

Rulemaking Process

Stage 1: Statement of Scope

Preparation of scope by agency staff.

DOA review.

Gubernatorial approval.

Publication in Administrative Register.

Preliminary hearing, if held.

Approval by agency head.

Time in Stage: 1 month

Total time in Rulemaking Process: 1 month

Stage 2: Initial Drafting

Initial drafting of rule by agency staff.

Preparation of Economic Impact Analysis, including solicitation of public comment.

Time in Stage: 1 to 4 months

Total time in Rulemaking Process: 2 to 5 months

Stage 3: External Reviews

Review by Legislative Council Staff.

Agency public hearing and public comment period.

Time in Stage: 1 to 2 months

Total time in Rulemaking Process: 3 to 7 months

Stage 4: Final Agency Review

Agency responds to Legislative Council review and public comment.

Rule revisions and final drafting.

Gubernatorial approval.

Time in Stage: 2 weeks to 1 month

Total time in Rulemaking Process: 3.5 to 8 months

Stage 5: Legislative Review

Referral to the standing committee by legislative leadership.

30-day standing committee passive review.

30-day Joint Committee for Review of Administrative Rules (JCRAR) passive review.

Opportunities for legislative objection.

Time in Stage: 3 months

Total time in Rulemaking Process: 6.5 to 11 months

Stage 6: Publications

The agency submits the rule to the Legislative Reference Bureau (LRB).

Formatting and publication by LRB in Administrative Register.

The rule takes effect on the first day of the first month after publication.

Emergency Rulemaking

An agency may promulgate a rule as an emergency rule without complying with the notice, hearing, and publication requirements if preservation of the public peace, health, safety, or welfare necessitates putting the rule into effect prior to the time it would take effect if the agency complied with the procedures.

An agency that promulgates an emergency rule shall do all of the following:

Prepare a statement of the scope of the proposed emergency rule, obtain approval of the statement, send the statement to the legislative reference bureau for publication in the register, and hold a preliminary public hearing and comment period.

Submit the proposed emergency rule in final draft form to the governor for approval. The governor, in his or her discretion, may approve or reject the proposed emergency rule. If the governor approves a proposed emergency rule, the governor shall provide the agency with a written notice of that approval.

Prepare a plain language analysis of the rule and print the plain language analysis with the rule when it is published.

Prepare a fiscal estimate for the rule, mail the fiscal estimate to each member of the legislature, and send a copy of the fiscal estimate to the legislative reference bureau, not later than 10 days after the date on which the rule is published.

Extention

At the request of an agency, the joint committee for review of administrative rules may, at any time prior to the expiration date of an emergency rule, extend the effective period of the emergency rule or part of the emergency rule for a period specified by the committee not to exceed 60 days. Whenever the committee extends an emergency rule or part of an emergency rule, it shall file a statement of its action with the agency promulgating the emergency rule and the legislative reference bureau.

Filing

An agency shall file an emergency rule shall mail a copy to the chief clerk of each house and to each member of the legislature at the time that the rule is filed and shall take any other step it considers feasible to make the rule known to persons who will be affected by it.

Review by the Small Business Regulatory Review Board

On the same day that the agency files an emergency rule, the agency shall submit a copy of the rule to the small business regulatory review board. The board may use cost-benefit analysis to determine the fiscal effect of the emergency rule on small businesses and shall determine whether the emergency rule will have a significant economic impact on a substantial number of small businesses.

Public Hearing

An agency shall hold a public hearing within 45 days after it promulgates an emergency rule.

Wisconsin Register

Wisconsin Administrative Procedure and Review Act