

Fiscal Estimate Narratives

DOC 6/26/2017

LRB Number	17-3586/2	Introduction Number	AB-0384	Estimate Type	Original
Description the expiration of administrative rules					

Assumptions Used in Arriving at Fiscal Estimate

This bill provides for the expiration of each chapter of the Wisconsin Administrative Code after seven years, unless the chapter is readopted by the agency through the readoption process established under the bill. Under current law, an agency may promulgate administrative rules when it is granted rule-making authority under the statutes. Once promulgated, administrative rules remain in effect indefinitely unless repealed or amended by the agency or suspended by the Joint Committee for Review of Administrative Rules (JCRAR).

This bill provides that each chapter of the code expires seven years after a rule that creates, or repeals and recreates, the chapter takes effect or after the chapter is readopted. The bill requires JCRAR to establish a schedule for the expiration of all existing code chapters that are in effect on the effective date of the bill. Under the bill, in the year before a code chapter is set to expire, an agency may send a readoption notice to JCRAR and the appropriate standing committees proposing to readopt the chapter. If no member of JCRAR or the standing committees objects to the readoption notice, the chapter is considered readopted without further action. If any member of JCRAR or either standing committee objects to readoption of the chapter, the chapter expires on its expiration date unless the agency promulgates a rule to readopt the chapter using the standard rule-making process.

Under the bill, JCRAR may extend the effective date of the chapter that is set to expire for up to one year to accommodate readoption of the chapter through the standard rule-making process. The bill also requires agencies to avoid the use in rules of words and phrases that are outdated or that are now understood to be derogatory or offensive.

This bill creates an automatic expiration of each chapter of the Department of Corrections' (DOC) administrative code every seven years. This will require DOC's administrative rules committee to take action to renew the rules under a new process set forth in the proposed bill. Changes put forth in the bill may result in increased workload for the Department's Administrative Rules Committee. For example, in the year before a code chapter is set to expire, an agency may send a readoption notice to JCRAR and the appropriate standing committees proposing to readopt the chapter.

The DOC Administrative Rules Committee is comprised of agency staff in various divisions and bureaus. Committee Members are appointed by the Department Deputy Secretary to serve on the committee, in addition to their regular day to day duties. Currently, there are 13 members serving on the Department's Administrative Rules Committee. There are zero full-time equivalent staff at DOC who are dedicated solely to the administrative rule committee and the review, revision, or creation of administrative rules. If the bill results in a significantly increased workload, additional staff may be required by the Department.

The bill's fiscal impact is not possible to determine without knowing whether readoption requests will be granted by JCRAR or if the Department will be required to readopt the chapter using the standard rule-making process and how that would impact the workload of the Department's administrative rules committee.

Long-Range Fiscal Implications