



2019 SENATE BILL 204

May 8, 2019 - Introduced by Senators SMITH, WIRCH and HANSEN, cosponsored by Representatives SPREITZER, ANDERSON, BROSTOFF, KOLSTE, SARGENT, SINICKI, STUBBS, SUBECK, C. TAYLOR and VRUWINK. Referred to Committee on Government Operations, Technology and Consumer Protection.

1 **AN ACT to renumber and amend** 227.19 (2); **to amend** 227.135 (2), 227.135 (3),
2 227.137 (2), 227.137 (3) (intro.), 227.137 (4), 227.14 (2) (a) 6., 227.14 (4m),
3 227.15 (1), 227.15 (1m) (bm), 227.185, 227.19 (3) (intro.), 227.19 (4) (b) 1m.,
4 227.19 (5) (b) 1m., 227.24 (1) (e) 1d. and 227.24 (1) (e) 1g.; and **to create** 227.135
5 (2m), 227.135 (6), 227.137 (2m), 227.137 (3m), 227.137 (4r) and 227.19 (2) (b)
6 2. of the statutes; **relating to:** the procedure for promulgating a proposed rule
7 that is considered at the joint annual spring fish and wildlife rule hearing of the
8 Department of Natural Resources and county meeting of the Wisconsin
9 Conservation Congress.

Analysis by the Legislative Reference Bureau

This bill makes various changes to the rule-making process with respect to proposed administrative rules considered at the joint annual spring fish and wildlife rule hearing of the Department of Natural Resources and county meeting of the Wisconsin Conservation Congress (spring DNR-WCC meeting).

Gubernatorial approval and statements of scope for proposed rules

Current law requires a statement of the scope of a proposed rule to be presented to the Department of Administration and be approved by the governor and the

SENATE BILL 204

individual or body that has policy-making powers for a state agency before a state employee or official may perform any activity in connection with the drafting of the proposed rule. Under this bill, for rules that are considered at the spring DNR-WCC meeting, only the Natural Resources Board is required to approve a statement of scope before those activities may be performed.

Under current law, a state agency must prepare and obtain approval of a revised statement of scope if, after a statement of scope is approved, the agency changes the scope of the proposed rule in any meaningful or measurable way. Under the bill, this requirement does not apply to rules that are considered at the spring DNR-WCC meeting.

Under current law, a state agency must prepare and obtain approval of a statement of scope for a proposed emergency rule in the same manner as a statement of scope is prepared and approved for a nonemergency rule. Under the bill, a statement of scope is not required for emergency rules considered at the spring DNR-WCC meeting.

Current law requires a state 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. The bill eliminates these requirements for gubernatorial approval for rules that are considered at the spring DNR-WCC meeting.

Finally, the bill permits automatic approval of a statement of scope for rules that are considered at the spring DNR-WCC meeting if the Natural Resources Board does not disapprove the statement of scope within 30 days after it is presented to the board, or by the eleventh day after its publication in the Wisconsin Administrative Register, whichever is later.

Economic impact analyses for proposed rules

When report must be prepared. Current law requires each state agency to prepare an economic impact analysis for all permanent rules proposed by the agency. In addition, current law requires a state agency to prepare a revised economic impact analysis if a proposed rule is modified after the original economic impact analysis is submitted so as to significantly change the economic impact of the proposed rule.

Under this bill, for rules that are considered at the spring DNR-WCC meeting, an economic impact analysis is required only if the secretary of administration directs the analysis to be prepared on the petition of a municipality; an association that represents a farm, labor, business, or professional group; or five or more persons who would be affected by the proposed rule. The bill requires the secretary to direct the preparation of such an analysis if 1) the proposed rule would cost affected persons \$20,000,000 or more during each of the first five years after the rule's implementation to comply with the rule; or 2) the rule would adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities.

Content of analysis. Current law requires certain specific information to be included in an economic impact analysis.

