to adopt a flood plain zoning ordinance for an area where appreciable damage from floods is likely to occur or to adopt an ordinance which will result in a practical minimum of flood damage in an area shall be prima facie proof of the necessity for action specified under this paragraph by the department. The department shall make a decision in writing of insufficiency of any county, city or village flood plain zoning ordinance before adopting an ordinance superseding a county, village or city ordinance. All orders of the department under this subsection which either fix the limits of flood plains or enact local flood plain zoning ordinances shall, when they are in final draft form and before they are issued, be referred to the appropriate standing committees of the legislature, where the procedure under s. ~~227.018~~ 227.19 shall apply. Section 227.15 does not apply to the orders of the department under this section. Orders of the department under this section shall, after becoming effective, be deemed rules for purposes of s. ~~43.56~~ 227.26, and may be suspended by the joint committee for review of administrative rules.

SECTION 9. 103.968 of the statutes is amended to read:

103.968 Council review of rules. The department shall submit every rule which it proposes to promulgate under ss. 103.90 to 103.97 to the council on migrant labor at the same time that the department files notice of its intent to ~~adopt promulgate~~ the rule with the ~~appropriate standing committees~~ presiding officer of each house of the legislature under s. ~~227.018 (1)~~ 227.19 (2). If the council disapproves the

rule within 45 days after the rule is submitted, the department may not ~~adopt promulgate~~ the rule, and, if ~~adopted promulgated~~, the rule is void.

SECTION 10. 144.448 (3) of the statutes is amended to read:

144.448 (3) All rules proposed by the department relating to the subjects specified in this section shall be submitted to the council for review and comment prior to the time the rules are proposed in final draft form by the department. The department shall transmit the written comments of all members of the council submitting written comments with the summary of the proposed rules to the ~~appropriate standing committees~~ presiding officer of each house of the legislature under s. ~~227.018~~ 227.19 (2).

SECTION 11. 147.07 (1) (a) of the statutes is amended to read:

147.07 (1) (a) *List.* The department shall promulgate by rule a list of toxic pollutants or combinations of pollutants subject to this chapter which consists of those toxic pollutants referred to in table 1 of committee print number 95-30 of the committee on public works and transportation of the U.S. house of representatives. After promulgation of this list, the department may revise by rule the list periodically and may add to or remove from the list any pollutant. In revising this list the department shall consider the toxicity of the pollutant, its persistence, degradability, the usual or potential presence in any waters of any organisms affected by the discharge of the toxic pollutant or combination of pollutants, the importance of the affected organism and the nature and extent of the effect of the toxic pollutant on these organisms. A determination by the department under this subsection is subject to ~~judicial review~~ declaratory judgment proceedings under s. ~~227.05~~ 227.40.

SECTION 12. Subchapter I (title) of chapter 227 of the statutes is created to read:

CHAPTER 227
SUBCHAPTER I
GENERAL PROVISIONS
(precedes s. 227.01)

SECTION 13. 227.01 of the statutes, as affected by 1985 Wisconsin Act 29, is repealed and recreated to read:

227.01 Definitions. In this chapter:

(1) "Agency" means a board, commission, committee, department or officer in the state government, except the governor or a military or judicial officer.

(2) "Code", when used without further modification, means the Wisconsin administrative code under s. 35.93.

(3) "Contested case" means an agency proceeding in which the assertion by one party of any substantial interest is denied or controverted by another party and in which, after a hearing required by law, a substantial interest of a party is determined or adversely

affected by a decision or order. There are 3 classes of contested cases as follows:

(a) A "class 1 proceeding" is a proceeding in which an agency acts under standards conferring substantial discretionary authority upon it. "Class 1 proceedings" include rate making, price setting, the granting of a certificate of convenience and necessity, the making, review or equalization of tax assessments and the granting or denial of a license.

(b) A "class 2 proceeding" is a proceeding in which an agency determines whether to impose a sanction or penalty against a party. "Class 2 proceedings" include the suspension or revocation of or refusal to renew a license because of an alleged violation of law. Any proceeding which could be construed to be both a class 1 and a class 2 proceeding shall be treated as a class 2 proceeding.

(c) A "class 3 proceeding" is any contested case not included in class 1 or class 2.

(4) "Hearing examiner" means a person designated under s. 227.43 or 227.46 (1) to preside over a contested case.

(5) "License" includes all or any part of an agency permit, certificate, approval, registration, charter or similar form of permission required by law, except a motor vehicle operator's license issued under ch. 343, a vehicle registration certificate issued under ch. 341, a license required primarily for revenue purposes, a hunting or fishing approval or a similar license where issuance is merely a ministerial act.

(6) "Licensing" means an agency process relating to the granting, denial, renewal, revocation, suspension, annulment, withdrawal or amendment of a license.

(7) "Official of the agency" means a secretary, commissioner or member of a board of an agency.

(8) "Party" means a person or agency named or admitted as a party in a contested case.

(9) "Person aggrieved" means a person or agency whose substantial interests are adversely affected by a determination of an agency.

(10) "Proposed rule" means all or any part of an agency's proposal to promulgate a rule.

(11) "Register" means the Wisconsin administrative register under s. 35.93.

(12) "Revisor" means the revisor of statutes.

(13) "Rule" means a regulation, standard, statement of policy or general order of general application which has the effect of law and which is issued by an agency to implement, interpret or make specific legislation enforced or administered by the agency or to govern the organization or procedure of the agency. "Rule" does not include, and s. 227.10 does not apply to, any action or inaction of an agency, whether it would otherwise meet the definition under this subsection, which:

(a) Concerns the internal management of an agency and does not affect private rights or interests.

(b) Is a decision or order in a contested case.

(c) Is an order directed to a specifically named person or to a group of specifically named persons that does not constitute a general class, and which is served on the person or persons to whom it is directed by the appropriate means applicable to the order. The fact that a named person serves a group of unnamed persons that will also be affected does not make an order a rule.

(d) Relates to the use of highways and is made known to the public by means of signs or signals.

(e) Relates to the construction or maintenance of highways or bridges, except as provided in s. 85.025.

(f) Relates to the curriculum of, admission to or graduation from a public educational institution, as determined by each institution.

(g) Relates to the use of facilities of a public library.

(h) Prorates or establishes priority schedules for state payments under s. 16.53 (10) (a) or temporarily reallocates state moneys under s. 20.002 (11).

(i) Relates to military or naval affairs.

(j) Relates to the form and content of reports, records or accounts of a state, county or municipal officer, institution or agency.

(jL) 1. Relates to the administration of the child support supplement program under s. 46.257.

2. Subdivision 1 does not apply after September 30, 1990.

(jm) 1. Relates to any of the procedures authorized or directed under s. 46.25 (9).

2. Subdivision 1 does not apply after December 31, 1986.

(jo) Relates to any of the procedures authorized or directed under s. 46.25 (9) (b) to (d). This paragraph applies after December 31, 1986.

(k) Relates to expenditures by a state agency, the purchase of materials, equipment or supplies by or for a state agency, or printing or duplicating of materials for a state agency.

(L) Establishes personnel standards, job classifications or salary ranges for state, county or municipal employees in the classified civil service.

(m) Determines water levels.

(n) Fixes or approves rates, prices or charges, unless a statute specifically requires them to be fixed or approved by rule.

(o) Determines the valuation of securities held by an insurer.

(p) Is a statistical plan relating to the administration of rate regulation laws under ch. 625 or 626.

(q) Is a form the content or substantive requirements of which are prescribed by a rule or a statute.

(r) Is a pamphlet or other explanatory material that is not intended or designed as interpretation of legislation enforced or administered by an agency, but which is merely informational in nature.

(s) Prescribes or relates to a uniform system of accounts for any person, including a municipality,

that is regulated by the office of the commissioner of transportation or the public service commission.

(t) Ascertains and determines prevailing hours of labor, wage rates and truck rental rates under s. 103.50 and prevailing wage rates and hours of labor under s. 103.49, except that any action or inaction which ascertains and determines prevailing hours of labor, wage rates and truck rental rates under ss. 103.49 and 103.50 is subject to judicial review under s. 227.40.

(u) Relates to computing or publishing the number of nursing home beds to be added in each health planning area under s. 150.33 (1).

(v) Establishes procedures used for the determination of allocations as charges to agencies under s. 20.865 (1) (f) or (fm).

(w) Establishes rates for the use of a personal automobile under s. 20.916 (4) (a).

(x) Establishes rental policies for state-owned housing approved by the joint committee on finance under s. 16.004 (8).

(y) Prescribes measures to minimize the adverse environmental impact of bridge and highway construction and maintenance.

