



Tony Evers

OFFICE OF THE GOVERNOR

March 20, 2026

To the Honorable Members of the Senate:

I am vetoing Senate Bill 277 in its entirety.

This bill would require each chapter of the Wisconsin Administrative Code to expire on January 1 of the seventh year after it takes effect, unless the administrative rule creating, repealing and recreating, or readopting that chapter provides for an earlier expiration date or the chapter is readopted as set forth in the bill. The bill would require the Joint Committee for Review of Administrative Rules, in consultation with affected agencies and within one year of the effective date of the bill, to establish an initial schedule for the expiration of all administrative code chapters. Emergency rules would be exempt from the expiration provisions and schedule. The bill would allow the committee to grant up to a one-year extension under certain circumstances and an additional one-year extension for chapters pertaining to licensing or to comply with federal law.

Under the bill, between January 1 and March 1 of each year an agency may submit to the committee and the Legislature's standing committees a notice that it intends to readopt a chapter that expires on January 1 of the following year. The bill would prohibit an agency from proposing to readopt more than one chapter per notice. The re Adoption notice must include certain information including a statement affirming that all rules in the chapter comply with provisions of this bill, are not in need of revision due to changes in federal or state law, and that the agency is readopting the chapter without any changes in form or substance. The agency must reference each statute that explicitly authorizes the promulgation of each section of the chapter and may not reference general rulemaking authority granted in ss. 227.10-11, Wis. Stats.

The bill would require, upon receipt of a re Adoption notice, Legislative Council staff submit a written certification to the committee and the Legislature's standing committees as to whether the re Adoption notice fully complies with the requirements of this bill, as well as a report on any previous time the chapter was considered for re Adoption. The bill would establish a 40-day review period. If the Legislative Council concludes that the notice complies with all requirements prior to the expiration of the review period, the rule is considered re Adopted for the next seven-year period without further action. If Legislative Council concludes that the notice does not comply with all requirements, the agency may modify and resubmit the notice for recertification. If the agency does not, the chapter expires.

The bill would provide that if an agency does not re Adopt a chapter under the notice process established in the bill, the agency may re Adopt the chapter by rule, but only if the re Adoption of the chapter would not result in new or additional compliance costs for any business, local government or individual; in a cost estimate greater than zero; or create a new or more stringent standard, requirement or threshold. These restrictions would apply to any rule promulgated to re Adopt a



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chapter, including those promulgated to comply with federal law. Finally, the bill requires agencies, when promulgating administrative rules, to avoid the use of words and phrases that are outdated or that are now considered to be offensive or derogatory.

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 also object to the Legislature making state government less efficient, less effective, and less responsive to the people of Wisconsin. Ironically, for a Legislature fraught over purported concerns of inefficiency, regulations, and any "growth" of government, the Legislature asks me to sign a bill that will do just that. Instead of working to improve processes, providing the necessary staff and funding for agencies to appropriately implement laws, or working in earnest to pass bipartisan bills containing the necessary clarity for implementation, the Legislature seeks to simply make the rulemaking process as arduous and unworkable as possible. Ultimately, the people of Wisconsin would pay the price.

The onerous requirements of this bill would impose an undue administrative burden on state agencies that could result in administrative rules expiring before they can be readopted. This could result in regulatory inconsistencies and, in some cases, even the inability for agencies and their regulated entities to comply with state or federal laws. Additionally, the bill does not provide additional staffing to agencies to comply with its provisions, inevitably diverting substantial employee time and agency resources away from the core function and purpose for which they exist: supporting and assisting the people of Wisconsin.

Respectfully submitted,

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

Tony Evers
Governor