

Fiscal Estimate Narratives

PSC 2/5/2018

LRB Number	17-5307/1	Introduction Number	SB-745	Estimate Type	Original
Description deference by courts to agency interpretations of law, notice and comment requirements for guidance documents issued by agencies, and agency rule-making authority					

Assumptions Used in Arriving at Fiscal Estimate

Senate Bill 745 prohibits a court from according deference to agency interpretations of law in cases involving review of an agency final decision and prohibits agencies from seeking deference in any proceeding to agency interpretations of law. The bill also specifies a process for adoption of a guidance document and provides that a settlement agreement, consent decree, or court order does not confer rule-making authority and cannot be used by an agency as authority to promulgate rules.

The provisions of SB 745 that prohibit a court from according deference to agency interpretations of law and that prohibit agencies from seeking deference in any proceeding to agency interpretations of law may result in additional petitions for judicial review of PSC decisions and appeals of decisions in favor of the PSC, resulting in an increase in costs. The additional process necessary to adopt a guidance document may also result in an increase in costs. The PSC estimates that it may be possible to absorb these costs within the agency's budget.

Long-Range Fiscal Implications