



Administrative Rulemaking

A Quick Walk Through the Process

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Authority to Promulgate

- Derives from the Legislature through statutes
- Force and effect of law
- Chapter 40 confers rulemaking authority to the ETF Secretary, with approval from the Boards

Initial Steps

Scope Statement

- Informs public of agency's intent and objectives in promulgating the rule
- Must be approved by the Governor and ETF Secretary

Drafting

- Begins after the scope statement is approved
- Format and style similar to bills drafted by Legislature
- Concise, simple sentences, using plain language that can be easily understood

Economic Impact Analysis

- Must be prepared for every rule
- Includes information on the economic effect of the proposed rule
- Explains the problem the rule is intended to address, the approach to the problem the rule takes, and compares that approach to that taken by the federal government and bordering states



Technical Review and Hearing

Clearinghouse Review

- Legislative Council staff reviews the rule for form, style, and technical adequacy
- Determines whether there is statutory authority for the agency to adopt the rule
- 20 working days to review
- Report sent to agency

Public Hearing

- The agency must hold a public hearing to gain input on the proposed rule (in most cases)
- Written comments are accepted and may be submitted electronically

Board Approval or Rejection



- After the public hearing on a proposed rule, it is presented to the board or boards that have jurisdiction over the rule.
- The rule is approved if it receives favorable vote by a majority of board members.

Board Jurisdiction

ETF Board

The ETF Board approves or rejects all rules other than those related to the Wisconsin Deferred Compensation Program and the group health, long-term care, income continuation or life insurance plans.

TR Board and WR Board

- In addition to being approved by the ETF Board,
- rules related to teachers must be approved by the Teachers Retirement Board.
 - rules related to participants other than teachers must be approved by the Wisconsin Retirement Board.

Governor and Legislative Review

Governor Review

- If the proposed rule receives board approval, it must be submitted in final draft form to the Governor for written approval before the rule may be submitted to the Legislature.

Legislative Review

- Standing committee review in Senate and Assembly
- Review by JCRAR
- If JCRAR objects, a bill is introduced into each house of the Legislature. If either bill passes, the agency may not promulgate the rule.

Publication

- After legislative review, the rule is sent to the Legislative Reference Bureau for publication in the Wisconsin Administrative Code.
- The Wisconsin Administrative Code, Administrative Register, active administrative rules and other related documents may be found at:
<http://docs.legis.wisconsin.gov/code>.

Questions?