



**Fiscal Estimate Narratives**  
**PSC 12/1/2011**

LRB Number	<b>11-2990/1</b>	Introduction Number	<b>AB-0389</b>	Estimate Type	<b>Original</b>
<b>Description</b> 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**

**State Fiscal Effect**

The proposed legislation eliminates the changes in 2011 Wisconsin Act 32 to the administrative rule-making process. The proposed legislation restores prior law relating to state agencies' authority to promulgate administrative rules, gubernatorial approval of proposed rules, legislative review of proposed rules, agencies' preparation of economic impact statements, and venues for judicial review of the validity of a rule.

The proposed legislation is anticipated to have no fiscal impact on the Public Service Commission. The Commission had estimated that the changes to the administrative rule-making process in Act 32 could increase Commission workload. Specifically, the Commission estimated new workload would be associated with providing timely information to other state agencies on their rules' effect to public utility rate payers, if any, to be included in the rules' economic impact statements (please see the Commission's fiscal notes on January 2011 Special Session AB-8 and SB-8). However, changes to the rule-making process under Act 32 have not resulted in new costs for the Commission, and elimination of the changes will not generate savings.

The new costs initially anticipated under the Act 32 changes have not been incurred by the Commission because, since implementation, no agency has requested information from the Commission on the effect of their rule on public utility rate payers. The Commission does not know when or if agencies will begin regularly requesting information on their rules' effect to public utility rate payers.

**Local Fiscal Effect**

The local fiscal effect is indeterminate. The proposed legislation returns judicial review of administrative rules to Dane County Circuit Court from the circuit court in the county where a party bringing action against a rule resides or has its principal place of Business (if in Wisconsin). Because the fiscal effect of the Act 32 rule-making provisions on local circuit courts is unknown, the fiscal effect of eliminating those provisions cannot be estimated at this time.

**Long-Range Fiscal Implications**

None