

Fiscal Estimate Narratives

DOC 6/20/2025

LRB Number	25-0565/1	Introduction Number	AB-0274	Estimate Type	Original
Description the expiration of administrative rules					

Assumptions Used in Arriving at Fiscal Estimate

This bill would provide 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 Once promulgated, administrative rules remain in effect indefinitely unless repealed or amended by the agency or suspended by the Joint Committee for Review of Administrative Rules (JCRAR).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 would provide 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 would require 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 to JCRAR and the appropriate standing committees a notice of its intention 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 rulemaking process. The bill also would require agencies to avoid in rules the use of words and phrases that are outdated or that are now understood to be derogatory or offensive.

Were these changes enacted, the Department of Corrections (DOC) would need to devote more staff to working on administrative rules, because DOC would need to periodically request the readoption of all administrative code chapters still needed by the Department, and address any objections raised during the readoption process. Accommodating this increased workload may require additional staffing, particularly for Subject Matter Experts (SME) from the program divisions who are heavily involved in DOC's rule drafting process. If the added workload could not be absorbed by existing staff, it is not possible to estimate how many additional positions would be required, because it is unclear how staff time intensive each readoption process would be, and whether still-necessary rules would be readopted without objection, or need to be modified or replaced to address the objection.

Long-Range Fiscal Implications