



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3531/2
MED:cjs:rs

2013 SENATE BILL 420

December 10, 2013 – Introduced by LAW REVISION COMMITTEE. Referred to
Committee on Judiciary and Labor.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT to amend** 227.17 (2) and 227.22 (1) of the statutes; **relating to:** the
2 effective date of administrative rules promulgated by state agencies (suggested
3 as remedial legislation by the Legislative Reference Bureau).

Analysis by the Legislative Reference Bureau

2013 Wisconsin Act 20 provides that, effective January 1, 2015, administrative rules promulgated by state agencies (rules) generally become effective on the first day of the month commencing after the date on which a Wisconsin Administrative Register (register) is published by the Legislative Reference Bureau (LRB). In addition, Act 20 requires the LRB to publish in the weekly register copies of all rules filed with the LRB since the compilation of the previous register and to publish in each end-of-month register updated chapters of the Wisconsin Administrative Code (code) that have been affected by rules filed with the LRB.

This bill clarifies that a rule becomes effective on the first day of the month commencing after the date on which the LRB publishes in the end-of-month register the updated chapters of the code that have been affected by the rule.

Under current law, subject to certain exceptions, rule making by an agency must be preceded by a notice and public hearing. The notice must, under current law, be given at least ten days prior to the date set for a hearing, and notice through the register is considered to have been given on the “effective date” of the issue of the register in which the notice first appears. This bill clarifies that notice through the

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register is considered to have been given on the *publication date* of the issue of the register in which the notice first appears.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Legislative Reference Bureau (LRB) and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5., stats. After careful consideration of the provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1 **SECTION 1.** 227.17 (2) of the statutes, as affected by 2013 Wisconsin Act 20, is
2 amended to read:

3 227.17 (2) The notice under sub. (1) shall be given at least 10 days prior to the
4 date set for a hearing. Notice through the register is considered to have been given
5 on the effective date of on which the issue of the register in which the notice first
6 appears is published under s. 35.93 (2).

NOTE: Clarifies an ambiguity in current law regarding the date notice of a hearing on a proposed rule is considered to have been given in the register, by providing that the date such a notice is considered to have been given is the date on which the register is published by the LRB. Current law refers to the “effective date of [a] register,” which is not defined or otherwise explained in current law.

7 **SECTION 2.** 227.22 (1) of the statutes, as affected by 2013 Wisconsin Act 20, is
8 amended to read:

9 227.22 (1) In this section, “date of publication” means the date on which a
10 ~~register rule~~ is published in the code as required under s. 35.93 (2) (c) 1.

NOTE: Currently, the Wisconsin Administrative Register (register) is distributed in print form. Administrative rules, as filed with the LRB, are not published in full in the register and are only published in the register as incorporated into the relevant updated chapters of the Wisconsin Administrative Code (code) that were affected by the filed rule. Effective January 1, 2015, the register will be published electronically and rules will be published in the register in two forms, once in the form filed by an agency with the LRB and again when incorporated into the affected code chapters. This bill clarifies that, as is the case currently, the date of publication of the code chapters is the relevant date for purposes of the general effective date of rules. This change is consistent with the law prior to Act 20 and current law and practice.

11 **SECTION 3. Effective date.**

