



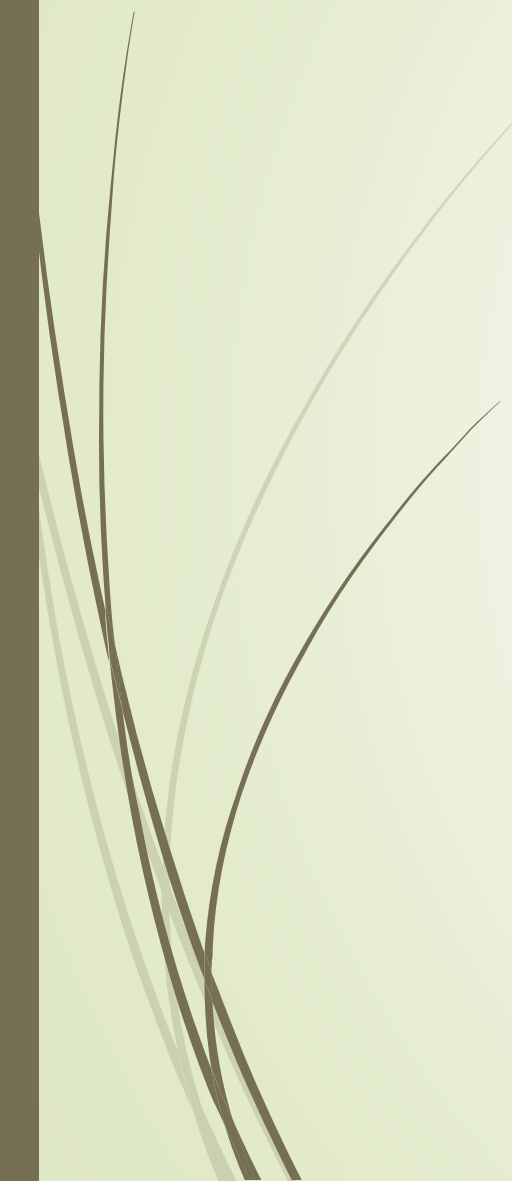
Civics 101: The Legislative & Regulatory Process

Presented by Michael Engleson
Executive Director, Wisconsin Lakes
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Wisconsin Lakes Partnership Convention &
Water Action Volunteers Symposium



