

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 1st, 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 1st, 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 3018. 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.

The Department believes administrative rules are necessary to effectuate the purpose of the underlying statute and for the state to administer the energy efficiency revenue limit exemption in a consistent manner under s. 227.11 (2) (a), Stats. The Department also believes that a rule is required to prescribe the forms and procedures in connection with the statute as dictated in s. 227.11 (2) (b), Stats. Further, under s. 227.10 (1), Stats., the Department is required to promulgate as a rule each statement of general policy and each interpretation of a statute which it specifically adopts to govern its administration of that statute. As such, the Department believes it is imperative to standardize the manner in which school districts that utilize the energy efficiency revenue limit exemption under s. 121.91 (4) (o), Stats., demonstrate compliance with the statutes.

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.

Contact Information

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