(z) Defines or lists nonattainment areas under s. 144.371.

(za) Is a manual prepared under s. 227.15 (7) to provide agencies with information on drafting, promulgation and legislative review of rules.

(zb) Establishes a list of substances in groundwater and their categories under s. 160.05.

(zc) Establishes an inventory or a hazard ranking under s. 144.442.

(14) "Working day" means any day except Saturday, Sunday and holidays designated in s. 230.35 (4) (a).

SECTION 14. 227.0105 of the statutes is repealed.

SECTION 15. 227.011 of the statutes is repealed.

SECTION 16. 227.012 (title) of the statutes is renumbered 227.43 (title).

SECTION 17. 227.012 (1) (intro.) and (2) of the statutes are renumbered 227.43 (1) (intro.) and (3) and amended to read:

227.43 (1) (intro.) ~~In this section "hearing examiner" means any person designated under this section to preside over a hearing.~~ The administrator of the division of hearings and appeals in the department of administration shall:

(3) The administrator of the division of hearings and appeals ~~in the department of administration~~ may set the fees to be charged for any services rendered to the department of natural resources by a hearing examiner under this section. The fee shall cover the total cost of the services less any costs covered by the appropriation under s. 20.505 (4) (f).

SECTION 18. 227.012 (1) (a) to (d) of the statutes are renumbered 227.43 (1) (a) to (d).

SECTION 19. 227.013 to 227.019 of the statutes are repealed.

SECTION 20. 227.02 of the statutes is repealed and recreated to read:

227.02 Compliance with other statutes. Compliance with this chapter does not eliminate the necessity of complying with a procedure required by another statute.

SECTION 21. 227.021 to 227.029 of the statutes, as affected by 1985 Wisconsin Act 29, are repealed.

SECTION 22. 227.03 of the statutes is renumbered 227.27.

SECTION 23. 227.03 of the statutes is created to read:

227.03 Application of this chapter. (1) This chapter applies to cases arising under ss. 76.38, 76.39 and 76.48.

(2) Except as provided in s. 108.105, only the provisions of this chapter relating to rules are applicable to matters arising out of s. 40.65 (2), 56.07 (7), 56.21, 66.191, 1981 stats., 101.22 or 144.445, ch. 102, subch. II of ch. 107 or ch. 108 or 949.

(3) Any provision of s. 227.42, 227.44 or 227.49 that is inconsistent with a requirement of title 45 of the code of federal regulations does not apply to hearings held under ch. 49.

(4) The provisions of this chapter relating to contested cases do not apply to proceedings involving the revocation of parole or probation, grant of probation, prison discipline or mandatory release under s. 53.11 or any other proceeding involving the care and treatment of an inmate of a correctional institution.

(5) This chapter does not apply to proceedings of the claims board, except as provided in ss. 775.05 (5), 775.06 (7) and 775.11 (2).

(6) Orders of the elections board under s. 5.06 (6) are not subject to this chapter.

SECTION 24. 227.031 of the statutes is repealed.

SECTION 25. 227.033 of the statutes, as affected by 1985 Wisconsin Act 29, is repealed.

SECTION 26. 227.05 of the statutes is renumbered 227.40, and 227.40 (4) (c), as renumbered, is amended to read:

227.40 (4) (c) Notwithstanding par. (a), if a court finds that an agency did not adequately comply with s. ~~227.016~~ 227.114, the court may not declare the rule invalid on that basis but shall order the agency to comply with ~~these sections~~ that section and to propose any amendments to the rule that are necessary within a time specified by the court. Unless the legislature acts under s. ~~13.56~~ 227.26 (2) to suspend the rule, the rule remains in effect while the agency complies with the order.

SECTION 27. 227.06 of the statutes is renumbered 227.41.

SECTION 28. 227.064 of the statutes is renumbered 227.42.

SECTION 29. 227.065 of the statutes is renumbered 227.43 (2) and amended to read:

227.43 (2) The department of natural resources shall notify the division of hearings and appeals ~~in the department of administration~~ of every pending hearing to which the administrator of the division is required to assign a hearing examiner under ~~s. 227.012 sub. (1)~~ after the department of natural resources is notified that a hearing on the matter is required.

SECTION 30. 227.066 (title) of the statutes is repealed.

SECTION 31. 227.066 of the statutes is renumbered 227.43 (4) and amended to read:

227.43 (4) The department of natural resources shall pay all costs of the services of a hearing examiner assigned to the department under ~~s. 227.012 sub. (1)~~, according to the fee schedule ~~set by the administrator of the division of hearings and appeals in the department of administration under s. 227.012 (2) under sub. (3)~~.

SECTION 32. 227.07 of the statutes is renumbered 227.44, and 227.44 (title), as renumbered, is amended to read:

227.44 (title) Contested cases; notice; parties; hearing; records.

SECTION 33. 227.08 of the statutes is renumbered 227.45.

SECTION 33g. 227.09 of the statutes, as affected by 1985 Wisconsin Act 29, is renumbered 227.46.

SECTION 33r. 227.10 of the statutes is renumbered 227.47.

SECTION 33rm. 227.11 of the statutes is renumbered 227.48.

SECTION 33s. 227.115 of the statutes, as created by 1985 Wisconsin Act 52, is renumbered 227.485.

SECTION 33t. 227.12 to 227.14 of the statutes are renumbered 227.49 to 227.51.

SECTION 34. Subchapter II of chapter 227 of the statutes is created to read.

CHAPTER 227
SUBCHAPTER II
ADMINISTRATIVE RULES

227.10 Statements of policy and interpretations of law; discrimination prohibited. (1) Each agency shall promulgate as a rule each statement of general policy and each interpretation of a statute which it specifically adopts to govern its enforcement or administration of that statute. A statement of policy or an interpretation of a statute made in the decision of a contested case or in an agency decision upon or disposition of a particular matter as applied to a specific set of facts does not render it a rule or constitute specific adoption of a rule and is not required to be promulgated as a rule.

(2) No agency may promulgate a rule which conflicts with state law.

(3) (a) No rule, either by its terms or in its application, may discriminate for or against any person by

reason of sex, race, creed, color, sexual orientation, national origin or ancestry.

(b) A rule may discriminate for or against a person by reason of physical condition or developmental disability as defined in s. 51.01 (5) only if it is strictly necessary to a function of the agency and is supported by data demonstrating that necessity.

(c) Each person affected by a rule is entitled to the same benefits and is subject to the same obligations as any other person under the same or similar circumstances.

(d) No rule may use any term removed from the statutes by chapter 83, laws of 1977.

(e) Nothing in this subsection prohibits the administrator of the division of merit recruitment and selection in the department of employment relations from promulgating rules relating to expanded certification under s. 230.25 (1n).

227.11 Extent to which chapter confers rule-making authority. (1) Except as expressly provided, this chapter does not confer rule-making authority upon or augment the rule-making authority of any agency.

(2) Rule-making authority is expressly conferred as follows:

(a) Each agency may promulgate rules interpreting the provisions of any statute enforced or administered by it, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if it exceeds the bounds of correct interpretation.

(b) Each agency may prescribe forms and procedures in connection with any statute enforced or administered by it, if the agency considers it necessary to effectuate the purpose of the statute, but this paragraph does not authorize the imposition of a substantive requirement in connection with a form or procedure.

(c) Each agency authorized to exercise discretion in deciding individual cases may formalize the general policies evolving from its decisions by promulgating the policies as rules which the agency shall follow until they are amended or repealed. A rule promulgated in accordance with this paragraph is valid only to the extent that the agency has discretion to base an individual decision on the policy expressed in the rule.

(d) An agency may promulgate rules implementing or interpreting a statute that it will enforce or administer after publication of the statute but prior to the statute's effective date. A rule promulgated under this paragraph may not take effect prior to the effective date of the statute that it implements or interprets.

227.114 Rule making; considerations for small business. (1) (a) In this section, "small business" means a business entity, including its affiliates, which is independently owned and operated and not dominant in its field, and which employs fewer than 25 full-time employees or which has gross annual sales of less than \$2,500,000. For purposes of a specific rule, an agency may define small business to include more employees or greater gross annual sales if necessary to adapt the

rule to the needs and problems of small businesses. A "small business" may also be defined in accordance with other standards established by an agency by rule.

(b) Whenever an agency establishes different standards for the definition of "small business" as authorized in par. (a), the standards may apply to either a single rule, a set of rules or every rule promulgated by the agency. In any rule promulgated by an agency establishing different standards for the definition of "small business", the size or segment standards established by the rule shall be objective and, to the maximum extent feasible, uniform with size or segment standards previously established by rules of the agency.