SENATE BILL 204

This bill eliminates the requirements that this information be included in an economic impact analysis for rules that are considered at the spring DNR-WCC meeting. Under this bill, an economic impact analysis that is required for rules that are considered at the spring DNR-WCC meeting must instead contain information on the effect of the proposed rule on specific businesses, business sectors, and the state's economy and must include all of the following: 1) an analysis and quantification of the problem, including any risks to public health or the environment, that the rule is intending to address; 2) an analysis and quantification of the economic impact of the rule, including costs reasonably expected to be incurred by the state, businesses, governmental units, and affected individuals; and 3) an analysis of benefits of the rule, including how the rule reduces the risks and addresses the problems that the rule is intended to address.

Independent economic impact analyses. Current law allows for an independent economic impact analysis to be requested and prepared for a proposed rule under certain circumstances. An independent economic impact analysis must be prepared by a person other than an agency and must contain much of the same information required for an economic impact analysis prepared by an agency under current law.

Under the bill, an independent economic impact analysis may not be requested for a rule considered at the spring DNR-WCC meeting.

Bill required for certain rules. Under current law, subject to certain exceptions, if an economic impact analysis or an independent economic impact analysis prepared for a proposed rule indicates that \$10,000,000 or more in implementation and compliance costs are reasonably expected to be incurred by or passed along to businesses, local governmental units, and individuals over any two-year period as a result of the proposed rule, the agency proposing the rule must stop work on the proposed rule and may not continue promulgating the proposed rule unless a) the agency modifies the proposed rule to address its implementation and compliance costs; or b) a bill is enacted authorizing the agency to promulgate the rule.

Under the bill, these provisions do not apply with respect to a rule considered at the spring DNR-WCC meeting.

Legislative review of proposed rules

Under current law, proposed rules in final form must be submitted to the legislature for review by one standing committee in each house and the Joint Committee for Review of Administrative Rules (JCRAR), which may each take certain actions on the proposed rule. Current law provides that a proposed rule received in the legislature after the last day of the legislature's final general-business floorperiod is instead considered received on the first day of the next regular session of the legislature, unless the presiding officers of both houses direct referral before that day. This bill provides that, with respect to a proposed rule considered at the spring DNR-WCC meeting, the proposed rule is only considered received on the first day of the next regular session of the legislature if it is received on or after September 1 of an even-numbered year.

SENATE BILL 204

Also under current law, each committee has 30 days after the proposed rule has been referred to the committee to review the proposed rule, subject to limited extensions. However, an exception provides that if a proposed rule received after the last day of the legislature's final general-business floorperiod is referred for committee review before the first day of the next regular session of the legislature, the committee has until the day the next legislature convenes to review the proposed rule. A similar exception applies to proposed rules when they are referred to JCRAR. The bill provides that these exceptions do not apply to proposed rules considered at the spring DNR-WCC meeting and therefore the review periods for those committees are always 30 days, subject to other limited extensions.

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

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

1 **SECTION 1.** 227.135 (2) of the statutes is amended to read:
2 227.135 (2) An Except as provided in sub. (2m), an agency that has prepared
3 a statement of the scope of the proposed rule shall present the statement to the
4 department of administration, which shall make a determination as to whether the
5 agency has the explicit authority to promulgate the rule as proposed in the statement
6 of scope and shall report the statement of scope and its determination to the governor
7 who, in his or her discretion, may approve or reject the statement of scope. The
8 agency may not send the statement to the legislative reference bureau for
9 publication under sub. (3) until the governor issues a written notice of approval of
10 the statement. The agency shall also present the statement to the individual or body
11 with policy-making powers over the subject matter of the proposed rule for approval.
12 The individual or body with policy-making powers may not approve the statement
13 until at least 10 days after publication of the statement under sub. (3) and, if a
14 preliminary public hearing and comment period are held by the agency under s.
15 227.136, until the individual or body has received and reviewed any public comments

SENATE BILL 204

1 and feedback received from the agency under s. 227.136 (5). No state employee or
2 official may perform any activity in connection with the drafting of a proposed rule
3 to which this subsection applies, except for an activity necessary to prepare the
4 statement of the scope of the proposed rule until the governor and the individual or
5 body with policy-making powers over the subject matter of the proposed rule
6 approve the statement. This subsection does not prohibit an agency from performing
7 an activity necessary to prepare a petition and proposed rule for submission under
8 s. 227.26 (4).

