



Regulations from the Executive In Need of Scrutiny (REINS)

WHAT IS REINS?

One tool for instituting more oversight by legislative branches is the REINS (Regulations from the Executive In Need of Scrutiny) Act. While the details of a REINS Act can vary, the policy aims to require legislative approval for “major” rules that have an economic impact above a certain threshold, such as \$10 million per year in the case of a state-level regulation. This tool gives elected officials, and by extension, the voters that elect them, more of a voice in the implementation of rules and regulations.

This reform is forward-looking, and as such would only apply to newly proposed rules. It gives lawmakers the opportunity to prevent the implementation of overly burdensome regulations, providing a check on the often virtually unrestrained power of the administrative branch to implement laws at their discretion. After the *Loper-Bright* decision, courts are less likely to defer to agency interpretations of statutes, increasing the risk that regulations could be struck down. The REINS Act can help lawmakers address this by requiring legislative approval for major regulations, effectively serving as a “stamp of approval” that signals to courts that the legislature supports the agency’s action.

REINS TIPS

REINS-style oversight mechanisms can help ensure that there is a level of oversight by elected officials before high-impact rules can be finalized. As legislators and executive branch officials consider their various options to rein in regulations, here are some key principles that can make their efforts more impactful:

Reliable Impact Analyses: This process allows lawmakers and agencies to consider key questions that should be answered to design effective regulations, such as implementation costs and evidence demonstrating the existence, size, or cause of the problem the regulation seeks to solve.

Defining a Major Rule: When designing a state-level REINS Act, lawmakers can set reasonable criteria to define what regulations or rules would be eligible for REINS review. This criterion could include economic impact, number of public comments received, or any other relevant factor.

Expedited Review: A core feature of most REINS legislation is an expedited procedure to ensure quick review of regulations, similar to the federal Congressional Review Act.

Understand the Limitations of REINS: REINS does not address existing regulations or perceived shortcomings of existing rulemaking procedures. Lawmakers should also be vigilant about potential loopholes in REINS regulations.

REINS IN ACTION:

In 2017, Wisconsin passed into law the Regulations from the Executive in Need of Scrutiny, or REINS, Act. This state-level version of the Federal legislation requires legislative approval for any rule that would cost businesses or taxpayers more than \$10 million.

To ensure regulators appropriately weigh the potential economic costs of the proposed rules, the legislation gives the state legislature the power to request an independent economic impact analysis of a proposed rule.

The Wisconsin REINS Act does not prevent agencies from enacting new regulations; it is designed to ensure that new rules with a major impact on the economy face scrutiny by elected officials, who are accountable to the voters. It is also important to note that only a small number of regulations currently meet the \$10 million impact requirement.