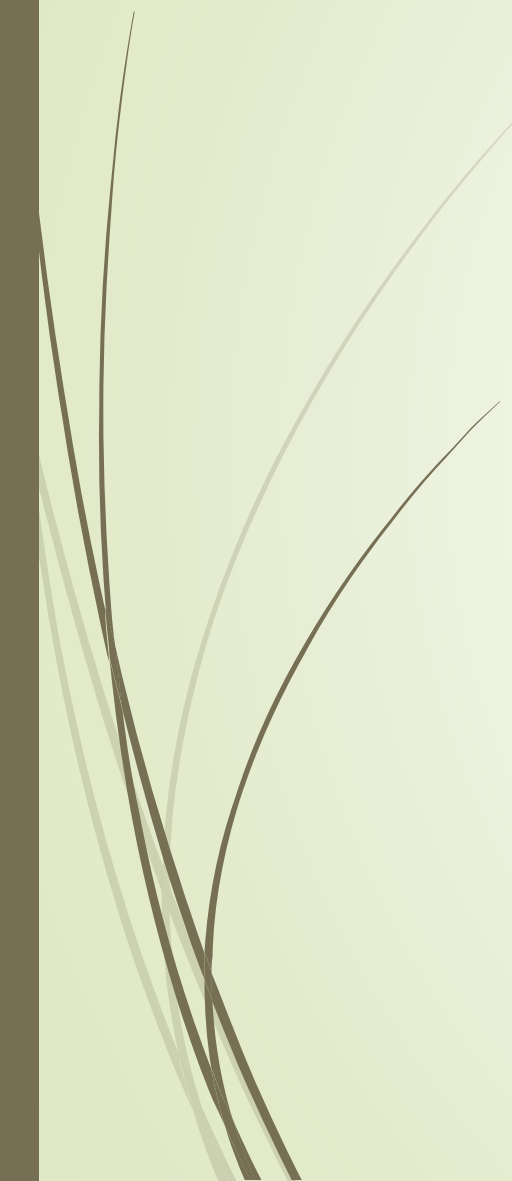
Levels of Government

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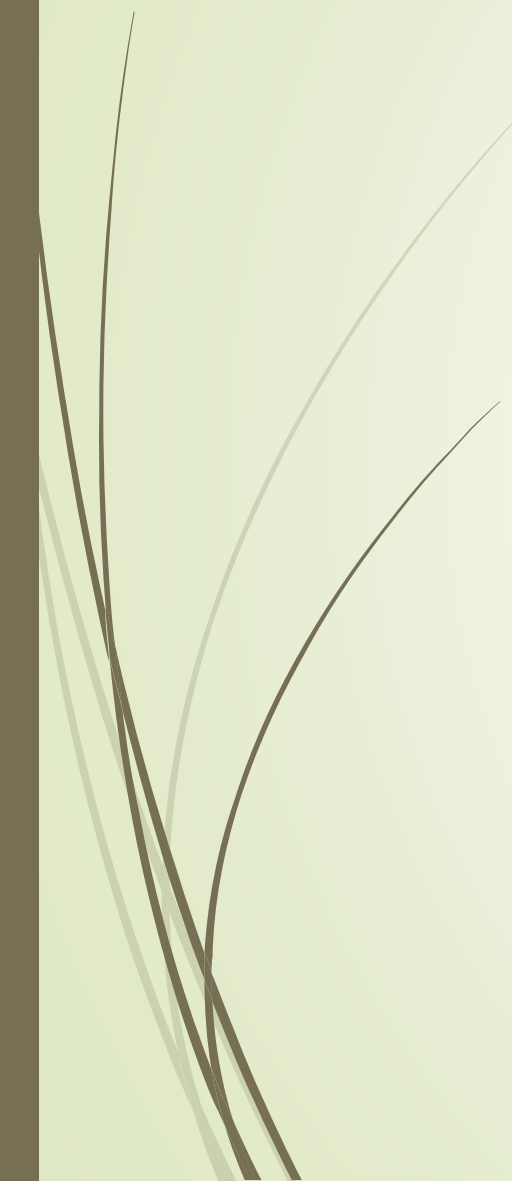
Federal

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
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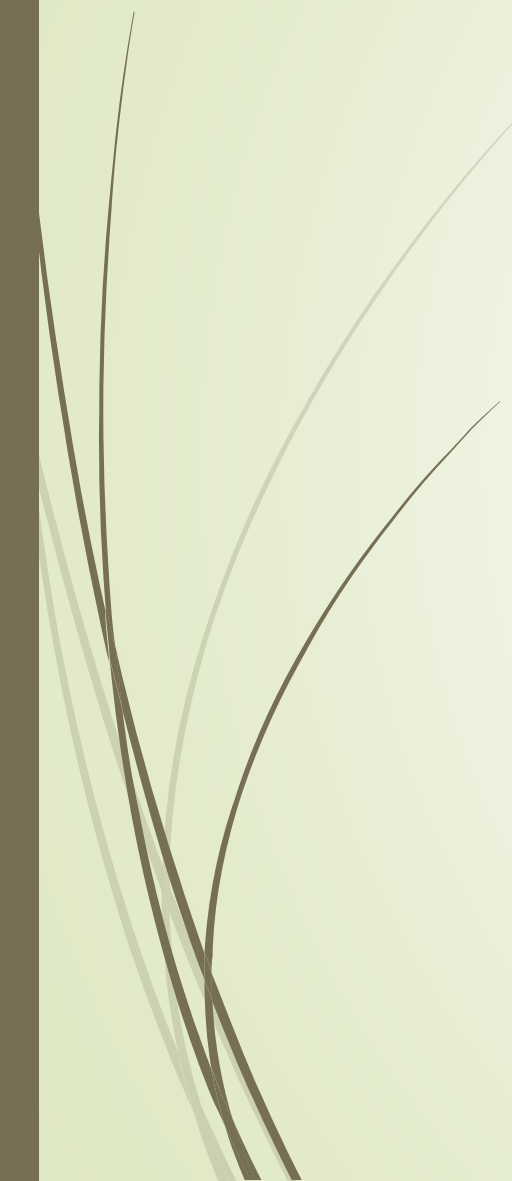