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

10 227.135 (2m) If the department of natural resources prepares a statement of
11 the scope of a proposed rule that is considered at the joint annual spring fish and
12 wildlife rule hearing of the department of natural resources and county meeting of
13 the Wisconsin conservation congress, that department shall present the statement
14 to the natural resources board for approval. The natural resources board may not
15 approve the statement until at least 10 days after publication of the statement under
16 sub. (3) and, if the preliminary public hearing and comment period are held by the
17 department under s. 227.136, until the board has received and reviewed any public
18 comments and feedback from the department under s. 227.136 (5). If no preliminary
19 public hearing and comment period are held on a statement of scope by the
20 department under s. 227.136 and the natural resources board does not disapprove
21 the statement within 30 days after the statement is presented to that board or by the
22 11th day after publication of the statement in the register, whichever is later, the
23 statement is considered to be approved. No state employee or official may perform
24 any activity in connection with the drafting of a proposed rule to which this

SENATE BILL 204**SECTION 2**

1 subsection applies except for an activity necessary to prepare the statement of the
2 scope of the proposed rule until the natural resources board approves the statement.

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

4 227.135 (3) ~~If the governor approves a statement of the scope of a proposed rule~~
5 ~~under~~ Subject to sub. (2), the agency shall send an electronic copy of ~~the a~~ statement
6 of the scope of a proposed rule to the legislative reference bureau, in a format
7 approved by the legislative reference bureau, for publication in the register. On the
8 same day that the agency sends the statement to the legislative reference bureau,
9 the agency shall send a copy of the statement to the secretary of administration and
10 to the chief clerks of each house of the legislature, who shall distribute the statement
11 to the cochairpersons of the joint committee for review of administrative rules. The
12 agency shall include with any statement of scope sent to the legislative reference
13 bureau the date of the governor's approval of the statement of scope, if gubernatorial
14 approval of the statement of scope is required. The legislative reference bureau shall
15 assign a discrete identifying number to each statement of scope and shall include
16 that number and, if applicable, the date of the governor's approval in the publication
17 of the statement of scope in the register.

18 **SECTION 4.** 227.135 (6) of the statutes is created to read:

19 227.135 (6) This section does not apply to emergency rules that are considered
20 at the joint annual spring fish and wildlife rule hearing of the department of natural
21 resources and county meeting of the Wisconsin conservation congress.

22 **SECTION 5.** 227.137 (2) of the statutes is amended to read:

23 227.137 (2) An Except as provided in sub. (2m), an agency shall prepare an
24 economic impact analysis for a proposed rule before submitting the proposed rule to
25 the legislative council staff under s. 227.15.

SENATE BILL 204

1 **SECTION 6.** 227.137 (2m) of the statutes is created to read:

2 227.137 **(2m)** After the legislative reference bureau publishes under s. 227.135
3 (3) a statement of the scope of a proposed rule that is considered at the joint annual
4 spring fish and wildlife rule hearing of the department of natural resources and
5 county meeting of the Wisconsin conservation congress, and before that department
6 submits the notice of the proposed rule to the legislature for review under s. 227.19
7 (2), a municipality, an association that represents a farm, labor, business, or
8 professional group, or 5 or more persons who would be directly and uniquely affected
9 by the proposed rule may submit a petition to the department of administration
10 asking the secretary of administration to direct the department of natural resources
11 to prepare an economic impact analysis for the proposed rule. If the secretary of
12 administration directs the department of natural resources to prepare the economic
13 impact analysis, that department shall prepare the economic impact analysis before
14 submitting the notice of the proposed rule to the legislature for review under s.
15 227.19 (2). The secretary of administration shall direct the department of natural
16 resources to prepare an economic impact analysis for the proposed rule if the
17 secretary determines that all of the following apply:

18 (a) The petition was submitted to the department of administration no later
19 than 90 days after publication of the statement of the scope of the proposed rule
20 under s. 227.135 (3) or no later than 10 days after publication of the notice for a public
21 hearing under s. 227.17, whichever is later.

