

## Report From Agency

### DEPARTMENT OF ADMINISTRATION REPORT TO LEGISLATURE

#### Ch. Adm 1, 2, 21, 30, 50, 89, 92; Game 4; ER 44, Wis. Admin. Code Relating to Updated Terminology in Administrative Rules

#### Clearinghouse Rule 21-110

#### **I. PROPOSED RULE AND SUMMARY:**

The proposed rule, including analysis and text, are attached.

#### **II. REFERENCE TO APPLICABLE FORMS:**

There are no references to new forms.

#### **III. FISCAL ESTIMATE AND ECONOMIC IMPACT STATEMENT:**

The fiscal estimate and economic impact analysis are attached. The Department is proposing this rule to update terminology in existing rules in order to comply with 2019 Executive Order #15. The rule will have no fiscal or economic impact on small businesses or the State's economy as a whole.

#### **IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:**

The objective of the proposed rulemaking is to comply with 2019 Executive Order #15, requiring state agencies to review their administrative rules and replace any derogatory or offensive terms with current, more inclusive terminology. This includes replacing any usage of "mentally retarded" with "intellectually disabled," "mental retardation" with "intellectual disability," and "handicapped" with "disabled."

The Department reviewed its administrative code and found that several code chapters - Adm 1, 2, 21, 30, 50, 89, and 92; Game 4, and ER 44 - contain instances where the term "handicapped" or "handicap" is used in a context that should be updated in accordance with EO #15. The proposed rule replaces these terms with "disabled," "disability," or similar terms, and adjusts other terminology as necessary to achieve this objective, while minimizing substantive changes to code provisions.

Where appropriate, terminology and definitions are made consistent with those used in the federal Americans with Disabilities Act of 1990.

**V. SUMMARY OF PUBLIC COMMENTS, APPEARANCES AT THE PUBLIC HEARING, AND MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:**

A public hearing was held remotely on January 24, 2022. Comments could be submitted at the hearing, by postal mail, or by email to [DOARulesReview@wisconsin.gov](mailto:DOARulesReview@wisconsin.gov). The published deadline for submission of comments was 5:00 p.m. on January 24, 2022.

No members of the public attended the hearing, and the Department received no comments by mail or email.

**VI. CHANGES TO RULE ANALYSIS AND FISCAL ESTIMATE:**

No changes to the Fiscal Estimate and Economic Impact Analysis were made.

The Rule Analysis was updated to reflect changes made in response to the Legislative Council Rule Clearinghouse Report, as described below.

**VII. RESPONSE TO LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT:**

The Legislative Council Rules Clearinghouse sent its report to the Department of Administration on Jan. 18, 2022, containing comments and suggestions relating to “Form, Style, and Placement in Administrative Code” and “Adequacy of Reference to Related Statutes, Rules and Forms.”

The suggested changes in the report comprised only a few minor stylistic and proofreading changes. The Department revised the proposed rule to address and incorporate all of the recommendations in the Clearinghouse Report.

**VIII. ADDITIONAL INFORMATION:**

No additional information is required to be submitted under s. 227.19 (3) (e) to (h), Stats., because the proposed rule will not have an effect on small business, no energy impact report was required under s. 227.117 (2), Stats., no housing report was required under s. 227.115, Stats., and the Small Business Regulatory Review Board did not prepare a report on this rule proposal under s. 227.14 (2g), Stats.