

Wisconsin Department of Public Instruction
**STATEMENT OF SCOPE
FOR ADMINISTRATIVE RULES**

GENERAL INFORMATION

Rule No.: PI 15

Relating to: Changes to PI 15 as a result of 2017 Wisconsin Act 59

Rule Type: Permanent and Emergency

NARRATIVE

Pursuant to *Coyne v. Walker*, the Department of Public Instruction is not required to obtain the Governor's approval for the statement of scope for this rule. *Coyne v. Walker*, 368 Wis.2d 444.

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

The prohibition on school boards from considering a resolution to utilize the revenue limit exemption for energy efficiencies, as provided by 2017 Wisconsin Act 59, will become effective on December 31, 2017, and an emergency rule is needed to administer these changes in advance of the required November 1, 2018, date for school boards to set their tax levies for the 2018-19 school year. The emergency rules will conform current processes to changes in statute for the electorate to vote on a tax for the purposes set forth in s. 120.10 (6) to (11), Stats., and for school boards to determine if the tax voted on at the annual meeting is sufficient to operate and maintain the schools for the next year. The rules will assist school boards to properly approve the 2018-19 budget and set the Fall 2018 property tax levy before November 1, 2018.

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

This rule change will modify PI 15 to reflect recent changes in statute as a result of 2017 Wisconsin Act 59, the 2017-19 biennial budget.

3. A description of the existing policies and new policies included in the proposed rule and an analysis of policy alternatives.

Recent changes to rules governing the revenue limit exemption for energy efficiencies were promulgated and became effective on May 1, 2016. Since then, 2017 Wisconsin Act 59, the 2017-19 biennial budget, prohibited school boards from considering a resolution to utilize the revenue limit exemption for energy efficiencies after December 31, 2017, until December 30, 2018. Therefore, a rule change is needed to implement the changes in statute as a result of 2017 Wisconsin Act 59. Otherwise, the rule will not reflect current law.

4. The statutory authority for the proposed rule.

In order to implement s. 121.91 (4) (o), Stats., it is imperative that school districts demonstrate compliance with the energy efficiency revenue limit exemption to the Department in a standardized manner. Pursuant to s. 227.11 (2) (a) (intro.), Stats., "[e]ach 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." See also, *Wisconsin Ass'n of State Prosecutors v. Wisconsin Employment Relations Comm'n*, 2018 WI 17, ¶ 42 ("statutory mandates are also statutory authorizations, and authorization of an

act also authorizes a necessary predicate act.”)(internal citations omitted). The proposed rule is necessary to enforce the requirements of s. 121.91(4) (o), Stats.

5. An estimate of the amount of time agency employees will spend developing the proposed rule and of other resources needed 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. A description of all of the entities that will be affected by the proposed rule.

This rule change will affect school districts.

7. A summary and preliminary comparison of any existing or proposed federal regulation that addresses or 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.

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