



2013 ASSEMBLY BILL 897

March 31, 2014 - Introduced by Representatives HEBL, BILLINGS, KOLSTE, DOYLE, POPE, KAHL, GOYKE, C. TAYLOR, SINICKI, WRIGHT, OHNSTAD, SHANKLAND, BERCEAU and KESSLER, cosponsored by Senators RISSER, LEHMAN, LASSA, HARRIS, MILLER and SCHULTZ. Referred to Committee on Campaigns and Elections.

1 **AN ACT to amend** 227.135 (2), 227.135 (3), 227.135 (4), 227.185, 227.24 (1) (e) 1d.
2 and 227.24 (1) (e) 1g.; and **to create** 227.135 (2m) of the statutes; **relating to:**
3 elimination of certain gubernatorial approval requirements for administrative
4 rules proposed by the Government Accountability Board.

Analysis by the Legislative Reference Bureau

Current law requires a state agency (agency) that plans to promulgate an administrative rule, including an emergency rule, to present a statement of the scope of the proposed rule to the governor for approval before any state employee or official may perform any activity in connection with the drafting of the proposed rule. Current law also requires an agency to submit a proposed rule in final draft form to the governor for approval before the rule may be submitted to the legislature for review and to submit a proposed emergency rule in final draft form to the governor for approval before the emergency rule may be filed with the Legislative Reference Bureau for publication. This bill eliminates those requirements with respect to a rule proposed by the Government Accountability Board.

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

5 **SECTION 1.** 227.135 (2) of the statutes is amended to read:

ASSEMBLY BILL 897**SECTION 1**

1 227.135 (2) ~~An~~ Except as provided in sub. (2m), an agency that has prepared
2 a statement of the scope of the a proposed rule shall present the statement to the
3 governor and to the individual or body with policy-making powers over the subject
4 matter of the proposed rule for approval. The agency may not send the statement
5 to the legislative reference bureau for publication under sub. (3) until the governor
6 issues a written notice of approval of the statement. The individual or body with
7 policy-making powers may not approve the statement until at least 10 days after
8 publication of the statement under sub. (3). No state employee or official may
9 perform any activity in connection with the drafting of a proposed rule to which this
10 subsection applies except for an activity necessary to prepare the statement of the
11 scope of the proposed rule until the governor and the individual or body with
12 policy-making powers over the subject matter of the proposed rule approves the
13 statement.

14 **SECTION 2.** 227.135 (2m) of the statutes is created to read:

15 227.135 (2m) If a state employee or official prepares a statement of the scope
16 of a proposed rule that the government accountability board plans to promulgate,
17 that employee or official shall present the statement to the government
18 accountability board for approval. The government accountability board may not
19 approve the statement until at least 10 days after publication of the statement under
20 sub. (3). No state employee or official may perform any activity in connection with
21 the drafting of a proposed rule to which this subsection applies except for an activity
22 necessary to prepare the statement of the scope of the proposed rule until the
23 government accountability board approves the statement.

24 **SECTION 3.** 227.135 (3) of the statutes is amended to read:

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1 227.135 (3) If the governor approves a statement of the scope of a proposed rule
2 under sub. (2), the agency that proposed the rule shall send the statement to the
3 legislative reference bureau for publication in the register. If a statement of the scope
4 of a proposed rule is presented to the government accountability board under sub.
5 (2m), the government accountability board shall send the statement to the legislative
6 reference bureau for publication in the register. On the same day that the agency or
7 government accountability board sends the statement to the legislative reference
8 bureau, the agency or government accountability board shall send a copy of the
9 statement to the secretary of administration.

10 **SECTION 4.** 227.135 (4) of the statutes is amended to read:

11 227.135 (4) If at any time after a statement of the scope of a proposed rule is
12 approved under sub. (2) or (2m) the agency changes the scope of the proposed rule
13 in any meaningful or measurable way, including changing the scope of the proposed
14 rule so as to include in the scope any activity, business, material, or product that is
15 not specifically included in the original scope of the proposed rule, the agency shall
16 prepare and obtain approval of a revised statement of the scope of the proposed rule
17 in the same manner as the original statement was prepared and approved under
18 subs. (1) and (2) or under subs. (1) and (2m). No state employee or official may
19 perform any activity in connection with the drafting of the proposed rule except for
20 an activity necessary to prepare the revised statement of the scope of the proposed
21 rule until the revised statement is so approved.

22 **SECTION 5.** 227.185 of the statutes is amended to read:

23 **227.185 Approval by governor.** ~~After~~ Except as provided in this section,
24 after a proposed rule is in final draft form, the agency shall submit the proposed rule
25 to the governor for approval. The governor, in his or her discretion, may approve or

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1 reject the proposed rule. If the governor approves a proposed rule, the governor shall
2 provide the agency with a written notice of that approval. No proposed rule may be
3 submitted to the legislature for review under s. 227.19 (2) unless the governor has
4 approved the proposed rule in writing. This section does not apply to a proposed rule
5 drafted by the government accountability board.

6 **SECTION 6.** 227.24 (1) (e) 1d. of the statutes is amended to read:

7 227.24 (1) (e) 1d. Prepare a statement of the scope of the proposed emergency
8 rule as provided in s. 227.135 (1), obtain approval of the statement as provided in s.
9 227.135 (2) or (2m), and send the statement to the legislative reference bureau for
10 publication in the register as provided in s. 227.135 (3). If the agency changes the
11 scope of a proposed emergency rule as described in s. 227.135 (4), the agency shall
12 prepare and obtain approval of a revised statement of the scope of the proposed
13 emergency rule as provided in s. 227.135 (4). No state employee or official may
14 perform any activity in connection with the drafting of a proposed emergency rule
15 except for an activity necessary to prepare the statement of the scope of the proposed
16 emergency rule until the ~~governor and the individual or body with policy-making~~
17 ~~powers over the subject matter of the proposed emergency rule approves the~~
18 statement is approved as provided under s. 227.135 (2) or (2m).

19 **SECTION 7.** 227.24 (1) (e) 1g. of the statutes is amended to read:

20 227.24 (1) (e) 1g. ~~Submit~~ Except as provided in this subdivision, submit the
21 proposed emergency rule in final draft form to the governor for approval. The
22 governor, in his or her discretion, may approve or reject the proposed emergency rule.
23 If the governor approves a proposed emergency rule, the governor shall provide the
24 agency with a written notice of that approval. An agency may not file an emergency
25 rule with the legislative reference bureau as provided in s. 227.20 and an emergency

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1 rule may not be published until the governor approves the emergency rule in writing.

2 This subdivision does not apply to a proposed emergency rule drafted by the

3 government accountability board.

4 (END)