

Rep. Jacque: Applauds passage of agency transparency reform

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Adoption of Rep. Jacque/Sen. Craig bill a big win for Wisconsin residents

Madison, WI –State Rep. André Jacque, R-De Pere praised the inclusion and passage earlier today of his “Agency Transparency Reform Act”, co-authored by State Sen. David Craig (R- Big Bend) and previously introduced as Senate Bill 745 / Assembly Bill 880:

“I am excited that several long overdue reforms I introduced early this year are becoming a reality with this bill. This legislation will provide more transparency, accountability and oversight of state agencies and give the public greater access and opportunity for input, ensuring that state agencies are not overstepping their regulatory authority and imposing new regulations that have not been through the rulemaking process.

I am thankful to my colleagues for their assistance in passing this reform to close what is commonly known as the wink-and-nod “sue and settle” loophole through which agencies have sought to grant themselves regulatory authority rubber-stamped by venue-shopped courts outside of the legislative process, and to eliminate undue deference given to state agencies outside of the plain language of the law and used against Wisconsin residents when challenging agency decisions.

This bill also clearly defines what a guidance document is and lays out a process through which proposed guidance documents are published. Often, in order to avoid the somewhat lengthy, deliberative process of rulemaking, agencies will make new

“guidelines” that they claim have the force of law on Wisconsin communities and citizens through guidance documents. Sometimes, simply through sending a letter. While guidance documents are meant to be used to explain the law as it exists, I have frequently heard from constituents, small businesses and local governments how guidance documents have been abused as a vehicle to actually change the law and been hidden from sight, or dusted off after decades. Guidance documents buried in an agency’s desk drawer should not be used as a vehicle to avoid the rulemaking process without any accountability or oversight by those elected to create laws.

These Agency Transparency Act provisions are needed, common sense steps forward for good government.”