

AB 955 -- Redline

Bill Text to Enrolled -- An Act to repeal 227.11 (2) (a) (intro.); to renumber 227.11 (2) (a) 1. to 3.; to amend 18.03 (2) (b) and 227.11 (2) (d); to create 227.11 (1m) of the statutes;

Deletions ~~struck~~ · Insertions underlined

~~-Date 2026of LEGISLATUREenactment: LRB-5970/1 MED:cjs ASSEMBLY BILL 955 January 29, 2026 - Introduced by RepresentativeACOBSON, USTAFSON, URD, TUCKER, USLER, ORTWELL, LLEN, BEHNKE, CALLAHAN, ITTRICH, OEBEN, G REEN, GUNDRUM, KAUFERT, KNODL, KREIBIC, M AXEY, MOSES, MURPHY, N EYLON, O'CONNOR, PENTERMAN, PETERSEN, PIWOWARCZYK, RODRIGUEZ, VANDER M EER, WICHGERS, WITKE, MELOTIK and SPIROS, cosponsored by Senators JACQUE, HUTTON, QUINN, KAPENGA, BRADLEY, NASS and CABRAL - G UEVARA. ReferredAssembly toBill Committee955 onDate Governmentof Operations,publication*: Accountability, and Transparency.~~

WISCONSIN ACT A N A CT to repeal 227.11 (2) (a) (intro.);

to renumber and amend 227.11 (2) (a) 1.

to amend 18.03 (2) ~~(b)(b), and 227.10 (2m), 227.11 (2) (d),~~ (d), 227.11 (3) and 227.135 (2); to create 227.11 (1m) of the statutes; relating to:

~~to the create rule- 227.11 making (1m) and of regulatory the authority statutes; of agencies.~~

~~relating The to: people of the state of Wisconsin, represented in sen- istered by the agency without explicit and specific statu- ate and assembly, do enact as follows:~~

~~the tory rule-making authority. authority of agencies.~~

~~Analysis by the Legislative Reference Bureau Currently under the general law governing administrative procedure for state agencies, each agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute.~~

~~This bill repeals this language and instead provides that no agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency without explicit and specific statutory authority.~~

~~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:~~

18.03 (2) (b) of the statutes is amended ~~to~~ SECTION read: 4.

~~18.03 227.11 (2) (b)(a) The (intro.) commission of may interpret the statutes enforced is or - 2026 Legislature - 2 - LRB-5970/1 MED:cjs ASSEMBLY BILL 955 SECTION 1 administered by it as it considers to be read: necessary to effectuate the purpose of the statutes.~~

~~The repealed. authority granted by this paragraph shall not exceed the authority granted by s.~~

~~227.11 SECTION (2) 5.-(a)-~~

~~S ECTION 2-~~

~~227.11 (1m) of the statutes is created to read:~~

~~227.11 (1m) No agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency without explicit and specific statutory authority.~~

~~S ECTION 3-~~

~~227.11 (2) (a) (intro.) of the statutes is repealed.~~

~~S ECTION 4-~~

of the statutes are 18.03 (2) (b) The commission may interpret the statutes enforced or administered by it as it considers to renumbered 227.11 (4) to (6), and 227.11 (4) and (5), as be necessary to effectuate the purpose of the statutes.

Srenumbered. ECTION are 5-amended to read:

The authority granted by this paragraph shall not exceed 227.11 (2)(4) (d) A of statutory the or statutes nonstatutory is provision amended the to authority read: granted by s.

~~227.11 (2) (d)(a). An agency may promulgate rules implementing or interpreting a statute that it will enforce or administer after publication of the authorizing statute but prior to the statute's effective date.~~

A containing rule a promulgated statement under or this declaration paragraph of may legislative not in-take tent, effect purpose, prior findings, to or the policy effective does date not of confer the rule- authorizing SECTION statute 2. that it implements or interprets.

~~(END) 227.10 (2m) of the statutes is amended to read:~~

making authority on the agency or augment the agency's 227.10 (2m) No agency may implement or enforce rule-making authority beyond the rule-making author- any standard, requirement, or threshold, including

as a duty that is explicitly and specifically conferred on the term or condition of any license issued by the agency, agency by the legislature.

unless that standard, requirement, or threshold is explicitly and specifically required or explicitly and specifically conferred on the agency by or for the legislature.

(5) A statutory provision describing the agency's general powers or duties does not confer rule-making authority on the agency or augment the agency's rule-making authority that provided in s. 186.118 (2) (c) and (3) (b) 3.

The governor is explicitly and specifically conferred on the agency by or for the legislature.

sure that rules are promulgated in compliance with this SECTION 6.

227.11 (2) (d) of the statutes is subchapter.

amended to read:

SECTION 3.

227.11 (1m) of the statutes is created to 227.11 (2) (d) An agency may promulgate rules implementing or interpreting a statute that it will enforce 227.11 (1m) No agency may promulgate rules or administer after publication of the authorizing statute preting the provisions of any statute enforced or administered but prior to the statute's effective date.

A rule promulgated by the agency under this section shall have the same effect as a statute.

* Section 991.11, ISCONSISTENT STATUTES:

Effective date of acts.

"Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication." Wisconsin Act - 2 - 2025 Assembly Bill 955 gated under this paragraph may not take effect prior to shall make a determination as to whether the agency has the effective date of the authorizing statute that it implements the explicit and specific authority to promulgate the rules or interprets.

as proposed in the statement of scope and shall report SECTION 7.

227.11 (3) of the statutes is amended to the statement of scope and its determination to the governor who, in his or her discretion, may approve or reject 227.11 (3) (a) A plan that is submitted to the federal the statement of scope.

The agency may not send the government for the purpose of complying with a request statement to the legislative reference bureau for publication requirement of federal law does not confer rule-making authority under sub.

(3) until the governor issues a written authority and cannot be used by an agency as authority notice of approval of the statement.

The agency shall to promulgate rules.

No agency may agree to promulgate a rule as a component of a compliance plan unless policy-making powers over the subject matter of the proposed rule are explicitly conferred on the agency by or for the legislature.

The individual or body with to promulgate the rule at the time the compliance plan is policy-making powers may not approve the statement submitted.

until at least 10 days after publication of the statement (b) A settlement agreement, consent decree, or under sub.

(3) and, if a preliminary public hearing and court order does not confer rule-making authority and comment period are held by the agency under s.

cannot be used by an agency as authority to promulgate 227.136, until the individual or body has received and rules.

No agency may agree to promulgate a rule as a reviewed any public comments and feedback received term in any settlement agreement, consent decree, or from the agency under s.

227.136 (5).

No state stipulated order of a court unless the agency has explicit employee or official may perform any activity in connection with the drafting of a proposed rule, except for an activity necessary to prepare the statement of the scope stipulated order of a court is executed.

of the proposed rule until the governor and the individual or body with policy-making powers over the subject to read: SECTION 8.

227.135 (2) of the statutes is amended to read:

matter of the proposed rule approve the statement.

This 227.135 (2) An agency that has prepared a state petition and proposed statement to the department of administration, which rule for submission under s.

227.26 (4).

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