(2) When an agency proposes a rule that may have an effect on small businesses, the agency shall consider each of the following methods for reducing the impact of the rule on small businesses:

(a) The establishment of less stringent compliance or reporting requirements for small businesses.

(b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses.

(c) The consolidation or simplification of compliance or reporting requirements for small businesses.

(d) The establishment of performance standards for small businesses to replace design or operational standards required in the rule.

(e) The exemption of small businesses from any or all requirements of the rule.

(3) The agency shall incorporate into the proposed rule any of the methods specified under sub. (2) which it finds to be feasible, unless doing so would be contrary to the statutory objectives which are the basis for the proposed rule.

(4) In addition to the requirements under s. 227.17, the agency shall provide an opportunity for small businesses to participate in the rule-making process, using one or more of the following methods:

(a) The inclusion in the notice under s. 227.17 of a statement that the rule may have an impact on small businesses.

(b) The direct notification of any small business that may be affected by the rule.

(c) The conduct of public hearings concerning the impact of the rule on small businesses.

(d) The use of special hearing procedures to reduce the cost or complexity of participation in the rule-making process by small businesses.

(5) Prior to the notice required under s. 227.17 (1) (a), the agency shall notify the secretary of development and the small business ombudsman clearinghouse that it proposes to promulgate a rule that will have an effect on small businesses.

(6) When an agency, under s. 227.20 (1), files with the revisor a rule that is subject to this section, the agency shall include with the rule a summary of the analysis prepared under s. 227.19 (3) (e) and a sum-

mary of the comments of the legislative standing committees, if any. If the rule does not require the analysis under s. 227.19 (3) (e), the agency shall include with the rule a statement of the reason for the agency's determination under s. 227.19 (3m). The revisor shall publish the summaries or the statement in the register with the rule.

(7) Each agency shall, during the 5-year period beginning with January 1, 1984, review the current rules of the agency that were in effect prior to that date and shall consider methods of reducing their impact on small businesses as provided under sub. (2). If any method appears feasible, the agency shall propose an amendment to the rule. No review is necessary for any rule that is repealed during the 5-year period.

(8) This section does not apply to:

(a) Rules promulgated under s. 227.24.

(b) Rules that do not affect small businesses directly, including, but not limited to, rules relating to county or municipal administration of state and federal programs.

227.116 Rules to include time period. (1) Each proposed rule submitted to the legislative council under s. 227.15 that includes a requirement for a business to obtain a permit, as defined in s. 560.41 (2), shall specify the number of business days, calculated beginning on the day a permit application is received, within which the agency will review and make a determination on a permit application.

(2) If any existing rule does not comply with sub. (1), the agency that promulgated the rule shall submit to the legislative council a proposed revision of the rule that will bring the rule into compliance with sub. (1).

(1). The legislative council staff's review of the proposed revision is limited to determining whether or not the agency has complied with this subsection.

(3) Subsections (1) and (2) do not apply to a rule if the rule, or a law under which the rule was promulgated, effective prior to November 17, 1983, contains a specification of a time period for review and determination on a permit application.

(4) If an agency fails to review and make a determination on a permit application within the time period specified in a rule or law, for each such failure the agency shall prepare a report and submit it to the permit information center within 5 business days of the last day of the time period specified, setting forth all of the following:

(a) The name of the person who submitted the permit application and the business activity for which the permit is required.

(b) Why the review and determination were not completed within the specified time period and a specification of the revised time period within which the review and determination will be completed.

(c) How the agency intends to avoid such failures in the future.

(5) If an agency fails to review and make a determination on a permit application within the time period

specified in a rule or law, upon completion of the review and determination for that application, the agency shall notify the permit information center.

(6) (a) An agency's failure to review and make a determination on a permit application within the time period specified in a rule or law does not relieve any person from the obligation to secure a required permit nor affect in any way the agency's authority to interpret the requirements of or grant or deny permits.

(b) If a court finds that an agency failed to review and make a determination on a permit application within the time period specified in a rule or law, that finding shall not constitute grounds for declaring the agency's determination invalid.

227.12 Petition for rules. (1) Unless the right to petition for a rule is restricted by statute to a designated group or unless the form of procedure for a petition is otherwise prescribed by statute, a municipality, an association which is representative of a farm, labor, business or professional group, or any 5 or more persons having an interest in a rule may petition an agency requesting it to promulgate a rule.

(2) A petition shall state clearly and concisely:

(a) The substance or nature of the rule making requested.

(b) The reason for the request and the petitioners' interest in the requested rule.

(c) A reference to the agency's authority to promulgate the requested rule.

(3) Within a reasonable period of time after the receipt of a petition under this section, an agency shall either deny the petition in writing or proceed with the requested rule making. If the agency denies the petition, it shall promptly notify the petitioner of the denial, including a brief statement of the reason for the denial. If the agency proceeds with the requested rule making, it shall follow the procedures prescribed in this subchapter.

227.13 Advisory committees and informal consultations. An agency may use informal conferences and consultations to obtain the viewpoint and advice of interested persons with respect to contemplated rule making. An agency also may appoint a committee of experts, interested persons or representatives of the public to advise it with respect to any contemplated rule making. The committee shall have advisory powers only.

227.14 Preparation of proposed rules. (1) **FORM AND STYLE.** In preparing a proposed rule, an agency shall adhere substantially to the form and style used by the legislative reference bureau in the preparation of bill drafts and the form and style specified in the manual prepared by the legislative council staff and the revisor under s. 227.15 (7). To the greatest extent possible, an agency shall prepare proposed rules in plain language which can be easily understood.

(1m) **EXCEPTION; PREPARATION OF CERTAIN ENVIRONMENTAL RULES BASED ON FEDERAL REGULATIONS.** (a) Notwithstanding sub. (1), an agency may use the

format of federal regulations published in the code of federal regulations in preparing a proposed rule for publication or distribution and in preparing a proposed rule for filing if the agency determines that all or part of a state environmental regulatory program is to be administered according to standards, requirements or methods which are identical to standards, requirements or methods specified for all or part of a federal environmental regulatory program.

(b) Notwithstanding sub. (1), an agency may use the format of federal regulations published in the code of federal regulations in preparing a proposed rule for publication or distribution and in preparing a proposed rule for filing if the agency determines that all or part of a state environmental regulatory program is to be administered according to standards, requirements or methods which are similar to standards, requirements or methods specified for all or part of a federal environmental regulatory program.

(2) **ANALYSIS.** (a) An agency shall prepare in plain language an analysis of each proposed rule, which shall be printed with the proposed rule when it is published or distributed. The analysis shall include a reference to each statute that the proposed rule interprets, each statute that authorizes its promulgation, each related statute or related rule and a brief summary of the proposed rule.

(b) If the proposed rule is prepared in the format authorized under sub. (1m), the analysis shall include a reference to the federal regulation upon which it is based. If the proposed rule is prepared in the format authorized under sub. (1m) but differs from the federal regulation as permitted under sub. (1m) (b), the analysis shall specify each portion of the proposed rule that differs from the federal regulation upon which it is based.

(3) **REFERENCE TO APPLICABLE FORMS.** If a proposed rule requires a new or revised form, an agency shall include a reference to the form in a note to the proposed rule and shall attach to the proposed rule a copy of the form or a description of how a copy may be obtained. The revisor shall insert the reference in the code as a note to the rule.

(4) **FISCAL ESTIMATES.** (a) An agency shall prepare a fiscal estimate for each proposed rule before it is submitted to the legislative council staff under s. 227.15.

(b) The fiscal estimate shall include the major assumptions used in its preparation and a reliable estimate of the fiscal impact of the proposed rule, including:

1. The anticipated effect on county, city, village, town, school district, vocational, technical and adult education district and sewerage district fiscal liabilities and revenues.

2. A projection of the anticipated state fiscal effect during the current biennium and a projection of the net annualized fiscal impact on state funds.

(c) If a proposed rule interpreting or implementing a statute has no independent fiscal effect, the fiscal estimate prepared under this subsection shall be based on the fiscal effect of the statute.

(d) If a proposed rule is revised so that its fiscal effect is significantly changed prior to its issuance, an agency shall prepare a revised fiscal estimate before promulgating the rule. The agency shall give notice of a revised fiscal estimate in the same manner that notice of the original estimate is given.

(5) **COPIES AVAILABLE TO THE PUBLIC AT NO COST.** An agency, upon request, shall make available to the public at no cost a copy of any proposed rule, including the analysis, fiscal estimate and any related form.

(6) **WITHDRAWAL OF A RULE.** (a) An agency may withdraw a proposed rule at any time prior to filing under s. 227.20 by notifying the presiding officer of each house of the legislature and the legislative council staff of its intention not to promulgate the proposed rule.

