

**STATEMENT OF SCOPE
FOR ADMINISTRATIVE RULES**

GENERAL INFORMATION

Rule No.: Chapter PI 15
Relating to: Revenue Limit Exemptions for Energy Efficiencies
Rule Type: Emergency and Permanent

SIGNATURE

State Superintendent Review

State Superintendent Signature

Date Signed Mo./Day/Yr.

Approved. *Begin Drafting Rule*

Disapproved. *Reason for Disapproval*

NARRATIVE

The revised statement of scope modifies SS 085-13, which was published in Register No. 691 on July 31, 2013 and approved by the Superintendent of Public Instruction on August 8, 2013, relating to revenue limit exemptions for energy efficiencies. Per the Dane County Circuit Court order issued in *Coyne, et al. v. Walker, et al.*, Case No. 11-CV-4573, the Department of Public Instruction is not required to obtain the Governor's approval for this statement of scope.

1. Finding/nature of the emergency (Emergency Rule only).

July 1, 2015 is the start of the 2015-16 school year. The energy efficiency revenue limit exemption can play a crucial role in allowing districts to increase their revenues during the 2015-16 school year. Currently, school boards are meeting to propose 2015-16 school expenditures and revenues as part of the annual budget process. Annual meetings must be held to approve the 2015-16 budgets in advance of the required November 1st due date to set the school levy. The emergency rules will establish the processes necessary for school boards and the electorate to properly approve the 2015-16 budget and set the Fall 2015 property tax levy.

2. Detailed description of the objective of the proposed rule.

This rule change will modify ch. PI 15 to reflect changes in the corresponding statutes as a result of 2011 Wisconsin Act 32 and 2013 Wisconsin Act 20. The rule will also be updated to reflect other statutory changes and agency practice.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives.

Chapter PI 15 was promulgated on March 1, 2010. This rule change is designed to modify the existing rule so that the rule is reflective of current law.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language).

Under s. 227.11 (2) (a) (intro), Stats., “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, but a rule is not valid if the rule exceeds the bounds of correct interpretation.” As such, a rule is required to effectively implement and provide transparency to the revenue limit exemptions for energy efficiencies under s. 121.91 (4) (o), Stats.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule.

The amount of time needed for rule development by department staff and the amount of other resources necessary are minimal.

6. List with description of all entities that may be affected by the proposed rule.

This rule change will affect school districts.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule.

N/A.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses).

The proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1), Stats.
