



# Glossary of Rule Promulgation Documents

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Throughout the process for promulgation of administrative rules, various documents and reports must be prepared by entities such as the agency promulgating the proposed rule, the Legislative Council Rules Clearinghouse, and, in some cases, other entities such as the Department of Administration (DOA). Some documents are required only when certain conditions arise. This issue brief provides a glossary of those documents and reports.

**Agency Analysis of Rules Affecting Housing:** This report must be completed if a proposed rule increases or decreases, either directly or indirectly, the cost of development, construction, financing, purchasing, sale, ownership, or availability of housing. When applicable, the agency must submit the analysis with the proposed rule to the Legislative Council Rules Clearinghouse. The analysis must also be submitted to DOA, the Governor, and the Legislature. [s. [227.115\(2\)](#), Stats.]

**Agency Public Hearing Notice:** If a public hearing is required on a proposed rule, the agency must send notice to the Legislative Reference Bureau (LRB) for publication in the Administrative Register and to the Secretary of DOA. The notice must be published at least 10 days prior to the date set for the hearing. [s. [227.17](#), Stats.] If a preliminary public hearing and comment period is held for a scope statement, the agency must publish a notice of preliminary hearing and comment period at least three days prior to the date set for the preliminary hearing. [s. [227.136\(2\)](#) and [\(3\)](#), Stats.]

**Board of Veterans Affairs Report:** The Board of Veterans Affairs may prepare a report containing written comments and its opinion regarding a rule proposed by the Department of Veterans Affairs. If prepared, the report must be included in the submission of the proposed rule to the Legislative Council Rules Clearinghouse. [ss. [45.03\(2m\)](#) and s. [227.14\(2\)\(a\) 6m.](#), Stats.]

**Certified Copy of Final Rule:** Filed by an agency with LRB for publication, a certified copy of a final rule creates a presumption that the rule was duly promulgated by the agency, the proposed rule was made available for public inspection, rulemaking procedures were complied with, and the text is the text as promulgated by the agency. [s. [227.20](#), Stats.]

**Energy Availability Impact Report:** Prepared by the Public Service Commission (PSC) upon request of certain legislative officers, this report provides a determination of a proposed rule's effect on the cost or reliability of electricity generation, transmission, or distribution, or of fuels used in generating electricity. The report must be requested not later than 30 days after the agency's public hearing on the proposed rule, and must be completed by PSC within 30 days. An agency that receives a report must consider the report before submitting the proposed rule for legislative review. [s. [227.117](#), Stats.]

**Final Regulatory Flexibility Analysis:** Included in the report to the Legislature, the final regulatory flexibility analysis is prepared by the agency to summarize the action during the rulemaking in relation to impact on small business, issues raised by small business, and compliance costs by small business. The Small Business Regulatory Review Board (SBRRB) may waive the requirement for the analysis if it determines that the rule will not have a significant economic impact on a substantial number of small businesses. [s. [227.19\(3\)\(e\)](#), Stats.]

**Fiscal Estimate and Economic Impact Analysis (EIA):** These documents, currently prepared by an agency on a combined form prescribed by DOA, analyze the revenues and costs associated with a proposed rule, including economic effects of the rule on various public and private sector entities. Preparation of the EIA requires an agency to contact and consult with affected entities, provide comparison to policy approaches used by other states and by the federal government, and analyze alternative policies, including not promulgating the proposed rule. The fiscal estimate and EIA are

prepared prior to submission of the proposed rule to the Legislative Council Rules Clearinghouse. Additionally, subject to organization committee approvals, either cochair of the Joint Committee for Review of Administrative Rules (JCRAR), or JCRAR as a body, may request an independent EIA. [ss. [227.137](#), [227.14\(4\)](#), and [227.19\(5\)\(b\)3.](#), Stats.]

**Initial Regulatory Flexibility Analysis:** If a proposed rule will have an effect on small business, the agency must prepare an initial regulatory flexibility analysis for inclusion in the agency public hearing notice. The initial regulatory flexibility analysis must include a description of the types of small businesses that will be affected by the rule, and a brief description of procedures and skills necessary for compliance with the rule. [s. [227.17\(3\)\(f\)](#), Stats.]

**Legislative Council Report to Agency:** For each proposed rule submitted by an agency to the Legislative Council Rules Clearinghouse, the Clearinghouse prepares a report to the agency that, as applicable, comments on the rule's form, content, clarity, statutory authority, and other items. The Clearinghouse is required to complete the report within 20 working days. [s. [227.15\(2\)](#), Stats.]

**Notice of Submittal for Gubernatorial Approval:** After a proposed rule is in final draft form, the rule must be approved by the Governor before submission for Legislative review. An agency must notify JCRAR when it submits a final draft proposed rule to the Governor for approval. [s. [227.185](#), Stats.]

**Notice of Submittal to Legislative Council Rules Clearinghouse:** When an agency submits a proposed rule to the Legislative Council Rules Clearinghouse, the agency must also prepare a notice of submittal and send the notice to LRB for publication in the Administrative Register. The notice must include a description of the subject matter of the rule, information on any public hearing relating to the rule, and information regarding the scope statement related to the proposed rule. [s. [227.14\(4m\)](#), Stats.]

**Notice of Submittal to Legislature:** When an agency submits a proposed rule for Legislative review, it must also prepare a notice of submittal to accompany the rule during review. This notice is referred to the appropriate legislative committees and submitted to LRB for publication in the Administrative Register. [s. [227.19\(2\)](#), Stats.]

**Plain Language Analysis:** For each proposed rule, the agency must include as a preface a plain language analysis of the rule that summarizes the rule, describes the statutory authority for the rule, compares the rule to similar rules in neighboring states, describes the development of the rule, and contains contact and hearing information relating to the rule. This analysis must be prepared prior to submission of the proposed rule to the Legislative Council Rules Clearinghouse. [s. [227.14\(2\)](#), Stats.]

**Report to Legislature:** When an agency submits a proposed rule for Legislative review, it must prepare a report to the Legislature that summarizes the substance of the rule, the procedural history of its development, and the agency response to applicable reports filed by various entities during the rulemaking process. This report accompanies the final draft rule text and notice to the Legislature and is referred to the appropriate legislative committees. [s. [227.19\(3\)](#), Stats.]

**Revised Fiscal Estimate and EIA:** If a proposed rule is modified so that the economic impact of the rule is significantly changed, an agency must prepare a revised fiscal estimate and EIA. [ss. [227.137\(4\)](#) and [227.14\(4\)\(d\)](#), Stats.]

**Revised Scope Statement:** An agency must issue a revised scope statement if, after approval, the scope of the proposed rule changes in any meaningful or measurable way. [s. [227.135\(4\)](#), Stats.]

**Scope Statement:** Prepared by an agency that plans to promulgate a rule, this statement outlines the agency's objectives, related policies, statutory authority, and development time, and describes entities that may be affected by the proposed rule. Prior to working on the proposed rule, the scope statement must be submitted to DOA, approved by the Governor, published in the Administrative Register, submitted to the Legislature, and approved by the agency head. [s. [227.135](#), Stats.]

**SBRRB Report:** If a proposed rule may have an economic impact on small business, it must be submitted to the SBRRB. The SBRRB may prepare a report on any suggested rule changes and submit that report to the Legislative Council staff. [s. [227.14\(2g\)](#), Stats.]