(b) A proposed rule shall be considered withdrawn 3 years after the date of its receipt by the legislative council staff under s. 227.15 (1), unless it has been promulgated or withdrawn earlier by the agency.

SECTION 35. 227.15 of the statutes is renumbered 227.52.

SECTION 36. 227.15 of the statutes is created to read:

227.15 Legislative council staff. (1) **SUBMISSION TO LEGISLATIVE COUNCIL STAFF.** Prior to a public hearing on a proposed rule or, if no public hearing is required, prior to notice under s. 227.19, an agency shall submit the proposed rule to the legislative council staff for review. The proposed rule shall be in the form required under s. 227.14 (1), and shall include the material required under s. 227.14 (2) to (4). An agency may not hold a public hearing on a proposed rule or give notice under s. 227.19 until after it has received a written report of the legislative council staff review of the proposed rule or until after the initial review period of 20 working days under sub. (2) (intro.), whichever comes first. An agency may give notice of a public hearing prior to receipt of the legislative council staff report. This subsection does not apply to rules promulgated under s. 227.24.

(2) **ROLE OF LEGISLATIVE COUNCIL STAFF.** The legislative council staff shall, within 20 working days following receipt of a proposed rule, review the proposed rule in accordance with this subsection. With the consent of the executive secretary of the legislative council, the review period may be extended for an additional 20 working days. The legislative council staff shall act as a clearinghouse for rule drafting and cooperate with the agency and the revisor to:

(a) Review the statutory authority under which the agency intends to promulgate the proposed rule.

(b) Ensure that the promulgation procedures required by this chapter are followed.

(c) Review proposed rules for form, style and placement in the code.

(d) Review proposed rules to avoid conflict with or duplication of existing rules.

(e) Review proposed rules for adequate references to related statutes, rules and forms.

(f) Review proposed rules for clarity, grammar, punctuation and use of plain language.

(g) Review proposed rules to determine potential conflicts and to make comparisons with related federal statutes and regulations.

(h) Review proposed rules for compliance with the requirements of s. 227.116.

(i) Streamline and simplify the rule-making process.

(3) **ASSISTANCE TO COMMITTEES.** The legislative council staff shall work with and assist the appropriate committees of the legislature during the rule-making process. The legislative council staff may include in its report recommendations concerning proposed rules which the agency shall submit with the notice required under s. 227.19 (2).

(4) **NOTICE OF CHANGES IN RULE-MAKING AUTHORITY.** Whenever the rule-making authority of an agency is eliminated or significantly changed by the repeal, amendment or creation of a statute, by the interpretive decision of a court of competent jurisdiction or for any other reason, the legislative council staff shall notify the joint committee for review of administrative rules and the appropriate committees of each house of the legislature as determined by the presiding officer of each house. This subsection applies whether or not the rules of the agency are under review by the legislative council staff at the time of the change in rule-making authority.

(5) **ANNUAL REPORT.** The legislative council staff shall submit an annual report to the legislature and governor summarizing any action taken and making recommendations to streamline the rule-making process and eliminate obsolete, duplicative and conflicting rules.

(6) **PUBLIC LIAISON.** The legislative council staff shall assist the public in resolving problems related to rules. The assistance shall include but is not limited to providing information, identifying agency personnel who may be contacted in relation to rule-making functions, describing the location where a copy of a rule, proposed rule or form is available and encouraging and assisting participation in the rule-making process.

(7) **RULES PROCEDURES MANUAL.** The legislative council staff and the revisor's bureau shall prepare a manual to provide agencies with information on drafting, promulgation and legislative review of rules.

SECTION 37. 227.16 of the statutes is renumbered 227.53.

SECTION 38. 227.16 of the statutes is created to read:

227.16 When hearings required. (1) Except as provided under sub. (2), all rule making by an agency shall be preceded by notice and public hearing as provided in ss. 227.17 and 227.18.

(2) Subsection (1) does not apply if any of the following conditions exist:

(a) The proposed rule is procedural rather than substantive.

(b) The proposed rule brings an existing rule into conformity with a statute that has been changed or enacted or with a controlling judicial decision.

(c) The proposed rule is promulgated under s. 227.24, in which case the agency shall hold a hearing under s. 227.24 (4).

(d) The proposed rule is being promulgated at the direction of the joint committee for review of administrative rules under s. 227.26 (2) (b).

(e) The proposed rule and the fiscal estimate required under s. 227.14 (4) are published in the notice section of the register with a statement that the proposed rule will be promulgated without public hearing unless a petition is received by the agency within 30 days after publication of the notice, signed by any of the following:

1. Twenty-five natural persons who will be affected by the proposed rule.

2. A municipality that will be affected by the proposed rule.

3. An association which is representative of a farm, labor, business or professional group that will be affected by the proposed rule.

(3) If the agency receives a petition under sub. (2) (e), it may not proceed with the proposed rule until after it has given notice and held a public hearing under ss. 227.17 and 227.18.

(4) The exemptions in sub. (2) do not apply if another statute specifically requires the agency to hold a hearing prior to promulgating the proposed rule under consideration.

(5) If a hearing is not required because of an exemption under sub. (2), the agency may hold a hearing on the proposed rule under ss. 227.17 and 227.18.

(6) For the purpose of soliciting public comment, an agency may hold a hearing on the general subject matter of possible or anticipated rules before preparing a proposed rule in draft form. A hearing held under this subsection does not satisfy the requirement of sub. (1) with respect to the promulgation of a specific proposed rule.

SECTION 39. 227.17 of the statutes is renumbered 227.54.

SECTION 40. 227.17 of the statutes is created to read:

227.17 Notice of hearing. (1) If a hearing is required, the agency shall:

(a) Send written notice of the hearing to the revisor for publication in the register and, if required, publish the notice in a local newspaper.

(b) Send written notice of the hearing to each member of the legislature who has filed a written request for notice with the revisor. Upon request, the revisor shall furnish an agency with the name and address of each legislator who has requested notice.

(c) Take any action it considers necessary to provide notice to other interested persons.

(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 first or 15th day of the month following publication or, if applicable, on the date prescribed under s. 227.22 (3).

(3) The notice under sub. (1) shall include:

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

(b) Either the text of the proposed rule in the form specified in s. 227.14 (1), or an informative summary of the effect of the proposed rule. If the agency chooses to publish an informative summary rather than the full text of a proposed rule, the notice shall include a description of how a copy of the text may be obtained from the agency at no charge.

(c) A reference to the statutory authority under which the agency proposes to promulgate the proposed rule and to any statute which the proposed rule interprets.

(d) An analysis of the proposed rule.

(e) The fiscal estimate required under s. 227.14 (4), or a summary of the fiscal estimate and a description of how a copy of the full fiscal estimate may be obtained from the agency at no charge.

(f) If the proposed rule will have an effect on small businesses, as defined under s. 227.114 (1), an initial regulatory flexibility analysis, which shall contain a description of the types of small businesses that will be affected by the rule, a brief description of the proposed reporting, bookkeeping and other procedures required for compliance with the rule and a description of the types of professional skills necessary for compliance with the rule.

(g) Any additional matter required by statute.

(4) An agency may modify a proposed rule prior to a hearing without providing additional notice under this section if the modification is germane to the subject matter of the proposed rule.

(5) Failure of any person to receive notice of a hearing on proposed rule making is not grounds for invalidating the resulting rule if notice of the hearing was published as provided in sub. (1) (a).

SECTION 41. 227.18 to 227.21 of the statutes are renumbered 227.55 to 227.58.

SECTION 42. 227.18 to 227.21 of the statutes are created to read:

227.18 Conduct of hearings. (1) An agency shall hold a public hearing at the date, time and place designated in the notice of hearing. The person conducting the hearing shall:

(a) Explain the purpose of the hearing and describe how testimony will be received.

(b) At the beginning of the hearing, present a summary of the factual information on which the proposed rule is based, including any information obtained from an advisory committee, informal conference or consultation.

(c) Afford each interested person or a representative the opportunity to present facts, opinions or arguments in writing, whether or not there is an opportunity to present them orally.

(d) Keep a record of the hearing in a manner the agency considers desirable and feasible.

(2) The person conducting the hearing may:

(a) Limit oral presentations if the hearing would be unduly lengthened by repetitious testimony.

(b) Question or allow others present to question the persons appearing.

(c) Administer an oath or affirmation to any person appearing.

(d) Continue or postpone the hearing to a specified date, time and place.

(3) (a) If the agency officer or a quorum of the board or commission responsible for promulgating the proposed rule is not present at the hearing, the procedures in this subsection apply.

