



State of Wisconsin  
2021 - 2022 LEGISLATURE

LRB-4954/1  
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## 2021 ASSEMBLY BILL 684

November 12, 2021 - Introduced by Representatives DITTRICH, SKOWRONSKI, EDMING, THIESFELDT and KNODL, cosponsored by Senators NASS and STROEBEL. Referred to Committee on State Affairs.

\*\*\*AUTHORS SUBJECT TO CHANGE\*\*\*

1 **AN ACT** *to amend* 227.10 (2m) and 227.11 (2) (c); and *to create* 227.51 (4) of the  
2 statutes; **relating to:** requiring rules for imposing conditions on a license and  
3 rule-making guidelines prescribed by executive order.

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### *Analysis by the Legislative Reference Bureau*

This bill does all of the following:

1. Current law provides that an agency that is authorized to exercise discretion in deciding individual cases may formalize the general policies evolving from its decisions by promulgating those policies as rules. The bill requires an agency to promulgate rules describing how and when the agency will impose conditions on a license, permit, certificate, or other such approval that is granted by the agency. The agency must, under the bill, impose conditions on licenses in accordance with those rules.

2. Current law allows the governor, by executive order, to prescribe guidelines to ensure that rules are promulgated in accordance with the statutory rule-making process. The bill repeals this provision that allows the governor to prescribe such guidelines.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

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

**ASSEMBLY BILL 684****SECTION 1**

1           **SECTION 1.** 227.10 (2m) of the statutes is amended to read:

2           227.10 (**2m**) No agency may implement or enforce any standard, requirement,  
3           or threshold, including as a term or condition of any license issued by the agency,  
4           unless that standard, requirement, or threshold is explicitly required or explicitly  
5           permitted by statute or by a rule that has been promulgated in accordance with this  
6           subchapter, including s. 227.51 (4), except as provided in s. 186.118 (2) (c) and (3) (b)  
7           3. ~~The governor, by executive order, may prescribe guidelines to ensure that rules~~  
8           ~~are promulgated in compliance with this subchapter.~~

9           **SECTION 2.** 227.11 (2) (c) of the statutes is amended to read:

10           227.11 (**2**) (c) ~~Each~~ Subject to s. 227.51 (4), ~~each~~ agency that is authorized to  
11           exercise discretion in deciding individual cases may formalize the general policies  
12           evolving from its decisions by promulgating the policies as rules which the agency  
13           shall follow until they are amended or repealed. A rule promulgated in accordance  
14           with this paragraph is valid only to the extent that the agency has discretion to base  
15           an individual decision on the policy expressed in the rule.

16           **SECTION 3.** 227.51 (4) of the statutes is created to read:

17           227.51 (**4**) An agency shall promulgate rules describing how and when the  
18           agency will impose conditions on a license granted by the agency. The agency shall  
19           impose conditions on licenses in accordance with those rules.

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(END)