22 (b) The proposed rule would cost affected persons \$20,000,000 or more during
23 each of the first 5 years after the rule's implementation to comply with the rule or the
24 proposed rule would adversely affect in a material way the economy, a sector of the

SENATE BILL 204**SECTION 6**

1 economy, productivity, competition, jobs, the environment, public health or safety, or
2 state, local, or tribal governments or communities.

3 **SECTION 7.** 227.137 (3) (intro.) of the statutes is amended to read:

4 227.137 (3) (intro.) An economic impact analysis of a proposed rule prepared
5 under sub. (2) or (4m) shall contain information on the economic effect of the
6 proposed rule on specific businesses, business sectors, public utility ratepayers, local
7 governmental units, and the state's economy as a whole. The agency or person
8 preparing the analysis shall solicit information and advice from businesses,
9 associations representing businesses, local governmental units, and individuals that
10 may be affected by the proposed rule. The agency or person shall prepare the
11 economic impact analysis in coordination with local governmental units that may be
12 affected by the proposed rule. The agency or person may also request information
13 that is reasonably necessary for the preparation of an economic impact analysis from
14 other businesses, associations, local governmental units, and individuals and from
15 other agencies. The economic impact analysis shall include all of the following:

16 **SECTION 8.** 227.137 (3m) of the statutes is created to read:

17 227.137 (3m) An economic impact analysis of a proposed rule prepared under
18 sub. (2m) shall contain information on the effect of the proposed rule on specific
19 businesses, business sectors, and the state's economy. When preparing the analysis,
20 the department of natural resources shall solicit information and advice from the
21 Wisconsin Economic Development Corporation and from businesses, associations,
22 governmental units, and individuals that may be affected by the proposed rule. The
23 department of natural resources may request information that is reasonably
24 necessary for the preparation of the economic impact analysis from other state

SENATE BILL 204

1 agencies and from businesses, associations, governmental units, and individuals.

2 The economic impact analysis shall include all of the following:

3 (a) An analysis and quantification of the problem, including any risks to public
4 health or the environment, that the proposed rule is intending to address.

5 (b) An analysis and quantification of the economic impact of the proposed rule,
6 including the costs that are reasonably expected to be incurred by the state,
7 businesses, governmental units, and affected individuals.

8 (c) An analysis of the benefits of the proposed rule, including how the rule
9 reduces the risks and addresses the problems that the rule is intended to address.

10 **SECTION 9.** 227.137 (4) of the statutes is amended to read:

11 227.137 (4) On the same day that the agency submits the an economic impact
12 analysis prepared under sub. (2) to the legislative council staff under s. 227.15 (1),
13 the agency shall also submit that analysis to the department of administration, to
14 the governor, and to the chief clerks of each house of the legislature, who shall
15 distribute the analysis to the presiding officers of their respective houses, to the
16 chairpersons of the appropriate standing committees of their respective houses, as
17 designated by those presiding officers, and to the cochairpersons of the joint
18 committee for review of administrative rules. If a proposed rule is modified after the
19 economic impact analysis is submitted under this subsection so that the economic
20 impact of the proposed rule is significantly changed, the agency shall prepare a
21 revised economic impact analysis for the proposed rule as modified. A revised
22 economic impact analysis shall be prepared and submitted in the same manner as
23 an original economic impact analysis is prepared and submitted.

24 **SECTION 10.** 227.137 (4r) of the statutes is created to read:

SENATE BILL 204**SECTION 10**

1 227.137 **(4r)** The department of natural resources shall submit an economic
2 impact analysis prepared under sub. (2m) to the legislative council staff, to the
3 department of administration, and to the petitioner.

