

Fiscal Estimate Narratives

DATCP 11/29/2011

LRB Number	11-2990/1	Introduction Number	AB-0389	Estimate Type	Original
Description The authority of a state agency to promulgate rules interpreting the provisions of a statute enforced or administered by the agency and to implement or enforce standards, requirements, and thresholds; elimination of gubernatorial approval of proposed administrative rules; economic impact reports of proposed rules; elimination of statements of scope for emergency rules; legislative review of proposed rules; legislative authorization for certain proposed rules; and venue in a declaratory judgment action seeking judicial review of the validity of an administrative rule					

Assumptions Used in Arriving at Fiscal Estimate

This bill would repeal 2011 Wisconsin Act 21, and thus restore prior law relating to the administrative rule-making process.

The changes made by Act 21, which would be repealed by this bill, are the following: 1) limited the authority of a state agency (agency) to promulgate administrative rules (rules) interpreting the provisions of a statute enforced or administered by the agency and to implement or enforce standards, requirements, and thresholds; 2) required gubernatorial approval of a proposed rule; 3) expanded the scope of the requirement that an economic impact analysis be prepared for a proposed rule; 4) made various changes relating to legislative review of a proposed rule; and 5) changed the venue of declaratory judgment actions seeking judicial review of the validity of a rule. In addition, 2011 Wisconsin Act 32 required legislative authorization for a rule that would increase the cost of construction or remodeling of a one- or two-family dwelling by more than \$1,000.

The procedures put in place by Act 21 are new and extensive. The department has not had time to fully implement, let alone assess the cost of, the Act 21 changes. It is therefore unclear what costs would be associated with reversal of Act 21.

The department is not in a position to assess the local government effects of the bill.

Long-Range Fiscal Implications