(b) At the beginning of the hearing, the person conducting it shall inform those present that any person who presents testimony at the hearing may present his or her argument to the agency officer, board or commission prior to promulgation of the proposed rule if the request to do so is made in writing at the hearing.

(c) If required by the agency officer, board or commission, an argument shall be presented to the agency officer, board or commission may impose reasonable limitations on the length and number of appearances to conserve time and preclude undue repetition.

(d) If a record of the hearing has been made, arguments before the agency officer, board or commission shall be limited to the record of the hearing.

(4) The procedures required by this section do not supersede procedures required by any statute relating to a specific agency or to the rule or class of rules under consideration.

227.19 Legislative review prior to promulgation. (1) STATEMENT OF PURPOSE; RULE-MAKING POWERS. (a) Article IV of the constitution of this state vests in the legislature the power to make laws, and thereby to establish agencies and to designate agency functions, budgets and purposes. Article V of the constitution of this state charges the executive with the responsibility to expedite all measures which may be resolved upon by the legislature.

(b) The legislature recognizes the need for efficient administration of public policy. In creating agencies and designating their functions and purposes, the legislature may delegate rule-making authority to these

agencies to facilitate administration of legislative policy. The delegation of rule-making authority is intended to eliminate the necessity of establishing every administrative aspect of general public policy by legislation. In so doing, however, the legislature reserves to itself:

1. The right to retract any delegation of rule-making authority.

2. The right to establish any aspect of general policy by legislation, notwithstanding any delegation of rule-making authority.

3. The right and responsibility to designate the method for rule promulgation, review and modification.

4. The right to delay or suspend the implementation of any rule or proposed rule while under review by the legislature.

(2) NOTIFICATION OF LEGISLATURE. An agency shall submit a notice to the presiding officer of each house of the legislature when a proposed rule is in final draft form. The notice shall be submitted in triplicate and shall be accompanied by a report in the form specified under sub. (3). A notice received under this subsection on or after November 1 of an even-numbered year shall be considered received on the first day of the next regular session of the legislature. Each presiding officer shall, within 7 working days following the day on which the notice and report are received, refer them to one committee, which may be either a standing committee or a joint legislative committee created by law, except the joint committee for review of administrative rules. The agency shall submit to the revisor for publication in the register a statement that a proposed rule has been submitted to the presiding officer of each house of the legislature. Each presiding officer shall enter a similar statement in the journal of his or her house.

(3) FORM OF REPORT. The report required under sub. (2) shall be in writing and shall include the proposed rule in the form specified in s. 227.14 (1), the material specified in s. 227.14 (2) to (4), a copy of any recommendations of the legislative council staff and an analysis. The analysis shall include:

(a) A statement explaining the need for the proposed rule.

(b) An explanation of any modification made in the proposed rule as a result of testimony received at a public hearing.

(c) A list of the persons who appeared or registered for or against the proposed rule at a public hearing.

(d) A response to the legislative council staff recommendations under s. 227.15 indicating:

1. Acceptance of the recommendations in whole or in part.

2. Rejection of the recommendations in whole or in part.

3. The specific reason for rejecting any recommendation.

(e) Except as provided under sub. (3m), for all proposed rules that will have an effect on small businesses, as defined under s. 227.114 (1), a final regulatory flexibility analysis, which shall contain as much information about the following as the agency can feasibly obtain and analyze with its existing staff and resources:

1. The agency's reason for including or failing to include in the proposed rule any of the methods specified under s. 227.114 (2) for reducing its impact on small businesses.

2. A summary of issues raised by small businesses during the hearings on the proposed rule, any changes in the proposed rule as a result of alternatives suggested by small businesses and the reasons for rejecting any alternatives suggested by small businesses.

3. The nature of any reports and the estimated cost of their preparation by small businesses that must comply with the rule.

4. The nature and estimated cost of other measures and investments that will be required of small businesses in complying with the rule.

5. The additional cost, if any, to the agency of administering or enforcing a rule which includes any of the methods specified under s. 227.114 (2).

6. The impact on public health, safety and welfare, if any, caused by including in the rule any of the methods specified under s. 227.114 (2).

(3m) ANALYSIS NOT REQUIRED. The final regulatory flexibility analysis specified under sub. (3) (f) is not required for any rule if the agency, after complying with s. 227.114 (1) to (5), determines that the rule will not have a significant economic impact on a substantial number of small businesses.

(4) COMMITTEE REVIEW. (a) *Notice of referral.* Upon receipt of notice that a proposed rule has been referred to a committee under sub. (2), the chairperson or chairpersons of the committee shall notify, in writing, each committee member of the referral.

(am) *Committee meeting.* A committee may be convened upon the call of its chairperson or cochairpersons to review a proposed rule. A committee may meet separately or jointly with the other committee to which the notice and report were referred. A committee may hold a public hearing to review a proposed rule.

(b) *Committee review period.* 1. Except as provided under subd. 5, the committee review period for each committee extends for 30 days after referral under sub. (2). If the chairperson or the cochairpersons of a committee take either of the following actions within the 30-day period, the committee review period for that committee is continued for 30 days from the date the first action is taken:

a. Request in writing that the agency meet with the committee to review the proposed rule. The continuation of the review period begins on the date the request is sent to the agency.

b. Publish or post notice that the committee will hold a meeting or hearing to review the proposed rule and immediately send a copy of the notice to the agency. The continuation of the review period begins on the date the notice is published or posted, whichever is earlier.

2. If a committee, by a majority vote of a quorum of the committee, recommends modifications in a proposed rule, and the agency, in writing, agrees to make modifications, the review period for both committees is extended either to the 10th day following receipt by the committees of the modified proposed rule or to the expiration of the review period under subd. 1, whichever is later. There is no limit either on the number of modification agreements that may be entered into or on the time within which modifications may be made.

3. An agency may, on its own initiative, submit a germane modification to a proposed rule to a committee during its review period. If a modification is submitted within the final 10 days of a committee review period, the review period for both committees is extended for 10 days. If a modification is submitted to a committee after the committee in the other house has concluded its jurisdiction over the proposed rule, the jurisdiction of the committee of the other house is revived for 10 days.

4. An agency may modify a proposed rule following the committee review period if the modification is germane to the subject matter of the proposed rule. If a germane modification is made, the agency shall recall the proposed rule from the chief clerk of each house of the legislature. The proposed rule, with the modification, shall be resubmitted to the presiding officer in each house of the legislature as provided in sub. (2) and the committee review period shall begin again. Following the committee review period, an agency may not make any modification that is not germane to the subject matter of the proposed rule.

5. If a committee in one house votes to object to a proposed rule under par. (d), the chairperson or cochairpersons of the committee shall immediately notify the chairperson or cochairpersons of the committee to which the proposed rule was referred in the other house. Upon receipt of the notice, the review period for the committee in the other house immediately ceases and no further action on the proposed rule may be taken under this paragraph, but the committee may proceed under par. (d) to object to the proposed rule.

(c) *Agency not to promulgate rule during committee review.* An agency may not promulgate a proposed rule during the committee review period unless both committees waive jurisdiction over the proposed rule prior to the expiration of the review period. A committee may waive its jurisdiction by adopting, by a majority vote of a quorum of the committee, a motion waiving the committee's jurisdiction. The committee shall report its action in writing to the joint committee

for review of administrative rules within 2 working days after the waiver action.

(d) *Committee action.* A committee, by a majority vote of a quorum of the committee during the review period under par. (b), may object to a proposed rule for one or more of the following reasons:

1. An absence of statutory authority.
2. An emergency relating to public health, safety or welfare.
3. A failure to comply with legislative intent.
4. A conflict with state law.
5. A change in circumstances since enactment of the earliest law upon which the proposed rule is based.
6. Arbitrariness and capriciousness, or imposition of an undue hardship.

(e) *Part of a proposed rule.* An agency may promulgate any part of a proposed rule which is not objected to by a committee.

(5) JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES. (a) *Referral.* If a committee objects to a proposed rule, the committee shall report the proposed rule and the objection to the presiding officer of the appropriate house within 2 working days after making the objection. The presiding officer shall refer the proposed rule and the objection to the joint committee for review of administrative rules within 5 working days after receiving the committee report.

(b) *Joint committee review period.* 1. The review period for the joint committee for review of administrative rules extends for 30 days after a proposed rule and objection are referred to it. The joint committee for review of administrative rules shall meet and take action in executive session during that period, except that if the cochairpersons take either of the following actions within the 30-day period, the joint committee review period is continued for 30 days from the date the first action is taken:

a. Request in writing that the agency meet with the joint committee for review of administrative rules to review the proposed rule. The continuation of the review period begins on the date the request is sent to the agency.

b. Publish or post notice that the joint committee for review of administrative rules will hold a meeting or hearing to review the proposed rule and immediately send a copy of the notice to the agency. The continuation of the review period begins on the date the notice is published or posted, whichever is earlier.

