



State of Wisconsin
2025 - 2026 LEGISLATURE

LRB-2509/1
MED:cjs

2025 BILL

1 **AN ACT** *to renumber and amend* 227.135 (5); *to amend* 227.14 (6) (c) 1. a.; *to*
2 *create* 227.135 (1) (g), 227.135 (5) (b) and 227.135 (7) of the statutes; **relating**
3 **to:** statements of scope for administrative rules.

Analysis by the Legislative Reference Bureau

Under current law, in order to promulgate a rule, an agency must submit a statement of scope for the proposed rule for review by the Department of Administration and approval by the governor. Once the governor approves the statement, the agency must send the approved statement of scope to the Legislative Reference Bureau for publication in the Wisconsin Administrative Register before continuing with the rule promulgation process. A statement of scope expires after 30 months, after which the agency may not promulgate any rule based on that statement of scope that has not been submitted for legislative review by the expiration date. This bill does the following:

1. Limits an agency to promulgating either a permanent or an emergency rule for a given statement of scope and requires the agency to specify in a statement of scope whether it is for a proposed emergency rule or for a proposed permanent rule.

2. Limits an agency to promulgating one permanent rule or one emergency rule per statement of scope.

3. Provides that a statement of scope for an emergency rule expires after six months and provides that when a statement of scope for an emergency rule expires,

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an agency may not promulgate an emergency rule based upon that statement of scope. The bill retains the 30-month expiration under current law with respect to statements of scope for proposed permanent rules.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 227.135 (1) (g) of the statutes is created to read:

227.135 (1) (g) A statement as to whether the statement of scope will be for a proposed emergency rule or for a proposed permanent rule. An agency that intends to concurrently promulgate an emergency rule and a permanent rule shall prepare separate statements of scope.

SECTION 2. 227.135 (5) of the statutes is renumbered 227.135 (5) (a) and amended to read:

227.135 (5) (a) A statement of scope for a proposed permanent rule shall expire on the date that is 30 months after the date on which it is published in the register. After a statement of scope for a proposed permanent rule expires, an agency may not submit a proposed rule based upon that statement of scope to the legislature for review under s. 227.19 (2), and any such rule that has not been submitted to the legislature for review before that date shall be considered withdrawn on that date as provided in s. 227.14 (6) (c) 1. a. For purposes of this ~~subsection~~ paragraph, a revised statement of scope prepared under sub. (4) for a proposed permanent rule shall expire on the date that is 30 months after the date on which the revised statement is published in the register.

SECTION 3. 227.135 (5) (b) of the statutes is created to read:

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227.135 (5) (b) A statement of scope for a proposed emergency rule shall expire on the date that is 6 months after the date on which it is published in the register. After a statement of scope for a proposed emergency rule expires, an agency may not promulgate a proposed emergency rule based upon that statement of scope. For purposes of this paragraph, a revised statement of scope prepared under sub. (4) for a proposed emergency rule shall expire on the date that is 6 months after the date on which the revised statement is published in the register.

SECTION 4. 227.135 (7) of the statutes is created to read:

227.135 (7) An agency may not promulgate more than one permanent rule or one emergency rule based on a statement of scope.

SECTION 5. 227.14 (6) (c) 1. a. of the statutes is amended to read:

227.14 **(6)** (c) 1. a. If the proposed rule is not submitted to the legislature for review under s. 227.19 (2) before the statement of the scope of the proposed rule expires as provided in s. 227.135 (5) (a), on the date that statement of scope expires.

SECTION 6. Initial applicability.

(1) This act first applies to a statement of scope that is published in the Wisconsin Administrative Register on the effective date of this subsection.

(END)