

Wisconsin Institute for Law and Liberty: Six reforms to improve Wisconsin's regulatory climate

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The News: A new [policy brief](#) from the Wisconsin Institute for Law & Liberty (WILL) identifies six reforms Wisconsin policymakers can undertake to improve the regulatory climate in the Badger State. The recent WILL report, [Wisconsin Regulation in Focus](#), called attention to the magnitude of Wisconsin's regulations, particularly when compared with our neighboring states.

The Quotes: WILL Director of Policy, Kyle Koenen, said, "Despite passing reforms over the past decade that control the growth of regulations, Wisconsin still ranks among the most regulated states in the nation. For the state to improve its competitive edge, more dramatic steps should be taken to reverse this burden that drives up costs on families and businesses."

Steve Kohlmann, Executive Director of Independent Business Association of Wisconsin (IBAW), said, "Many small businesses find themselves over-burdened by costly and cumbersome regulations. The reforms outlined by WILL are common sense solutions aimed at easing that burden."

Diving Deeper: A recent WILL [study](#) found that the Wisconsin Administrative Code contains more than 161,000 restrictions, making Wisconsin the most regulated state on a per-capita basis in the Great Lakes region. WILL Policy Director, Kyle Koenen, and WILL Deputy Counsel, Lucas Vebber, provide [six specific reforms](#) that policymakers can adopt to address Wisconsin's burdensome regulatory climate.

- Automatically sunseting regulations over time: Regulations in Wisconsin stay in force in perpetuity until the agency or the legislature repeals or modifies them. A sunset provision would allow for a periodic review and action to be taken on each chapter of regulations, on a staggered basis, to ensure regulations receive scrutiny every few years.
- Independent reporting on regulations before they're promulgated: When rules

are promulgated, the only information the legislature receives are reports prepared by the administrative agency that is seeking to promulgate the rule. Lawmakers should seek independent audits from the analysts at the Legislative Audit Bureau to better grasp the cost and benefit of a new rule.

- Ensuring all new regulations are net-zero in cost by requiring cost savings whenever new costs are imposed: Wisconsin could require that whenever agencies adopt a regulation that imposes a cost increase on the regulated community, they simultaneously find cost savings to offset the new cost. Texas passed a law like this in 2017.
- One rule per scope statement: A “scope statement” is a document which begins the rulemaking process. To ensure proper oversight and public notice, lawmakers should amend the scope statement statute to provide that “An agency may only promulgate one rule from each statement of scope.”
- Emergency rulemaking reform: To ensure proper notice and oversight of the emergency rulemaking process, the legislature should establish a shorter 6-month expiration date for scope statements of emergency rules.
- Changes to public oversight of regulations, making it easier for private individuals to hold government accountable: Adjusting the provision to allow challenges in any circuit court would give more Wisconsinites the opportunity to challenge unlawful agency actions. Additionally, legal fees should be reimbursed if a court determines an agency unlawfully adopted a rule.

Read More:

- [Over-Regulated: Six Reforms to Improve Wisconsin’s Regulatory Climate](#), February 9, 2022
- [Wisconsin Regulation in Focus](#), November 12, 2021

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