2. If the joint committee for review of administrative rules, by a majority vote of a quorum of the committee, recommends modifications in a proposed rule, and the agency, in writing, agrees to make modifications, the review period for the joint committee for review of administrative rules is extended either to the 10th day following receipt by the joint committee of the modified proposed rule or to the expiration of the review period under subd. 1, whichever is later. There is no limit either on the number of modification agree-

ments that may be entered into or on the time within which modifications may be made.

3. If both committees object to a proposed rule, each objection has a separate review period beginning on the date of its receipt.

(c) *Agency not to promulgate rule during joint committee review.* An agency may not promulgate a proposed rule to which a committee has objected unless the joint committee for review of administrative rules, under par. (d), nonconcur in the action of the committee, or until a bill introduced under par. (e) fails to be enacted. An agency may promulgate any part of a proposed rule to which no objection has been made.

(d) *Joint committee action.* The joint committee for review of administrative rules may nonconcur in a committee's objection to a proposed rule by voting to nonconcur during the review period under par. (b). If the joint committee for review of administrative rules objects to a proposed rule, an agency may not promulgate the proposed rule until a bill introduced under par. (e) fails to be enacted. The joint committee for review of administrative rules may object to a proposed rule only for one or more of the reasons specified under sub. (4) (d).

(e) *Bills to prevent promulgation.* When the joint committee for review of administrative rules objects to a proposed rule it shall, within 30 days of the date of the objection, introduce in each house of the legislature, for consideration at any regular session, a bill to support the objection. Within 10 working days after introduction, the presiding officer of each house of the legislature shall refer the bill to the appropriate standing committee.

(f) *Timely introduction of bills; effect.* If both bills required under par. (e) are defeated, or fail to be enacted in any other manner, the agency may promulgate the proposed rule that was objected to. If either bill becomes law, the agency may not promulgate the proposed rule that was objected to unless a subsequent law specifically authorizes its promulgation. This paragraph applies to bills introduced on or after the day specified under s. 13.02 (1) for the legislature to convene and before February 1 of an even-numbered year.

(g) *Late introduction of bills; effect.* If the bills required under par. (e) are introduced on or after February 1 of an even-numbered year and before the next regular session of the legislature commences, as provided under s. 13.02 (2), the joint committee for review of administrative rules shall reintroduce the bills on the first day of the next regular session of the legislature, unless either house adversely disposes of either bill. If the joint committee for review of administrative rules is required to reintroduce the bills, the agency may not promulgate the proposed rule to which the bills pertain except as provided in par. (f). If either house adversely disposes of either bill, the agency may promulgate the proposed rule that was objected to. In this paragraph, "adversely disposes

of" means that one house has voted in one of the following ways:

1. To indefinitely postpone the bill.
2. To nonconcur in the bill.
3. Against ordering the bill engrossed.
4. Against ordering the bill to a 3rd reading.
5. Against passage.
6. Against concurrence.

(6) **PROMULGATION PREVENTION PROCEDURE.** (a) The legislature may not consider a bill required by sub. (5) (e) until the joint committee for review of administrative rules has submitted a written report on the bill. The report shall be printed as an appendix to each bill and shall contain:

1. An explanation of the issue involving the proposed rule objected to and the factual situation out of which the issue arose.
2. Arguments presented for and against the proposed rule at the executive session held under sub. (5) (b).
3. A statement of the action taken by the joint committee for review of administrative rules regarding the proposed rule.
4. A statement and analysis of the grounds upon which the joint committee for review of administrative rules relies for objecting to the proposed rule.

(b) Upon introduction of the bills under sub. (5), the presiding officer of each house of the legislature shall refer the bill introduced in that house to the appropriate committee, to the calendar scheduling committee or directly to the calendar. If the committee to which a bill is referred makes no report within 30 days after referral, the bill shall be considered reported without recommendation. No later than 40 days after referral, the bills shall be placed on the calendar of each house of the legislature according to its rule governing the placement of proposals on the calendar. A bill introduced under this section which is received in the 2nd house shall be referred, reported and placed on the calendar in the same manner as an original bill introduced under this section.

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

227.20 Filing of rules. (1) An agency shall file a certified copy of each rule it promulgates in the office of the secretary of state and in the office of the revisor. No rule is valid until the certified copies have been filed. A certified copy shall be typed or duplicated on 8 1/2 by 11 inch paper, leaving sufficient room for the secretary of state's stamp at the top of the first page. Forms that are filed need not comply with the specifications of this subsection.

(2) The secretary of state shall endorse the date and the time of filing on each certified copy filed under sub. (1). The secretary of state shall keep a permanent file of all certified copies filed under sub. (1).

(3) Filing a certified copy of a rule with the secretary of state creates a presumption of all of the following:

(a) That the rule was duly promulgated by the agency.

(b) That the rule was filed and made available for public inspection on the date and time endorsed on it.

(c) That all of the rule-making procedures required by this chapter were complied with.

(d) That the text of the certified copy of the rule is the text as promulgated by the agency.

227.21 Publication of rules. (1) All rules that agencies are directed by this chapter to file with the revisor shall be published in the code and register as required under s. 35.93.

(2) (a) To avoid unnecessary expense, an agency may, with the consent of the revisor and the attorney general, adopt standards established by technical societies and organizations of recognized national standing by incorporating the standards in its rules by reference to the specific issue or issues of the publication in which they appear, without reproducing the standards in full.

(b) The revisor and the attorney general shall consent to incorporation by reference only in a rule of limited public interest and in a case where the incorporated standards are readily available in published form. Each rule containing an incorporation by reference shall state how the material incorporated may be obtained and that the standards are on file at the offices of the agency, the secretary of state and the revisor.

(3) A rule promulgated jointly by 2 or more agencies need not be published in more than one place in the code.

(4) Agency materials that are exempt from the requirements of this chapter under s. 227.01 (13) may be published, either verbatim or in summary form, if the promulgating agency and the revisor determine that the public interest would be served by publication.

SECTION 43. 227.22 of the statutes, as affected by 1985 Wisconsin Act 17, is repealed and recreated to read:

227.22 Effective date of rules. (1) In this section, "date of publication" means the first date on which an issue of the register is mailed to any person entitled under s. 35.84 to receive it.

(2) A rule is effective on the first day of the month commencing after the date of publication unless one of the following occurs:

(a) The statute under which the rule was promulgated prescribes a different effective date for the rule.

(b) A later date is prescribed by the agency in a statement filed with the rule.

(c) The rule is promulgated under s. 227.24, in which case it becomes effective at the time prescribed in that section.

(d) The date of publication of the issue of the register in which the rule is printed occurs after the date designated under s. 35.93 (3) for publication of the register, in which case the rule becomes effective as provided in sub. (3).

(3) The revisor may prescribe in the manual prepared under s. 227.15 (7) the monthly date prior to which a rule must be filed in order to be included in that month's issue of the register. The revisor shall compute the effective date of each rule submitted for publication in the register and shall publish it in a note at the end of each section. For the purpose of computing the effective date, the revisor may presume that an issue of the register will be published during the month in which it is designated for publication.

(4) If an issue of the register or the notice section of the register is published after the date designated under s. 35.93 (3) for its publication, the department of administration shall stamp the date of publication on the title page of each copy of that issue. A rule or notice contained in that issue of the register is not effective earlier than the day following the date stamped on the title page.

SECTION 44. 227.23 of the statutes is created to read:

227.23 Forms. A form imposing a requirement which meets the definition of a rule shall be treated as a rule for the purposes of this chapter, except that:

(1) Its promulgation need not be preceded by notice and public hearing.

(2) It need not be promulgated by the board or officer charged with ultimate rule-making authority but may be promulgated by any employe of the agency authorized by the board or officer.

(3) It need not be published in the code and register in its entirety, but may be listed by title or description together with a statement as to how it may be obtained.

SECTION 45. 227.24 of the statutes is repealed.

SECTION 46. 227.24 (title), (1), (2) (title) and (a), (3) and (4) of the statutes are created to read:

227.24 (title) Certain rules exempted from requirements. (1) **PROMULGATION.** (a) An agency may promulgate a rule as an emergency rule without complying with the notice, hearing and publication requirements under this chapter if preservation of the public peace, health, safety or welfare necessitates putting the rule into effect prior to the time it would take effect if the agency complied with the procedures.

