




Civics 101: The Legislative & Regulatory Process

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Lake Leaders Institute
Perlstein Center, Wisconsin Dells



Levels of Government

- Federal
 - State
 - Local (County, City or Town, Lake District)
- 



Federal

Don't deal with much in Wisconsin in regard to water laws:

- EPA delegated authority to manage waters under Clean Water Act to state
- Sometimes Army Corps of Engineers has authority



Local

- ▶ Similar process to state
 - ▶ Hard to discuss in general because it varies by jurisdiction
 - ▶ Terminology may be different (e.g. “ordinances” vs. “laws”)



State

- Sources of authority
 - Delegated by United States via EPA
 - State Constitution – the “Public Trust Doctrine”



Laws vs Rules

- ▶ Laws (statutes) are passed by the legislature and signed by Governor
- ▶ Rules (administrative code) are developed by agencies
 - ▶ Must be authorized to do so by a statute
 - ▶ Governor approves concept, agency develops rule, Governor and Legislature approve
 - ▶ E.g. Shoreland zoning – Wis Statute 59.692 authorizes shoreland zoning rules in NR115

Formation of a Law



Formation of a Law

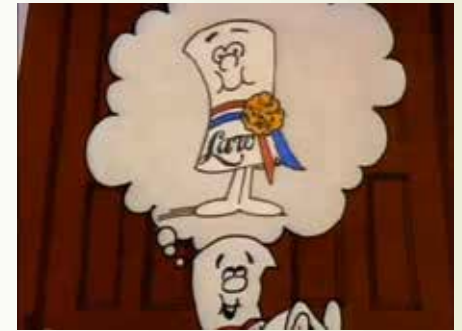
Step 1:

Bill introduced by a legislator(s) and is assigned to a committee



Formation of a Law

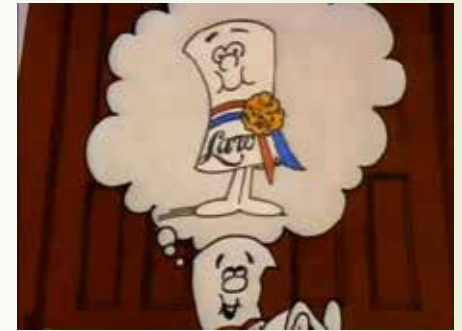
Step 2:
Committee chair
decides if and when
to hold a hearing



Formation of a Law

Step 3:

Committee holds a public hearing. Public testifies for or against the bill (incl. lobbyists, state agencies)



Formation of a Law

Step 4:

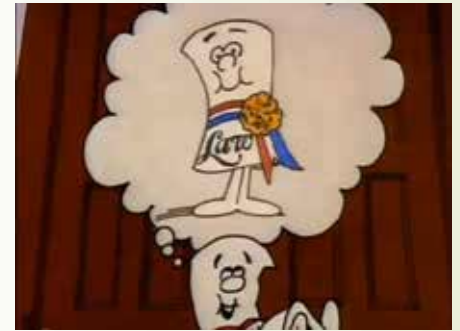
At discretion of committee chair, committee votes on bill in “Executive Session” – No public input.



Formation of a Law

Step 5:

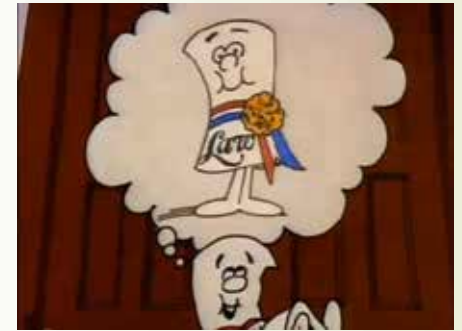
Committee sends bill to full house (Assembly or Senate) who can vote yes, no, amend, or not vote



Formation of a Law

Step 6:

