



2003 ASSEMBLY BILL 5

January 28, 2003 – Introduced by Representative GARD. Referred to Committee on Rules.

1 **AN ACT to repeal** 13.52; and **to amend** 13.093 (2) (b) and 13.56 (1) of the statutes;
2 **relating to:** the number of members on the Joint Committee for Review of
3 Administrative Rules and removing the Joint Survey Committee on Tax
4 Exemptions from the statutes.

Analysis by the Legislative Reference Bureau

This bill removes the Joint Survey Committee on Tax Exemptions from the statutes and increases the number of members on the Joint Committee for Review of Administrative Rules from five members from each house to seven members from each house.

The Joint Committee for Review of Administrative Rules must review proposed rules when standing committees object to them. It also may suspend rules that have been promulgated; may suspend or extend the effective period of all or part of emergency rules; and may order an agency to put unwritten policies in rule form.

When a standing committee objects to a proposed rule or portion of a rule, it must be referred to the joint committee. The joint committee then has 30 days to review the rule, but that period may be extended for an additional 30 days. The joint committee may uphold or reverse the standing committee's action. If it concurs with the objection, it introduces bills concurrently in both houses to prevent promulgation of the rule. If either bill is enacted, the agency may not adopt the rule unless specifically authorized to do so by subsequent legislative action. If the joint committee disagrees with the objection, it may overrule the standing committee and allow the agency to adopt the rule or it may request the agency to modify the rule.

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The joint committee may suspend a rule after holding a public hearing, but suspension must be based on one or more of the following reasons: absence of statutory authority; an emergency related to public health or welfare; failure to comply with legislative intent; conflict with existing state law; a change in circumstances since passage of the law that authorized the rule; or a rule that is arbitrary or capricious or imposes undue hardship. Within 30 days following the suspension, the joint committee must introduce bills concurrently in both houses to repeal the suspended rule.

If either bill is enacted, the rule is repealed and the agency may not promulgate it again unless authorized by the legislature. If both bills fail to pass, the rule remains in effect and may not be suspended again.

The joint committee receives notice of any action in the Circuit Court for Dane County for declaratory judgments about the validity of a rule and may intervene in the action with the consent of the Joint Committee on Legislative Organization.

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

1 **SECTION 1.** 13.093 (2) (b) of the statutes is amended to read:

2 13.093 (2) (b) Executive budget bills introduced under s. 16.47 (1) are exempt
3 from the fiscal estimate requirement under par. (a) but shall, if they contain a
4 provision affecting a public retirement fund ~~or providing a tax exemption~~, be
5 analyzed as to those provisions by the respective joint survey committee. ~~If such a~~
6 ~~bill contains a provision providing a tax exemption, the bill shall be simultaneously~~
7 ~~referred to the joint survey committee on tax exemptions and the joint committee on~~
8 ~~finance. The report of the joint survey committee on tax exemptions shall be~~
9 ~~prepared within 60 days of introduction for bills introduced under s. 16.47 (1) on~~
10 retirement systems.

11 **SECTION 2.** 13.52 of the statutes is repealed.

12 **SECTION 3.** 13.56 (1) of the statutes is amended to read:

13 13.56 (1) CREATION. There is created a joint committee for review of
14 administrative rules, consisting of ~~5~~ 7 senators and ~~5~~ 7 representatives to the

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1 assembly appointed as are the members of standing committees in their respective
2 houses from the majority and minority political parties in each house. In making the
3 appointments, each house shall designate a cochairperson. The committee shall
4 meet at the call of one of its cochairpersons.

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(END)