



1997 SENATE BILL 149

April 2, 1997 - Introduced by JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES. Referred to Committee on Economic Development, Housing and Government Operations.

- 1 **AN ACT to amend** 227.24 (2) (a), 227.24 (2) (b) 1. and 227.24 (2) (c) of the statutes;
2 **relating to:** promulgation of emergency rules and the extension of emergency
3 rules by the joint committee for review of administrative rules.

Analysis by the Legislative Reference Bureau

Under current law, a state agency may promulgate a rule as an emergency rule without complying with the notice, hearing and publication requirements normally required for rule promulgation if preservation of the public peace, health, safety or welfare necessitates putting the rule into effect prior to the time that it would take effect if the state agency complied with the requirements. An emergency rule remains in effect for 150 days, unless the emergency rule is extended by the joint committee for review of administrative rules (JCRAR). Under certain conditions, JCRAR, at the request of a state agency, may extend the emergency rule's effective period for a period specified by JCRAR not to exceed 60 days. Any number of extensions may be granted by JCRAR, but the total period for all such extensions may not exceed 120 days. Under current law, JCRAR is only authorized to extend the *entire* emergency rule and not *part* of the emergency rule.

This bill authorizes JCRAR to extend part of an emergency rule, while not extending the other parts of the emergency rule. In addition, the bill provides that any request by an agency to extend the effective period of the emergency rule or part of the emergency rule must be made in writing to JCRAR no later than 30 days before the initial expiration date of the emergency rule. At the time that the agency submits the written request to JCRAR, the agency must submit a copy of the written request

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to the presiding officer of each house of the legislature and to the appropriate committees of each house of the legislature, as determined by the presiding officer of each house of the legislature. The presiding officer of each house of the legislature is then required to enter a statement in the journal of his or her house that the agency has submitted a request to extend the effective period of the emergency rule or part of the emergency rule. The bill also provides that, whenever JCRAR extends an emergency rule or part of an emergency rule, JCRAR must file a statement of its action with the presiding officer of each house of the legislature and the appropriate committees of each house of the legislature, as determined by the presiding officer of each house of the legislature. The presiding officer of each house of the legislature must then enter a statement in the journal of his or her house that the emergency rule or part of the emergency rule has been extended. Finally, the bill requires that, at the time of promulgating an emergency rule, the agency must file a copy of the rule with the chief clerk of each house of the legislature.

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

1 **SECTION 1.** 227.24 (2) (a) of the statutes is amended to read:

2 227.24 (2) (a) At the request of an agency, the joint committee for review of
3 administrative rules may, at any time prior to the expiration date of a rule
4 promulgated under sub. (1) (a), extend the rule's effective period of the emergency
5 rule or part of the emergency rule for a period specified by the committee not to
6 exceed 60 days. Any number of extensions may be granted under this paragraph, but
7 the total period for all extensions may not exceed 120 days.

8 **SECTION 2.** 227.24 (2) (am) of the statutes is created to read:

9 227.24 (2) (am) Any request by an agency to extend the effective period of the
10 emergency rule or part of the emergency rule must be made in writing to the joint
11 committee for review of administrative rules no later than 30 days before the initial
12 expiration date of the emergency rule. At the time that the agency submits the
13 written request to the joint committee for review of administrative rules, the agency
14 shall submit a copy of the written request to the presiding officer of each house of the

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1 legislature and to the appropriate committees of each house of the legislature, as
2 determined by the presiding officer of each house of the legislature. The presiding
3 officer of each house of the legislature shall enter a statement in the journal of his
4 or her house that the agency has submitted a request to extend the effective period
5 of the emergency rule or part of the emergency rule. This paragraph shall not apply
6 to any subsequent request by the agency to extend the same emergency rule or part
7 of the emergency rule.

8 **SECTION 3.** 227.24 (2) (b) 1. of the statutes is amended to read:

9 227.24 (2) (b) 1. Evidence that there is a threat to the public peace, health,
10 safety or welfare that can be avoided only by extension of the emergency rule or part
11 of the emergency rule.

12 **SECTION 4.** 227.24 (2) (c) of the statutes is amended to read:

13 227.24 (2) (c) Whenever the committee extends an emergency rule or part of
14 an emergency rule under par. (a), it shall file a statement of its action with the agency
15 promulgating the emergency rule, the presiding officer of each house of the
16 legislature, the appropriate committees of each house of the legislature, as
17 determined by the presiding officer of each house of the legislature, the secretary of
18 state and the revisor of statutes. The statement shall identify the specific emergency
19 rule or rules part of an emergency rule to which it relates. The presiding officer of
20 each house of the legislature shall enter a statement in the journal of his or her house
21 that the emergency rule or part of the emergency rule has been extended.

22 **SECTION 5.** 227.24 (3) of the statutes is amended to read:

23 227.24 (3) FILING. An agency shall file a rule promulgated under sub. (1) as
24 provided in s. 227.20, shall mail a copy to the chief clerk of each house and to each
25 member of the legislature at the time that the rule is filed and shall take any other

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1 step it considers feasible to make the rule known to persons who will be affected by
2 it. The revisor shall insert in the notice section of each issue of the register a brief
3 description of each rule under sub. (1) that is currently in effect. Each copy, notice
4 or description of a rule promulgated under sub. (1) (a) shall be accompanied by a
5 statement of the emergency finding by the agency or by a statement that the rule is
6 promulgated at the direction of the joint committee for review of administrative rules
7 under s. 227.26 (2) (b).

8 **SECTION 6. Initial applicability.**

9 (1) The treatment of section 227.24 (3) of the statutes applies to emergency
10 rules promulgated under section 227.24 (1) of the statutes on or after the effective
11 date of this subsection.

12 (2) The treatment of section 227.24 (2) (a), (am), (b) 1. and (c) of the statutes
13 applies to requests for emergency rule extensions under section 227.24 (2) of the
14 statutes on or after the effective date of this subsection.

15 (END)