



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2007 Senate Bill 300

Senate Amendment 1

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Senate Bill 300 is a Revisor's Correction Bill, introduced by the Law Revision Committee.

Last session's 2005 Wisconsin Act 249 (introduced by the Joint Legislative Council) made a number of technical and minor substantive changes to the administrative rule-making process in ch. 227, Stats. One of the changes addressed a requirement that the Revisor of Statutes and Attorney General both consent to the incorporation of standards by reference into an administrative rule (incorporation by reference avoids replication of the entire standard in the text of the rule). The Act deleted the requirement that the Revisor consent, requiring that only the Attorney General consent (see SECTION 35 of Act 249).

Act 249 inadvertently failed to make a corresponding change in another provision of ch. 227 which requires the consent of both the Revisor and the Attorney General for incorporation of standards by reference into a rule. The current Revisor's Correction Bill, 2007 Senate Bill 300, makes the corresponding change in the appropriate provision of ch. 227 by striking reference to "Revisor," for consistency with Act 249. See SECTION 113 of Senate Bill 300.

Following the drafting of Senate Bill 300 by the Revisor, the biennial budget act (2007 Wisconsin Act 40) merged the functions of the Revisor of Statutes into the Legislative Reference Bureau. As part of that merger, the budget act substituted reference to the Legislative Reference Bureau for reference to the Revisor in that portion of ch. 227 for which 2005 Wisconsin Act 249 failed to remove the reference to Revisor. **Senate Amendment 1** reconciles Senate Bill 300 with the treatment of the ch. 227 provision by the budget act and, consistent with the intent of 2005 Wisconsin Act 249 and Senate Bill 300, deletes reference to the Legislative Reference Bureau (thus, requiring only the consent of the Attorney General for incorporation of standards into an administrative rule by reference).

Legislative History

Senate Amendment 1 was offered by Senator Carpenter, Co-Chair of the Law Revision Committee. The amendment was adopted by the Senate on a voice vote and the proposal, as amended, was passed by the Senate on a voice vote.

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