(b) An agency acting under s. 186.012 (4), 215.02 (18) or 220.04 (8) may promulgate a rule without complying with the notice, hearing and publication procedures under this chapter.

(c) A rule promulgated under par. (a) takes effect upon publication in the official state newspaper or on any later date specified in the rule and, except as provided under sub. (2), remains in effect only for 150 days.

(d) A rule promulgated under par. (b) takes effect upon publication in the official state newspaper or on any later date specified in the rule and remains in effect for one year or until it is suspended or the proposed rule corresponding to it is objected to by the joint committee for review of administrative rules, whichever is sooner. If a rule under par. (b) is suspended or a proposed rule under s. 186.012 (4), 215.02 (18) or 220.04 (8) is objected to by the joint committee for review of administrative rules, any person may complete any transaction entered into or committed to in reliance on that rule and shall have 45 days to discontinue other activity undertaken in reliance on that rule.

(2) (title) **EXTENSION.** (a) At the request of an agency, the joint committee for review of administrative rules may, at any time prior to the expiration date of a rule promulgated under sub. (1) (a), extend the rule's effective period for a period specified by the committee not to exceed 60 days. Any number of extensions may be granted under this paragraph, but the total period for all extensions may not exceed 120 days.

(3) **FILING.** An agency shall file a rule promulgated under sub. (1) as provided in s. 227.22, shall mail a copy to each member of the legislature and shall take any other step it considers feasible to make the rule known to persons who will be affected by it. The revisor shall insert in the notice section of each issue of the register a brief description of each rule under sub. (1) that is currently in effect. Each copy, notice or description of a rule promulgated under sub. (1) (a) shall be accompanied by a statement of the emergency finding by the agency or by a statement that the rule is promulgated at the direction of the joint committee for review of administrative rules under s. 227.26 (2) (b).

(4) **PUBLIC HEARING.** Notwithstanding sub. (1) (a) and (b), an agency shall hold a public hearing within 45 days after it promulgates a rule under sub. (1). If within that 45-day period the agency submits to the legislative council staff under s. 227.15 a proposed rule corresponding to the rule under sub. (1), it shall hold a public hearing on both rules within 90 days after promulgation of the rule under sub. (1), or within 30 days after the agency receives the report on the proposed rule prepared by the legislative council under s. 227.15 (2), whichever occurs later.

SECTION 47. 227.25 of the statutes is renumbered 227.59.

SECTION 48. 227.25 of the statutes is created to read:

227.25 Revisor. (1) The revisor shall, in cooperation with the legislative council staff under s. 227.15 (7), prepare a manual informing agencies about the form, style and placement of rules in the code.

(2) The revisor shall, upon request, furnish an agency with advice and assistance on the form and mechanics of rule drafting.

(3) An agency may request an advance commitment as to the title or numbering of a proposed rule by submitting a copy of the proposed rule indicating the requested title and numbering to the revisor prior to filing. As soon as possible after that, the revisor shall either approve the request or inform the agency of any change necessary to preserve uniformity in the code. If the title or numbering of a rule is revised, the revisor shall verify that a certified copy of the revised version has been filed with the secretary of state.

(4) The revisor may, prior to publication, edit the analysis of a proposed rule and any other material submitted for publication in the code and register, may refer to the fact that those materials are on file or may eliminate them and any reference to them in the code and register if he or she believes they do not appreciably add to an understanding of the rule. The revisor shall submit the edited version of any material to the agency for its comments prior to publication.

SECTION 49. 227.26 of the statutes is renumbered 227.60.

SECTION 50. 227.26 (title) and (1) of the statutes are created to read:

227.26 (title) Legislative review after promulgation; joint committee for review of administrative rules. (1) **DEFINITION.** In this section, "rule" means all or any part of a rule which has taken effect as provided under s. 227.22 (2).

SECTION 51. Subchapter III (title) of chapter 227 of the statutes is created to read:

CHAPTER 227
SUBCHAPTER III
ADMINISTRATIVE ACTIONS AND
JUDICIAL REVIEW
(precedes s. 227.40)

SECTION 52. 227.44 (2m) of the statutes is created to read:

SECTION 56. **Program responsibility changes.** In the sections of the statutes listed in Column A, the program responsibilities references shown in Column B are deleted and the program responsibilities references shown in Column C are inserted:

A	B	C
Statute Sections	References Deleted	References Inserted
14.361	none	227.20
15.101 (intro.)	227.026 (3)	227.22 (4)
15.101 (9)	227.012	227.43
15.251 (intro.)	227.025, 227.26	227.21 (2), 227.60

SECTION 57. **Cross-reference changes.** In the sections of the statutes listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in Column C:

A	B	C
Statute Sections	Old Cross-References	New Cross-References
5.06 (9)	227.20	227.57
11.31 (9)	227.027	227.24
13.56 (2), as renumbered	227.05 (5)	227.40 (5)
13.565	227.018 (2)	227.19 (2)

227.44 (2m) Any person whose substantial interest may be affected by the decision following the hearing shall, upon the person's request, be admitted as a party.

SECTION 53. 990.01 (30m) of the statutes is created to read:

990.01 (30m) **PROMULGATE.** "Promulgate", when used in connection with a rule, as defined under s. 227.01 (13), means to repeal; renumber; consolidate, renumber and amend; renumber and amend; amend; repeal and recreate; or create.

SECTION 54. **Nonstatutory provisions.** Any proposed rule submitted to the legislative council staff under section 227.029, 1983 stats., before the day after publication of this act shall be considered withdrawn 3 years after the date of its receipt by the legislative council staff, unless it has been promulgated or withdrawn earlier by the agency that submitted it.

SECTION 55. **Terminology changes.** (1) **ADOPT.** Wherever the term "adopt", "adopting" or "adopted" appears in the following sections of the statutes, the term "promulgate", "promulgating" or "promulgated", respectively, is substituted: 35.93 (4), 227.24 (2) (b) 2 and (c), as renumbered, 227.40 (4) (a), as renumbered, and 227.44 (8), as renumbered.

(2) **CODE.** Wherever the term "Wisconsin administrative code" appears in the following section of the statutes, the term "code" is substituted: 227.27 (2), as renumbered.

(3) **REVISOR.** Wherever the term "revisor of statutes" appears in the following section of the statutes, the term "revisor" is substituted: 227.27 (2), as renumbered.

(4) **RULE-MAKING ORDER.** Wherever the term "rule-making order" appears in the following section of the statutes, the term "proposed rule" is substituted: 163.10.

13.63 (2)	227.064	227.42
13.70 (1)(e)	227.017	227.13
13.91 (1)(c)	227.029	227.15
13.93 (2)(i)	35.93 and 227.028	35.93, 227.15 (7) and 227.25
13.93 (2m)(d)	227.018 to 227.027 and 227.029	227.114, 227.116 and 227.14 to 227.24
18.03 (2)(b)	227.014 (2)(a)	227.11 (2)(a)
19.52 (4) and (5)	227.09 (1)	227.46 (1)
19.54 (1)	227.12	227.49
20.865 (1)(a), (g) and (q), as affected by 1985 Wis. Act 52	227.115	227.485
28.11 (13)	227.15 to 227.21	227.52 to 227.58
29.174 (4a)	227.027	227.24
30.27 (2)	227.027	227.24
31.253 (3)	227.064	227.42
35.93 (4)	227.018 (2)	227.19 (2)
35.93 (4)	227.019	227.14 (4)
35.93 (4)	227.02 (1)(e)	227.16 (2)(e)
36.25 (20)	227.01 (11)(f)	227.01 (13)(f)
39.32 (11)(b)	227.064	227.42
39.32 (11)(b)	227.10	227.47
40.08 (12)	227.15	227.52
40.63 (5) and (9)(d)	227.07	227.44
43.09 (2)(a)	227.021	227.17
46.043 (2)	227.09 (1)	227.46 (1)
46.043 (2)	227.09 (1)(a), (c), (e), (g) and (i)	227.46 (1)(a), (c), (e), (g) and (i)
46.043 (3)	227.16	227.53
46.985 (6)(h), as created by 1985 Wis. Act 29	227.064	227.42
49.02 (5m)(e) 2	227.16 to 227.21	227.53 to 227.58
50.03 (4)(d) and (5)(c)	227.07	227.44
50.03 (5)(c)	227.07 (2)	227.44 (2)
50.03 (5)(d) 1	227.14 (3)	227.51 (3)
50.03 (5)(d) 2	227.14 (2)	227.51 (2)
50.03 (11)(a)	227.15	227.52
50.03 (11)(b)	227.17	227.54
50.04 (4)(e) 1 and (5)(e)	227.07	227.44
50.04 (5)(e)	227.09	227.46
50.575 (3)	227.07	227.44
50.575 (3)	227.10	227.47
54.05	227.029 (1)	227.15 (1)
54.15 (6)	227.064	227.42
54.17 (1)(d) 2	227.01 (12)	227.01 (14)
54.25 (4)	227.09 (7)	227.46 (7)
54.29 (2)	227.018 (2)	227.19 (2)
56.015 (1)(c)	227.029	227.15
66.902 (1)(c)	227.022	227.18
66.902 (1)(d)	227.05 (2)	227.40 (2)
66.902 (1)(d)	227.05 (2), (3) and (4)	227.40 (2), (3) and (4)
66.902 (2)(b)	227.07 (6), (7) and (8) and 227.08 to 227.11	227.44 (6), (7) and (8) and 227.45 to 227.48
66.902 (2)(b)	227.15 to 227.21	227.52 to 227.58

