

CO-SPONSORSHIP MEMORANDUM

TO: All Legislators

FROM: Rep. Tusler;
Sen. Wimberger

DATE: April 30, 2025

RE: **Co-sponsorship of LRB-2507/1 & LRB-2512/1 relating to: challenges to the validity of administrative rules and making an appropriation.**

DEADLINE: Wednesday, May 14th @ 5PM

Wisconsin is the **13th most regulated state in the nation**, with over 165,000 regulatory restrictions—a staggering 5.25 times more than Idaho, the least regulated state. While reform-minded states like Idaho and Ohio have aggressively reduced red tape, Wisconsin’s regulatory code grew by 2.3% between 2020 and 2023.

Excessive regulation stifles economic growth, drives up costs, and discourages innovation. A new study by the Wisconsin Institute for Law & Liberty found that reducing red tape by just 10% over three years could add \$6.6 billion to Wisconsin’s GDP by 2037. A 40% reduction could yield over \$68 billion in growth.

As part of the “Red Tape Reset” reform package, this bill is designed to reform the regulatory environment in Wisconsin by making a significant change to the process for challenging the validity of administrative rules.

Currently, a plaintiff who successfully challenges an invalid administrative rule is **not** entitled to recover their attorney fee or litigation costs, even when the court finds that the agency violated the law or the Constitution. Under this proposal, courts would be required to award reasonable attorney fees if they find the agency violated the plaintiff’s rights or the law when implementing an administrative rule. This reform helps “level the playing field” and encourages everyday citizens to hold agencies accountable without fear of an excessive financial burden.

It’s time to hold the unelected bureaucrats accountable and give everyday citizens and small businesses the tools to fight back against overreach and overregulation by an unelected body of government. It’s time to rein in unelected regulators and restore fairness and accountability to unleash Wisconsin’s full economic potential.

If interested in co-sponsoring this legislation, please reply to this email or call Rep. Tusler's office at 9103 or Sen. Wimberger's office at 6-5670 by 5 PM on Wednesday, May 14th. You will be added to both Assembly and Senate versions unless otherwise requested.

Analysis by Legislative Reference Bureau

Under current law, the validity of an administrative rule may be challenged in an action for declaratory judgment or in certain other judicial proceedings when material therein. This bill requires a court, if the court declares a rule invalid, to award the party asserting the invalidity of the rule reasonable attorney fees and costs. For further information see the state fiscal estimate, which will be printed as an appendix to this bill.