



# Adam Neylon

State Representative • 98th Assembly District

**DATE:** September 28, 2017

**FROM:** State Representative Adam Neylon

**TO:** Senate Committee on Government Operations, Technology and Consumer Protection

**RE:** Supporting SB 278 / AB 330

Chairman Stroebel and Members of the committee, thank you for holding this hearing.

I am Representative Neylon from Waukesha County, and I am here to testify in support of Senate Bill 278, legislation I authored with Senator Nass to take rule-making authority away from commissions and boards if they have not used it in the last ten years.

I would like to mention that this legislation was included in Governor Walker's 2017-19 Executive Budget Proposal, but it was removed for being a non-fiscal policy item.

Simply put, if a board or commission has been given the authority by the state legislature to promulgate a rule, and the board or commission has not exercised that authority in the last ten years, then the legislature should take that authority back to ensure it rests in the hands of the people who are elected to manage that authority.

To be clear, the language in the bill reads "any action" which means a rule does not have to be finalized for that criteria to be met. A board or commission could simply issue a scope statement, or propose rule language based on an approved scope but not following through to the end of promulgation, and that would meet the criteria of "any action," thus maintaining the board or commission's rulemaking authority.

The Legislative Reference Bureau helped my office create the bulleted list of boards and commissions listed below that have not performed any rule-making action in ten or more years.

- Arts Board (AB)
- Crime Victims Rights Board (CVRB)
- Investment Board (IB)
- Judicial Commission (JC)
- Public Records Board (PR)
- State Fair Park Board (SFP)
- Tax Appeals Commission (TA)
- Rustic Roads Board (Trans-RR)
- Waste Facility Siting Board (WFSB)

With that, I would like to thank you for your time and answer any questions. Thank you.

# **Stephen L. Nass**

Wisconsin State Senator

## **SB 278 Regulatory Reform: Expiration of Rule-Making Authority of Agencies after Ten Years**

Testimony of Senator Steve Nass

Senate Committee on Government Operations, Technology &  
Consumer Protection

September 28, 2017 • 201 Southeast, State Capitol

Thank you Chairman Stroebel for holding a public hearing and allowing me to provide written testimony in support of Senate Bill 278. This legislation is one step in a number of actions we are taking this session to reform the regulatory climate in the state of Wisconsin. SB 278 prohibits a commission or board, including a credentialing board that has not taken any action to promulgate an administrative rule in ten years or more from taking any action to promulgate a rule in the future unless a subsequent law specifically authorizes it to do so.

One of my priorities as the co-chairman of the Joint Committee for Review of Administrative Rules (JCRAR) has been to increase the oversight role of the Legislature in the administrative rule making process. An administrative rule has the same force of law as a bill passed and signed into law and can have significant impacts on Wisconsin citizens. That is why it is important for elected officials to maintain control of the rule making process, not unelected bureaucrats.

Our goal is to have agencies move forward on necessary rules and update existing rules in a timely manner, with legislative review. This bill will help ensure that administrative rules have up-to-date approval from elected officials, are based on current and accurate information, and are acted on in a timely manner.

Thank you again for the opportunity to provide testimony in support of SB 278. If any committee members have further questions, please feel free to contact my office to discuss this legislation in greater detail.

*“In God We Trust”*

11th Senate District

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For reference, the Legislative Reference Bureau (LRB) provided the following list of boards that have not taken action to promulgate a rule in the past 10 years:

- Arts Board (AB)
- Crime Victims Rights Board (CVRB)
- Investment Board (IB)
- Judicial Commission (JC)
- Public Records Board (PR)
- State Fair Park Board (SFP)
- Tax Appeals Commission (TA)
- Rustic Roads Board (Trans-RR)
- Waste Facility Siting Board (WFSB)