66.902 (4)	227.09 (5)	227.46 (5)
73.10 (2)(b)	227.01 (11)(j)	227.01 (13)(j)
84.31 (6)(a)	227.07	227.44
86.195 (10)(b)	227.027	227.24
86.195 (10)(b)	227.027 (1)	227.24 (1)(d) or (2)
92.04 (3)(b)	227.029	227.15
92.04 (3)(c)	227.027	227.24
92.04 (3)(e)	227.018 (2)	227.19 (2)
96.06 (1)	227.021	227.17
96.06 (2)	227.022	227.18
101.02 (6)(b)	227.026	227.22
101.04 (2)	227.014	227.11
101.055 (3)(a)	227.025	227.21
108.105, as created by 1985 Wis. Act 17	227.16	227.52
111.70 (4)(jm) 3	227.01 (2)	227.01 (3)
114.20 (19)	227.15	227.52
138.12 (5)(c)	ss. 227.01 to 227.26	subch. III of ch. 227
140.053 (4)	227.07	227.44
140.053 (4)	227.10	227.47
140.45 (3)	227.01 (9)	227.01 (13)
140.53 (1)(a)	227.025	227.21 (2)
144.266 (4)	227.018	227.19
144.31 (1)(p)	227.018	227.19 (2)
144.371 (1)	227.018	227.19 (2)
144.371 (2)	s. 227.01 (9) or 227.011	ss. 227.01 (13) and 227.10 (1)
144.371 (3)	227.064 and 227.15	227.42 and 227.52
144.374 (1) and (2)	227.018	227.19 (2)
144.392 (7)(b)	227.01 (2)	227.01 (3)
144.3925 (5)(b)	227.01 (2)	227.01 (3)
144.393 (4)(b)	227.018	227.19 (2)
144.397 (4)(b)	227.01 (2)	227.01 (3)
144.403 (2)	227.064 (1)	227.42 (1)
144.44 (1)(a)	227.01 (2)(a)	227.01 (3)(a)
144.44 (1)(b)	227.01 (2)	227.01 (3)
144.44 (1)(c)	227.022	227.18
144.44 (2)(m)(intro.)	227.064	227.42
144.44 (2r)(e)	227.09 (2) to (4)	227.46 (2) to (4)
144.44 (3)(ag) and (f) and (4)(d)	227.15 to 227.21	227.52 to 227.58
144.441 (7)(i) 4, as created by 1985 Wis. Act 29	227.064	227.42
144.442 (1m)(i) 4, as created by 1985 Wis. Act 29	227.064	227.42
144.442 (4)(a) 4 and (c) 2	227.01 (9) or 227.011	227.01 (13) or 227.10 (1)
144.442 (4)(c) 4 and (6)(f)	227.064	227.42
144.445 (9)(e)	227.15 to 227.21	227.52 to 227.58
144.445 (9)(e)	227.22 (2)	227.03 (2)
144.645 (3)	227.064 (1)(a) to (d)	227.42 (1)(a) to (d)
144.95 (7)(b) 1	227.025	227.21 (2)
147.03 (2)(f)	227.01 (2)	227.01 (3)
147.035 (3)(c)	227.017	227.13
147.07 (1)(a)	227.05	227.40
147.13 (1)(c)	227.01 (2)	227.01 (3)
147.20 (2)	227.15 to 227.21	227.52 to 227.58

150.01 (22)	227.01 (12)	227.01 (14)
150.35 (4)(b)(intro.)	227.064 to 227.13	227.42 to 227.50
150.43 (intro.)	227.15	227.52
150.43 (intro.)	227.20	227.57
150.71 (3)(a) and (b) (intro.)	227.064	227.42
150.71 (3)(b)(intro.)	227.065 to 227.13	227.43 to 227.50
150.73 (intro.)	227.15	227.52
150.73 (intro.)	227.20	227.57
160.07 (5)	227.02 (1)(e), 227.021 or 227.027 (2)	227.16 (2)(e), 227.17 or 227.24 (3)
160.09 (3)	227.02 (1)(e), 227.021 or 227.027 (2)	227.16 (2)(e), 227.17 or 227.24 (3)
160.11	227.02 (1)(e), 227.021 or 227.027 (2)	227.16 (2)(e), 227.17 or 227.24 (3)
160.19 (2)(b)	227.02 (1)(e), 227.021 or 227.027 (2)	227.16 (2)(e), 227.17 or 227.24 (3)
160.29 (2)	227.02 to 227.024	subch. II of ch. 227
160.29 (3)	227.015	227.12
163.10	227.014 (2) and 227.027	227.11 (2) and 227.24 (1)(a)
163.10	227.05	227.40
177.01 (9)	227.01	227.01 (13)
182.70 (5)(e)	227.07	227.44
182.70 (6)	227.12	227.49
182.70 (6)	227.16 to 227.21	227.53 to 227.58
182.71 (5)(e)	227.07	227.44
182.71 (5)(g)	227.12	227.49
182.71 (5)(g)	227.16 to 227.21	227.53 to 227.58
189.02 (4)	227.064	227.42
195.06	227.11	227.48
196.20 (5)	227.07	227.44
196.24 (3)	227.09	227.46
196.40	227.20	227.57
196.491 (3)(b)	227.07	227.44
215.04 (6)	227.16 (1)	227.53 (1)
227.24 (2)(b) 2, as renumbered	227.027 (1)	sub. (1)(c)
227.40 (2)(e), as renumbered	227.15 to 227.21	227.52 to 227.58
227.40 (4)(b), as renumbered	227.17	227.54
227.40 (4) (b), as renumbered	227.016	227.114
227.46 (1)(intro.), as renumbered	227.012	227.43 (1)
227.46 (8), as renumbered	227.012 (1)(b)	227.43 (1)(b)
227.46 (8), as renumbered	227.15	227.52
227.47, as renumbered	227.16	227.53
227.48 (2), as renumbered	227.12 (1)	227.49 (1)
227.48 (2), as renumbered	227.16 (1)(a)	227.53 (1)(a)
227.485 (5), as created by 1985 Wis. Act 52 and as renumbered	227.10 and 227.11	227.47 and 227.48

227.485 (6), as created by 1985 Wis. Act 52 and as renumbered	227.15	227.52
227.53 (1)(intro.), as renumbered	227.15	227.52
227.53 (1)(a), as renumbered	227.11	227.48
227.53 (1)(a), as renumbered	227.12	227.49
227.53 (1)(b)(intro.), as renumbered	227.20	227.57
227.56 (2), as renumbered	227.16 (2)	227.53 (2)
227.56 (3), as renumbered	227.16	227.53
349.11 (9)	13.56	227.26
426.107	227.15	227.52
452.07 (2)	227.029	227.24
452.07 (3)	227.027	227.24
452.07 (5)	227.018 (2)	227.19 (2)
452.07 (7)	227.015	227.12
453.06 (3)(c)	227.018	227.19
453.06 (3)(c)	227.027	227.24
553.03 (9)	227.01	227.01 (13)
560.03 (9)	227.016 (4)	227.114 (4)
560.036 (2)(g)	227.064	227.42
560.42 (5)(b)(intro.)	227.0105 (4)	227.116 (4)
601.41 (3)	227.014 (2)	227.11 (2)
601.63 (1)	227.11	227.48
601.63 (4)	227.12	227.49
806.04 (11)	227.01 (9)	227.01 (13)
808.04 (2)	227.26	227.60
814.245 (3), as created by 1985 Wis. Act 52	227.115 (6)	227.485 (6)
949.11 (2)	227.09	227.46

SECTION 58. **Effective dates.** (1) Except as provided in subsection (2), this act takes effect on the day following publication.

(2) SECTION 54 of this act takes effect on the first day of the 6th month commencing after publication.