Local

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

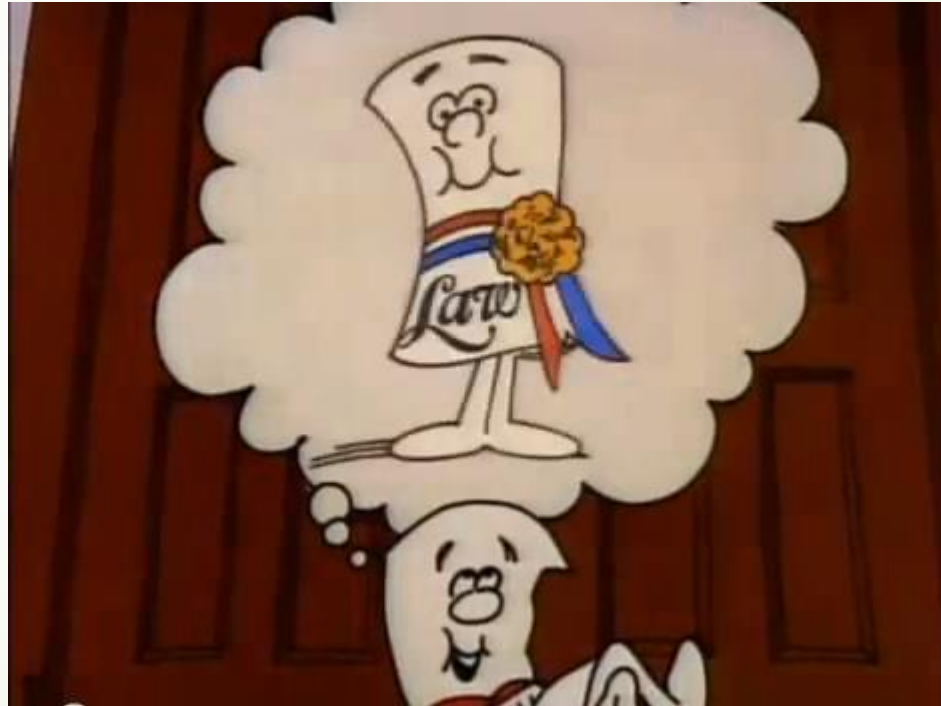
- Sources of authority
 - Delegated by United States via EPA
 - State Constitution – the “Public Trust Doctrine”
- 