4 **SECTION 11.** 227.14 (2) (a) 6. of the statutes is amended to read:

5 227.14 **(2)** (a) 6. Any analysis and supporting documentation that the agency
6 used in support of the agency's determination of the rule's effect on small businesses
7 under s. 227.114 or that was used when the agency prepared an economic impact
8 analysis under s. 227.137 ~~(3)~~ (2) or (2m).

9 **SECTION 12.** 227.14 (4m) of the statutes is amended to read:

10 227.14 **(4m)** NOTICE OF SUBMITTAL TO LEGISLATIVE COUNCIL STAFF. On the same
11 day that an agency submits a proposed rule to the legislative council staff under s.
12 227.15, the agency shall prepare a written notice of the agency's submittal to the
13 legislative council staff. The notice shall include a statement of the date on which
14 the proposed rule has been submitted to the legislative council staff for review, of the
15 subject matter of the proposed rule, and of whether a public hearing on the proposed
16 rule is required under s. 227.16, and shall identify the organizational unit within the
17 agency that is primarily responsible for the promulgation of the rule. The notice
18 shall also include a statement containing the identifying number of the statement
19 of scope for the proposed rule assigned under s. 227.135 (3), the date of publication
20 and issue number of the register in which the statement of scope is published, and
21 the date of approval of the statement of scope by the individual or body with
22 policy-making powers over the subject matter of the proposed rule under s. 227.135
23 (2) or (2m). The notice shall be approved by the individual or body with
24 policy-making powers over the subject matter of the proposed rule. The agency shall
25 send an electronic copy of the notice to the legislative reference bureau, in a format

SENATE BILL 204

1 approved by the legislative reference bureau, for publication in the register. On the
2 same day that the agency sends the notice to the legislative reference bureau, the
3 agency shall send a copy of the notice to the secretary of administration.

4 **SECTION 13.** 227.15 (1) of the statutes is amended to read:

5 227.15 (1) SUBMITTAL TO LEGISLATIVE COUNCIL STAFF. Prior to a public hearing
6 on a proposed rule required under s. 227.16 or, if no such public hearing is required,
7 prior to notice under s. 227.19, an agency shall submit the proposed rule to the
8 legislative council staff for review. The proposed rule shall be in the form required
9 under s. 227.14 (1), and shall include the material required under s. 227.14 (2), (3),
10 and (4), any housing impact analysis required under s. 227.115 (2) (a), any revised
11 housing impact analysis required under s. 227.115 (2) (b), ~~the~~ any economic impact
12 analysis required under s. 227.137 (2) or (2m), and any revised economic impact
13 analysis required under s. 227.137 (4). An agency may not hold a public hearing on
14 a proposed rule or give notice under s. 227.19 until after it has received a written
15 report of the legislative council staff review of the proposed rule or until after the
16 initial review period of 20 working days under sub. (2) (intro.), whichever comes first.
17 An agency may give notice of a public hearing prior to receipt of the legislative council
18 staff report. This subsection does not apply to rules promulgated under s. 227.24.

19 **SECTION 14.** 227.15 (1m) (bm) of the statutes is amended to read:

20 227.15 (1m) (bm) ~~The~~ Any economic impact analysis required under s. 227.137
21 (2) or (2m), any revised economic impact analysis required under s. 227.137 (4), and
22 any independent economic impact analysis prepared under s. 227.137 (4m).