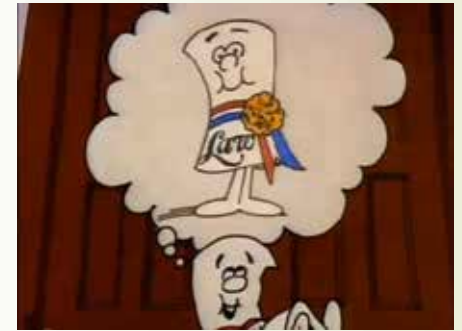
If bill passes, it is sent (“messed”) to the other house. Bill goes through same process



Formation of a Law

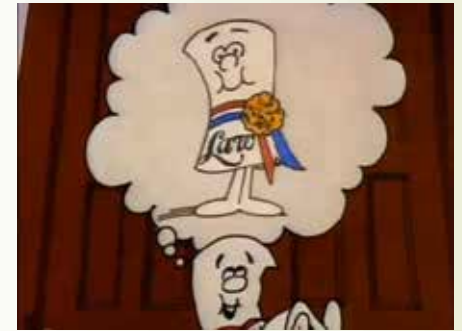
Step 7:

If bill passes both houses with same language, it goes to Governor who can sign or veto. Bill is now law



Formation of a Law

Process can be sped up by introducing the same bill simultaneously in both houses. Only one needs to pass.



Formation of a Law

Step 1: Introduced to committee

Step 2: Public Hearing

Step 3: Voted on by committee

Step 4: Voted on by house

Step 5: Sent to other house

Step 6: Signed or vetoed by
governor





Two Types of Legislation

- Budget Bill
 - Everything Else
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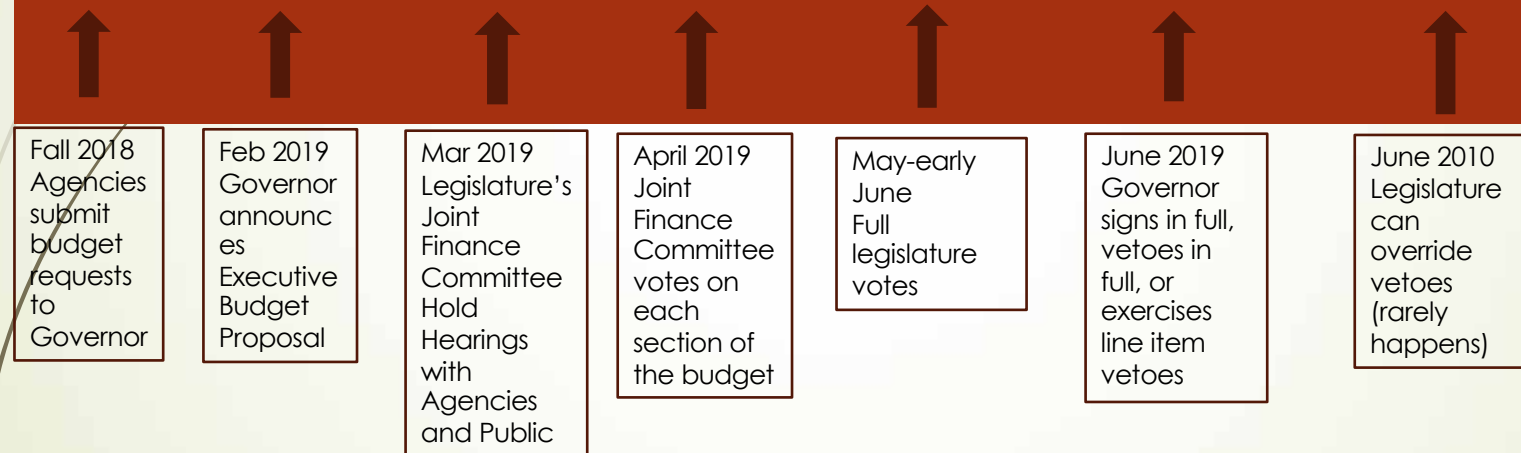
Legislative Timeline

- ▶ Legislative session is two years
- ▶ Budget is worked on Feb-June of 1st year of session
- ▶ Other legislation is before budget work, and then winter-spring
- ▶ Floor periods are limited