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 (“messaging”) 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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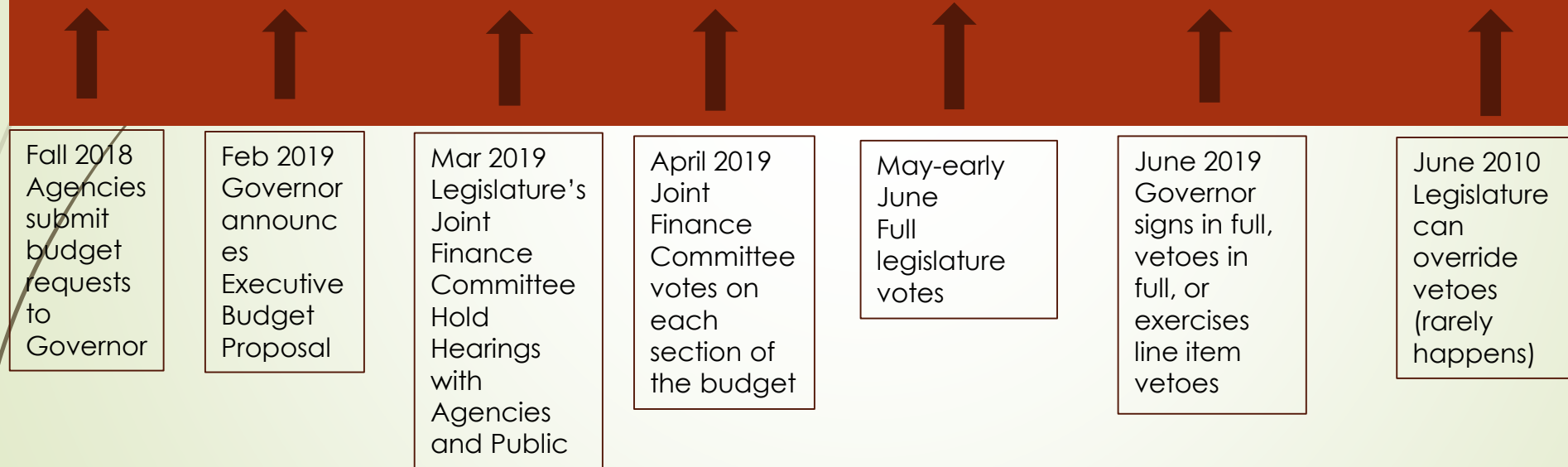
Legislative Timeline

