

Fiscal Estimate Narratives

DOA 12/12/2011

LRB Number	11-2990/1	Introduction Number	AB-0389	Estimate Type	Corrected
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

Assembly Bill (AB) 389 restores the administrative rules process to law in place prior to the passage of 2011 Wisconsin Act 21. The changes to the administrative rules process caused by Act 21 did not have a state fiscal effect. A return to prior law will not have a state fiscal effect.

The local fiscal estimate is indeterminate. Under current law judicial review of administrative rules would occur in the circuit court in the county where the party bringing the action against the rule resides or has its principal place of business. If the plaintiff is a non-resident or does not have a principal place of business in Wisconsin the action is held in the county where the dispute arose. The bill would return to prior law which required that any action for declaratory judgment as to the validity of an administrative rule must be brought in the circuit court for Dane County. While there may be a local fiscal effect on Dane County or on other counties, it is unknown and indeterminate.

The bill also eliminates the current requirement that a rule authorization bill be enacted before a proposed rule that would increase the cost of construction or remodeling of a one-or two-family dwelling by more than \$1000 is promulgated. Any local fiscal effect is unknown and indeterminate.

Long-Range Fiscal Implications

None.