

Sec. 1. Purpose: The purposes of this Act are—

- (1) to require agencies to regularly review their rules, by administrative code chapter, to determine whether they should be continued without change, modified, consolidated, or allowed to expire;
- (2) to require agencies to consider the comments of the public, the regulated community, and the legislature regarding the actual costs and burdens of rules being reviewed under this Act, and whether the rules are useful, obsolete, unnecessary, duplicative, conflicting, and/or otherwise inconsistent;
- (3) to require that any rules continued in effect meet all the legal requirements that would apply to the issuance of a new rule, including any applicable cost/benefit and economic requirements; and
- (4) to provide for the automatic expiration of rules that are not readopted as a result of their sunset review.

Sec. 2. Definitions:

- (1) “Commission” refers to the Commission for the Review of Administrative Rules.
- (2) “Agency” has the same definition as [Cite to agency definition in state APA].

Sec. 3. Dates of Expiration:

- (a) All state administrative code chapters shall expire according to subs. (b) – (d) except as detailed in Section 6. To prevent expiration, an agency with authority over the code chapter must readopt the code chapter pursuant to [insert state administrative procedure act rule adoption process citation here] except as code chapters subject to Section 6. The readoption process cannot begin more than one year prior to code chapter’s expiration.
- (b) For all administrative code chapters that exist on the effective date of this Act, the Commission shall set the initial expiration dates for existing in accordance with Section 4(b).
- (c) For all code chapters of the administrative code created through rulemaking subsequent to the effective date of this Act shall expire on January 1, [ten] years after the effective date of the rule creating the code chapter.
- (d) Every code chapter, if readopted, shall subsequently expire on January 1 every [ten] calendar years after its initial expiration date.

Sec. 4. Commission for the Review of Administrative Rules:

- (a) The Commission shall be comprised of five members appointed by the governor. One member of the Commission must be appointed by the governor from a list of three persons selected by the president of the senate, and one member of the Commission must be appointed by the governor from a list of three persons selected by the speaker of the house.
- (b) The Commission shall set the initial expiration dates for chapters of the administrative code that exist as of the effective date of this Act taking into consideration the time and resources agencies will expend to potentially readopt those code chapters. The initial expiration years for each chapter must be set between the second and twelfth calendar years after the effective date of this Act. A code chapter shall expire on January 1 of the calendar year selected by the Commission.

(c) For code chapters that are exempt under Section 6 of this Act, the Commission shall still set an expiration date in accordance with sub. (b) subject to section 6(b).

(d) The Commission shall conclude its duties within one year of the effective date of the Act. After the Commission concludes its work, the Commission is dissolved.

Sec. 5. Amendments to Administrative Code Chapters: An amendment to a code chapter through a subsequent rulemaking does not affect the code chapter's expiration date, unless the amendment completely eliminates and readopts the code chapter. Then the code chapter's new expiration date becomes January 1, [ten] years subsequent to the effective date of the rule eliminating and recreating the code chapter.

Sec. 6. Exemptions:

(a) Code chapters that include any of the following do not expire:

- (i) Rules required to comply with federal law or receive federal funding.
- (ii) Rules created with grants of rulemaking authority under the [insert state name] constitution.
- (iii) Rules created by an agency that is directly managed by an elected official.

(b) Code chapters that are exempt from expiration under section 6(a)(i)-(iii) must still be reviewed by the agency under the schedule adopted by the Commission. The agency cannot begin its review more than one year prior to the chapter's expiration date. During the agency's review, the agency shall:

- (i) Notify the public of the review, including making the text of the notice, text of the code chapter, and text of all other analyses associated with the review available on the agency's website.
- (ii) Hold a public comment period for at least thirty days.
- (iii) Conduct all analyses that would be required if the code chapter were being readopted pursuant to [insert state APA rule adoption process citations].
- (iv) Provide a reasoned response to unique public comments.
- (v) Publish a report available on the agency's website that includes the analyses and the agency's response to public comments.

(c) If code chapters that were otherwise exempt are ever amended in a manner that would eliminate their exemption, the code chapter shall expire pursuant to its expiration date.

Sec. 7. Power of the Governor to Postpone the Expiration Date: (a) For each code chapter the governor may grant extensions totaling no more than 365 days postponing the expiration date upon a written request by the agency. In the agency's written request, the agency must explain why it cannot readopt the code chapter under the time allotted by this Act and why the expiration of the code chapter would harm the public health, safety, or welfare. The governor must affirm these findings in writing before granting an extension.

(b) An extension under this section does not affect subsequent expiration dates.

(c) Reviews under Section 6 cannot be granted extensions.

Sec. 8. Analyses:

- (a) For each code chapter and rule reviewed and proposed to be retained under this statute, the agency's analysis and renewal must include the following steps:
 - (i) Notify the public of the review, including making the text of the notice, text of the code chapter, and text of all other analyses associated with the review available on the agency's website.
 - (ii) Hold a public comment period for at least thirty days.
 - (iii) Provide a reasoned response to unique public comments.
 - (iv) Publish a report available on the agency's website that includes the analyses and the agency's response to public comments.

- (b) When an agency conducts any analyses required under [insert state APA rulemaking process] during the readoption or review of a code chapter which examines the economic impact, compliance, implementation, or other costs of the code chapter, the analyses must be conducted using actual impacts and costs as the basis for any calculation rather than estimated impacts and costs.

Sec. 9. Effective Date: [insert effective date]