23 **SECTION 15.** 227.185 of the statutes is amended to read:

24 **227.185 Approval by governor.** ~~After~~ Except as provided in this section,
25 after a proposed rule is in final draft form, the agency shall submit the proposed rule

SENATE BILL 204**SECTION 15**

1 to the governor for approval. The governor, in his or her discretion, may approve or
2 reject the proposed rule. If the governor approves a proposed rule, the governor shall
3 provide the agency with a written notice of that approval. No Except as provided in
4 this section, no proposed rule may be submitted to the legislature for review under
5 s. 227.19 (2) unless the governor has approved the proposed rule in writing. The
6 agency shall notify the joint committee for review of administrative rules whenever
7 it submits a proposed rule for approval under this section. This section does not apply
8 to a proposed rule that is considered at the joint annual spring fish and wildlife rule
9 hearing of the department of natural resources and county meeting of the Wisconsin
10 conservation congress.

11 **SECTION 16.** 227.19 (2) of the statutes is renumbered 227.19 (2) (a) and
12 amended to read:

13 227.19 (2) (a) An agency shall submit a notice to the chief clerk of each house
14 of the legislature when a proposed rule is in final draft form. The notice shall be
15 submitted in triplicate and shall be accompanied by a report in the form specified
16 under sub. (3). -A

17 (b) 1. Except as provided in subd. 2., a notice received under this subsection
18 after the last day of the legislature's final general-business floorperiod in the
19 biennial session as established in the joint resolution required under s. 13.02 (3) shall
20 be considered received on the first day of the next regular session of the legislature,
21 unless the presiding officers of both houses direct referral of the notice and report
22 under this subsection before that day.

23 (c) The presiding officer of each house of the legislature shall, within 10
24 working days following the day on which ~~the~~ a notice and report are received under

SENATE BILL 204

1 this subsection, direct the appropriate chief clerk to refer the notice and report to one
2 standing committee.

3 (d) The agency shall submit to the legislative reference bureau for publication
4 in the register, in an electronic format approved by the legislative reference bureau,
5 a statement that a proposed rule has been submitted to the chief clerk of each house
6 of the legislature. The agency shall also include in the statement the date of approval
7 of the proposed rule by the governor under s. 227.185 if the proposed rule is subject
8 to gubernatorial approval. Each chief clerk shall enter a similar statement in the
9 journal of his or her house.

10 **SECTION 17.** 227.19 (2) (b) 2. of the statutes is created to read:

11 227.19 (2) (b) 2. A notice received under this subsection on or after September
12 1 of an even-numbered year shall be considered received on the first day of the next
13 regular session of the legislature, unless the presiding officers of both houses direct
14 referral of the notice and report under this subsection before that day. This
15 subdivision applies only with respect to a proposed rule that is considered at the joint
16 annual spring fish and wildlife rule hearing of the department of natural resources
17 and county meeting of the Wisconsin conservation congress.

18 **SECTION 18.** 227.19 (3) (intro.) of the statutes is amended to read:

19 227.19 (3) FORM OF REPORT. (intro.) The report required under sub. (2) shall be
20 in writing and shall include the proposed rule in the form specified in s. 227.14 (1);
21 the material specified in s. 227.14 (2), (3), and (4); including any statement,
22 suggested changes, or other material submitted to the agency by the small business
23 regulatory review board; a copy of any economic impact analysis prepared by the
24 agency under s. 227.137 (2) or (2m); a copy of any revised economic impact analysis
25 prepared by the agency under s. 227.137 (4); a copy of any independent economic

SENATE BILL 204**SECTION 18**

1 impact analysis prepared under s. 227.137 (4m); a copy of any energy impact report
2 received from the public service commission under s. 227.117 (2); and a copy of any
3 recommendations of the legislative council staff. The report shall also include all of
4 the following:

5 **SECTION 19.** 227.19 (4) (b) 1m. of the statutes is amended to read:

6 227.19 (4) (b) 1m. Except as provided under subd. 5., if a notice and report
7 received under sub. (2) after the last day of the legislature's final general-business
8 floorperiod as specified in sub. (2) is referred for committee review before the first day
9 of the next regular session of the legislature, the committee review period for each
10 committee to which the proposed rule is referred extends to the day specified under
11 s. 13.02 (1) for the next legislature to convene. This subdivision does not apply with
12 respect to a proposed rule that is considered at the joint annual spring fish and
13 wildlife rule hearing of the department of natural resources and county meeting of
14 the Wisconsin conservation congress.

