



## Fiscal Estimate Narratives

DCF 7/5/2017

LRB Number	17-2593/2	Introduction Number	SB-295	Estimate Type	Original
<b>Description</b> the expiration of administrative rules					

### Assumptions Used in Arriving at Fiscal Estimate

Under current law, once promulgated, administrative rules remain in effect indefinitely. 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 the bill, the Joint Committee for Review of Administrative Rules (JCRAR) would be required to establish a schedule for the expiration of all existing code chapters in effect on the effective date of the bill. In the year before a chapter is set to expire, the agency would send a notice to JCRAR and legislative standing committees proposing to readopt the chapter. The notice must include a brief statement on the basis and purpose of the chapter, a reference to each statute related to the rule, and a statement affirming that all rules in the chapter are in compliance with the new requirements. JCRAR and standing committees have a 40 day review period. The chapter would be considered readopted if no member of JCRAR or standing committees objects to the readoption notice.

If any member of JCRAR or a standing committee objects, then the chapter expires on its expiration date unless the agency promulgates a rule to readopt the chapter using the standard rule making process. Objections must be made in writing and would be distributed to other committees that received the readoption notice as well as the agency that submitted the notice. The bill allows JCRAR to extend the expiration date one year to allow for the chapter to be readopted through the standard rule making process. For rules that are objected to and must go through the standard rule making process to be readopted, an agency would be required to compare actual costs of a rule to any previous economic impact analyses. If a committee member objects to the readoption notice, the bill states that an agency may propose to readopt the chapter without changes or may make changes to the chapter. Agencies may not promulgate an emergency rule for the purpose of extending a rule that is subject to expiration.

Sending a notice to the legislature proposing to readopt a chapter would not be a significant increase in workload for Department of Children and Families (DCF) staff and could likely be accommodated within current staffing levels. However, the bill could create a large increase in DCF workload if JCRAR or standing committee members frequently object to DCF's requests for readoption and the standard rule making process must be followed to readopt chapters necessary for DCF operations. DCF staff estimate that it would take 200-400 hundred hours of staff time to complete the standard rule making process for one chapter, depending on the changes to the chapter. Therefore, the fiscal effect to DCF is indeterminate but likely positive and depends on the number of objections raised to any proposed readoption of rules.

### Long-Range Fiscal Implications