



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2007 Wisconsin Act 180
[2007 Assembly Bill 410]

Administrative Rules

In the 2005-06 Legislative Session, the Legislature enacted 2005 Wisconsin Act 249, relating to making technical and minor substantive changes in the administrative rule-making process. 2007 Wisconsin Act 180 corrects technical errors in 2005 Wisconsin Act 249.

STANDING COMMITTEE REVIEW PERIOD

Under the statutes, when a proposed rule is in final draft form, the agency is required to submit the proposed rule to the Legislature for review. The standing committee to which the proposed rule is referred has an initial review period of 30 days within which to take action. Prior to 2005 Wisconsin Act 249, if a committee requested in writing that the agency proposing the rule meet with the committee or the committee published or posted notice that it would hold a meeting on the proposed rule, the committee's review period was extended to the 30th day from the time the committee took one of these two steps. If a standing committee wished to maximize its total review period, it could wait until the end of its 30-day period before requesting a meeting with the agency or publishing or posting notice of a meeting, thereby having a total review period of 60 days.

2005 Wisconsin Act 249 addressed this situation by specifying that if the committee took either of the two actions (requesting in writing a meeting or publishing or posting notice of a meeting) at any time during the first 30 days, the committee's review period was extended for a full additional 30 days, for a total of 60 days. Act 249 also made the same change with regard to the Joint Committee for Review of Administrative Rules' review period. However, Act 249 neglected to delete four sentences that stated that the continuation of the review period began with the writing of the letter or the posting or publishing of the notice. Act 180 deletes these sentences from the statutes, thereby eliminating confusion over whether a committee has a full 60 days in its review period.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

CONSENT FOR INCORPORATION OF TECHNICAL STANDARDS

The statutes provide that in order to avoid unnecessary expense, an agency may adopt standards established by technical societies and organizations of recognized national standing by incorporating the standards into its rule by reference to the specific issue or issues of the publication in which they appear, without reproducing the standards in full. The standards must be of limited public interest and readily available in published form or available in electronic format.

Prior to 2005 Wisconsin Act 249, consent of the Attorney General and the Revisor of Statutes was necessary in order for a standard to be incorporated into a rule as described above. Act 249 eliminated the need for the Revisor of Statutes to consent to the incorporation of standards, but did so in only one of two provisions that required the Revisor's consent. 2007 Wisconsin Act 180 addresses this inconsistency by eliminating the need for consent of the Revisor of Statutes in the other provision.

Effective Date: April 10, 2008.

Prepared by: Richard Sweet and Ronald Sklansky Senior Staff Attorneys

April 1, 2008

RNS:RS:jal