15 **SECTION 20.** 227.19 (5) (b) 1m. of the statutes is amended to read:

16 227.19 (5) (b) 1m. If a notice and report received under sub. (2) after the last
17 day of the legislature's final general-business floorperiod as specified in sub. (2) is
18 referred for review by the joint committee for review of administrative rules before
19 the first day of the next regular session of the legislature, the review period for the
20 joint committee for review of administrative rules extends to the day specified under
21 s. 13.02 (1) for the next legislature to convene. During that review period, the joint
22 committee for review of administrative rules may meet and take action in executive
23 session and may take any action on the proposed rule in whole or in part permitted
24 under this subsection. If the joint committee for review of administrative rules meets
25 in executive session with respect to a proposed rule or part of a proposed rule to which

SENATE BILL 204

1 a committee has objected, that joint committee shall take action as permitted under
2 this subsection with respect to the committee's objection. This subdivision does not
3 apply with respect to a proposed rule that is considered at the joint annual spring fish
4 and wildlife rule hearing of the department of natural resources and county meeting
5 of the Wisconsin conservation congress.

6 **SECTION 21.** 227.24 (1) (e) 1d. of the statutes is amended to read:

7 227.24 (1) (e) 1d. ~~Prepare~~ Except as provided in s. 227.135 (6), prepare a
8 statement of the scope of the proposed emergency rule as provided in s. 227.135 (1),
9 obtain approval of the statement as provided in s. 227.135 (2), send the statement
10 to the legislative reference bureau for publication in the register as provided in s.
11 227.135 (3), and hold a preliminary public hearing and comment period if directed
12 under s. 227.136 (1). If the agency changes the scope of a proposed emergency rule
13 as described in s. 227.135 (4), the agency shall prepare and obtain approval of a
14 revised statement of the scope of the proposed emergency rule as provided in s.
15 227.135 (4). No state employee or official may perform any activity in connection
16 with the drafting of a proposed emergency rule except for an activity necessary to
17 prepare the statement of the scope of the proposed emergency rule until the governor
18 and the individual or body with policy-making powers over the subject matter of the
19 proposed emergency rule approve the statement.

20 **SECTION 22.** 227.24 (1) (e) 1g. of the statutes is amended to read:

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

SENATE BILL 204**SECTION 22**

1 rule with the legislative reference bureau as provided in s. 227.20 and an emergency
2 rule may not be published until the governor approves the emergency rule in writing.
3 This subdivision does not apply to a proposed emergency rule that is considered at
4 the joint annual spring fish and wildlife rule hearing of the department of natural
5 resources and county meeting of the Wisconsin conservation congress.

SECTION 23. Initial applicability.

7 (1) GUBERNATORIAL APPROVAL OF RULES; SCOPE STATEMENTS. The treatment of ss.
8 227.135 (2), (2m), (3), and (6), 227.14 (4m), 227.185, and 227.24 (1) (e) 1d. and 1g. and
9 the renumbering and amendment of s. 227.19 (2) (with respect to gubernatorial
10 approval of rules) first apply to a proposed administrative rule whose statement of
11 scope is published in the Wisconsin Administrative Register on the effective date of
12 this subsection.

13 (2) ECONOMIC IMPACT ANALYSES; LEGISLATIVE REVIEW. The treatment of ss. 227.137
14 (2), (2m), (3) (intro.), (3m), (4), and (4r), 227.14 (2) (a) 6., 227.15 (1) and (1m) (bm),
15 and 227.19 (3) (intro.), (4) (b) 1m., and (5) (b) 1m., the renumbering and amendment
16 of s. 227.19 (2) (with respect to legislative review of rules), and the creation of s.
17 227.19 (2) (b) 2. first apply to a notice of a proposed administrative rule submitted
18 to the legislature under s. 227.19 (2) on the effective date of this subsection.

19 (END)