Legislative Timeline

Timeline for state budget development



- State budget is biennial – 2 years (July 2019-June 2021)



Water-Related Statutes

- ▶ Chapter 30: Navigable waters, harbors, and navigation
- ▶ Chapter 31: Regulation of dams and bridges affecting navigable waters
- ▶ Chapter 33: Public inland waters (lake districts)
- ▶ Chapter 59.692: Shoreland zoning
- ▶ Chapters 279-299: General Natural Resources:
 - ▶ 281: Water and sewage (Water quality, groundwater, grant programs)

Administrative Rulemaking

- Definition of Administrative Rule

A regulation, standard, policy statement, or order of general application promulgated by a state agency:

- To make specific, implement, or interpret provisions of statutes that are enforced or administered by the agency
- To establish procedures for the agency to follow in administering its programs

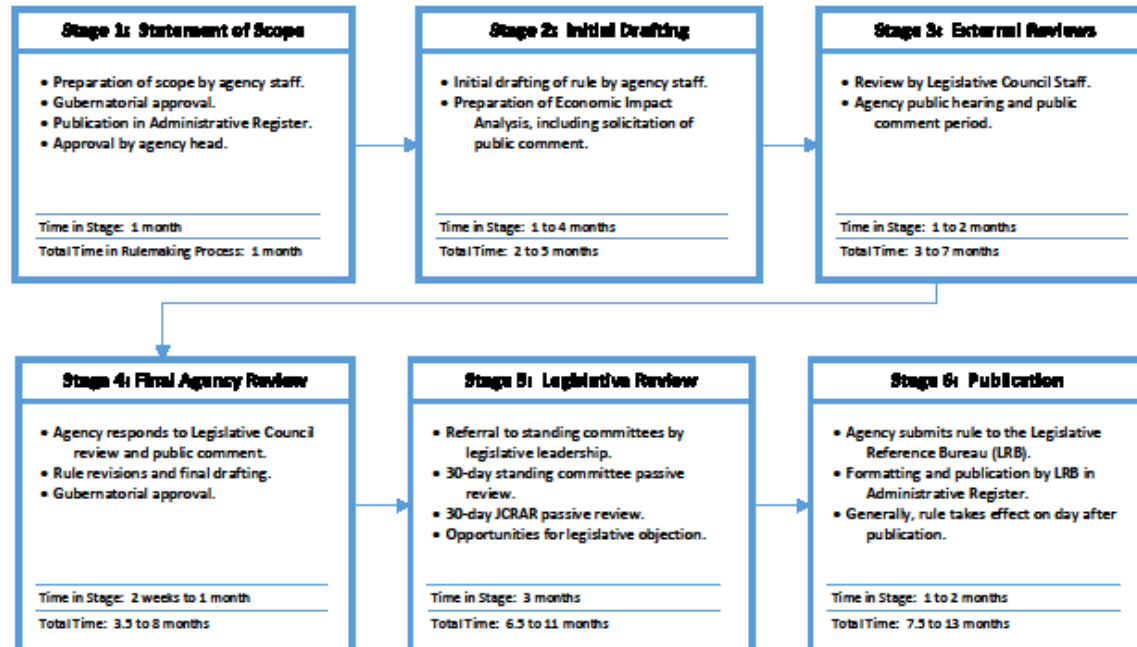


Rulemaking Authority

- ▶ Create new rules, or amend or repeal existing
- ▶ Rule must be authorized by a specific grant of authority to the agency by a statute
- ▶ Rule cannot be based on a statute that grants *general* authority to an agency
- ▶ Rule cannot be more restrictive than a statute



Overview of Administrative Rulemaking Process



Prepared by: Wisconsin Legislative Council, January 2017

Please note this overview describes the process for a "typical" rulemaking. Rules developed using extraordinary processes, such as citizen-initiated rulemaking or internal board approvals, may require additional time. For more information on the rulemaking process see: http://docs.legis.wisconsin.gov/misc/lc/briefing_book/ch02_adminrules.pdf



Hope you had fun!



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