

State of Misconsin 2021 - 2022 LEGISLATURE

 $\begin{array}{c} LRB\text{--}4607/P2\\ MED:klm \end{array}$

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

AN ACT *to amend* 227.21 (2) (b) of the statutes; **relating to:** incorporation of standards by reference into agency administrative rules (suggested as remedial legislation by the Department of Safety and Professional Services).

Analysis by the Legislative Reference Bureau

Current law generally requires all permanent rules that are promulgated by state agencies to be published in the Wisconsin Administrative Code. However, current law allows an agency, in order to avoid unnecessary expense, to 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 in their rules. Such incorporation by reference requires the consent of the attorney general and requires the rule incorporating the standard to state that the standards are on file at the offices of the agency and the Legislative Reference Bureau.

This bill deletes the requirement that the agency state that the standards are on file at the offices of the agency and instead requires only that the agency state that the standards are on file at the Legislative Reference Bureau.

For further information, see the Notes provided by the Law Revision Committee of the Joint Legislative Council.

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

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Law Revision Committee Prefatory Note: This bill is a remedial legislation proposal, requested by the Department of Safety and Professional Services and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

SECTION 1. 227.21 (2) (b) of the statutes is amended to read:

227.21 (2) (b) 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 or are available on optical disc or in another electronic format. Each rule containing an incorporation by reference shall state how the material incorporated may be obtained and, except as provided in s. 601.41 (3) (b), that the standards are on file at the offices of the agency and the legislative reference bureau.

Note: This Section deletes a requirement that an agency maintain, at its offices, a copy of any standards established by technical societies and national organizations that are incorporated into its rules but not reproduced in full.

9 (END)