



Tony Evers

OFFICE OF THE GOVERNOR

March 20, 2026

To the Honorable Members of the Senate:

I am vetoing Senate Bill 276 in its entirety.

This bill would require state agencies to reimburse the reasonable attorney fees and costs incurred by parties which successfully challenge the validity of an administrative rule or guidance document in a judicial proceeding. Under the bill, in certain judicial proceedings, including those involving criminal prosecutions or violations of county or municipal ordinances, attorney fee and costs eligible for reimbursement would be limited to those associated with the challenge to the validity of the rule or guidance document.

I am vetoing this bill in its entirety because I object to the Wisconsin State Legislature's ongoing efforts to encroach on the administrative rulemaking authority of the executive branch. Even before I took office in January 2019, Legislative Republicans spent significant time, energy, and effort attempting to curtail and impede the authority of executive branch state agencies to promulgate administrative rules. Though the Wisconsin Supreme Court recently issued decisions that helped restore the separation of powers in Wisconsin and rebalance rulemaking authority, the Legislature's efforts apparently persist. The Legislature asks me, in effect, to undo this decision, enabling the Legislature to go right back to indefinitely obstructing the People's Work and returning state government to inaction, delays, and gridlock. I decline to do so.

Further, I am vetoing this bill because I object to the Legislature's encroachment on the administrative rulemaking authority of the executive branch. The provisions of this bill would invite more litigation, increasing costs to state agencies that are then passed along to taxpayers. While I recognize the Wisconsin State Legislature has no qualms about blowing \$26 million in taxpayer dollars on high-paid private attorney fees to support purely partisan litigation exercises, I object to the people of Wisconsin being saddled with frivolous legal fees and bills for which they need not be responsible.

Not surprisingly, one of the bill's supporters, the Pacific Legal Foundation, specializes in suing the government. Current law provides an adequate remedy for litigants challenging the validity or constitutionality of an administrative rule or guidance document to seek a declaratory judgment, which requires the court to invalidate the rule or guidance document if "it violates constitutional provisions or exceeds the statutory authority of the agency or was promulgated or adopted without compliance with statutory rule-making or adoption procedures."

Respectfully submitted,

A handwritten signature in black ink that reads "Tony Evers".

Tony Evers
Governor