



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2005 Senate Bill 150

Senate Amendment 1

Memo published: December 15, 2005

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2005 Senate Bill 150, introduced by the Joint Legislative Council, makes technical changes and minor substantive changes in the administrative rule-making process governed by ch. 227 of the Wisconsin statutes. *Senate Amendment 1* makes changes to Senate Bill 150 in three areas, as follows:

- Under *current law*, agencies are required to “reduce” the amount of cross-references to the statutes in proposed and final rules. *Senate Bill 150* changes “reduce” to “limit,” given that current law does not clarify from what amount a reduction would be necessary, and amends the title of the relevant statutory provision to include reference to “limitation” of cross-references. *Senate Amendment 1* deletes the change from “reduce” to “limit,” and amends the title of the relevant statutory provision to include reference to “reduction” of cross-references.
- Under *current law*, a rule is effective on the first day of the month commencing after the date of publication unless a statutorily specified exception applies. One such exception delays the rule’s effective date until the first day of the 3rd month (Senate Bill 150’s clarification “no earlier than” the first day of the 3rd month is unaffected by Senate Amendment 1) after the rule’s date of publication if the rule has a “significant economic impact” on small business. *Senate Bill 150* requires such a delay only if the rule has a “significant adverse economic impact,” thus allowing a rule that has a beneficial “significant economic impact” on small businesses to take effect sooner. *Senate Amendment 1* deletes the word “adverse” inserted by Senate Bill 150, thus restoring the requirement under current law that any significant economic impact, whether beneficial or adverse, would trigger the delay in the rule’s effective date.
- *Current law* exempts a rule promulgated as an emergency rule from having to comply with specified statutory requirements, but if the rule may have a significant economic impact on small businesses the Small Business Regulatory Review Board must determine whether the agency complied with requirements including small business protection requirements under

s. 227.114 (2) and (3), Stats. ***Senate Bill 150*** deletes these statutory references, since they do not apply to emergency rules, and clarifies that the board must review the emergency rule to ensure that an appropriate analysis has been included in the rule order. ***Senate Amendment 1*** deletes the changes made by Senate Bill 150 described in the previous sentence.

Legislative History

Senate Amendment 1 was offered by Senator Brown. On December 2, 2005, the Senate Committee on Veterans, Homeland Security, Military Affairs, Small Business and Government Reform recommended adoption of Senate Amendment 1, and passage of Senate Bill 150 as amended, both on votes of Ayes, 5; Noes, 0.

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