- 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

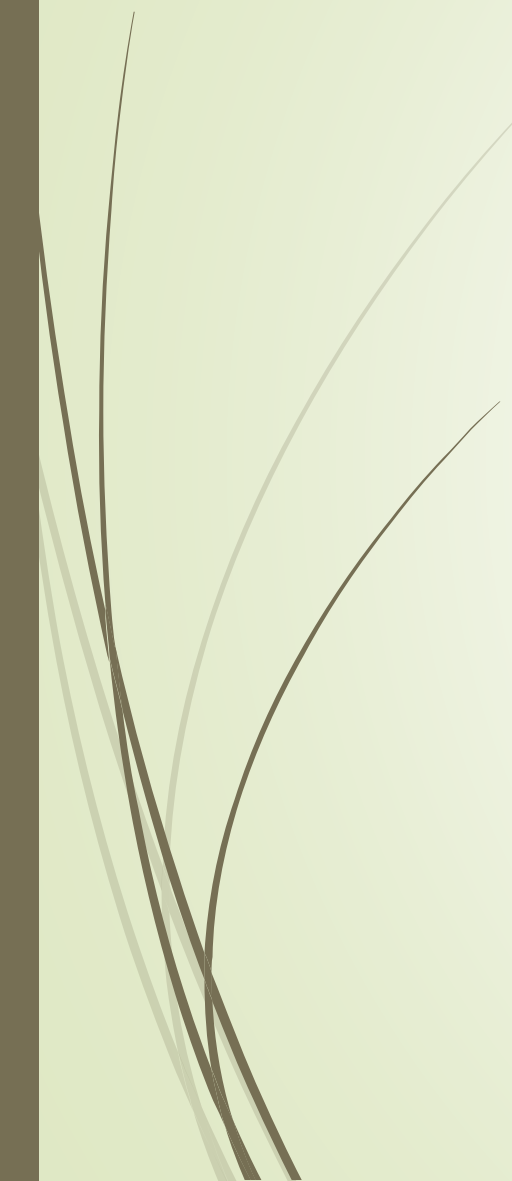
Timeline for state budget development



- 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

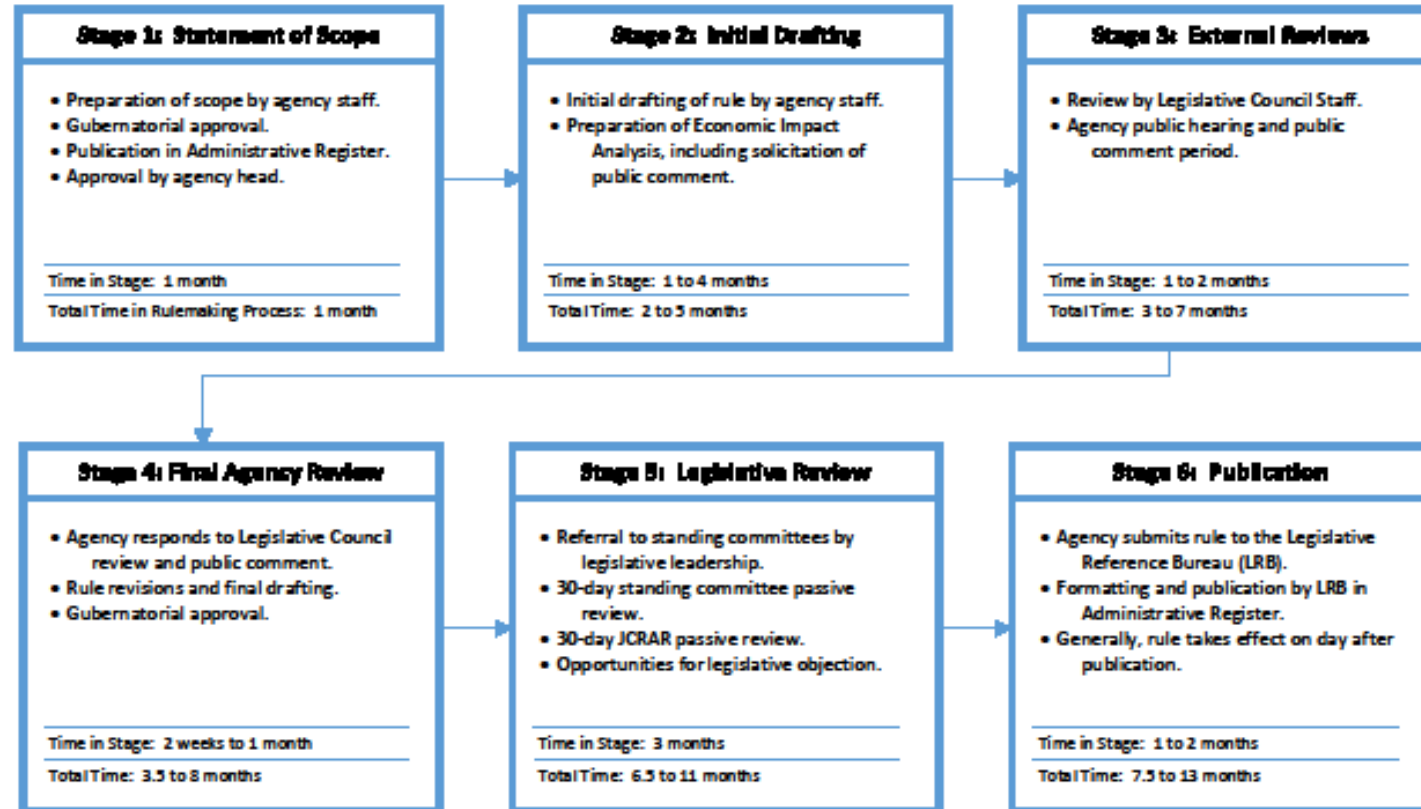


Rulemaking Authority

- 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/ch03_admrules.pdf



Hope you had fun!



Michael Engleson
Executive Director, Wisconsin Lakes

147 S. Butler St. #2
Madison WI 53703
(608)661-4313

mengleson@wisconsinlakes.org
wisconsinlakes.org