

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

is not one of the criteria required in the biennial review of administrative rules under s. 227.29, Stats. However, a technical correction is required to create definitions for both terms in the rule per rule drafting guidelines prescribed in statute.

12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments

The department held a preliminary public hearing and comment period on the scope statement for the proposed rule. No comments received were received to be considered in the development of this economic impact analysis.

13. Identify the Local Governmental Units that Participated in the Development of this EIA

None.

14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

State: The proposed changes contained in this rule do not have any economic or fiscal impact to the state because the changes are technical in nature. The changes contained in this rule order are designed to update department rules by deleting unnecessary rule provisions and conforming department rules with recent statutory changes.

Local: No economic or fiscal impact.

15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

Under s. 227.29, Stats., each state agency that has promulgated rules in the Wisconsin Administrative Code is required to submit a biennial report to the Joint Committee for Review of Administrative Rules. The report must list the rules for which the following circumstances apply: 1) the rule is deemed unauthorized; 2) the authority to promulgate has been restricted; 3) the rule is deemed obsolete or has been rendered unnecessary; 4) the rule is duplicative of, superseded by, or in conflict with another rule, a state statute, a federal statute or regulation, or a court ruling; and 5) the rule is deemed to be economically burdensome. Under s. 227.29 (2), Stats., the report must also describe the agency's actions, if any, to address each of the rules listed and must include an explanation for any listed rule for which the agency has not taken any action. The proposed rules listed in this statement of scope are technical changes to rules with provisions that meet the criteria listed in the report (note: there were no rules that were deemed unauthorized, duplicative, economically burdensome, or rules whose authority to promulgate had been restricted).

The proposed rule changes are technical in nature and do not contain any substantive changes in policy. The rule changes are designed to update DPI rules by deleting rule provisions deemed unnecessary and conforming DPI rules with statute. The additional technical revisions made under this scope statement are designed to conform current rule with rule drafting guidelines prescribed in statute and also do not contain any substantive changes in policy. Without these rule changes, the department will continue to administer the rules as they currently exist.

16. Long-Range Implications of Implementing the Rule

This rule change will align chapters PI 19, 34, and 40 of the Wisconsin Administrative Code with statute, delete unnecessary rule provisions, and conform current rule to rule drafting guidelines prescribed in statute. The change will also ensure that the department's obligations have been met with respect to the reporting requirements prescribed in s. 227.29, Stats., by addressing the rules it has described which have met the criteria in the report.

17. Compare With Approaches Being Used by Federal Government

There are no comparable existing or proposed federal regulations intended to address the activities regulated by this proposed rule.

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois: 5 ILCS 100/5-130, relating to the periodic review of existing rules, requires the Joint Committee of Administrative Rules to evaluate the rules of each agency every five years and shall develop a schedule for this periodic evaluation. When evaluating the rules of each agency, the Joint Committee's review shall include an examination of the following: 1) organizational, structural, and procedural reforms that affect rules or rulemaking; 2) merger, modification, establishment, or abolition of regulations; 3) eliminating or phasing out outdated, overlapping, or conflicting regulatory jurisdictions or requirements of general applicability; and 4) economic and budgetary effects. The Joint Committee

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

shall report its findings, conclusions, and recommendations, including suggested legislation, to the General Assembly by February 1 of each year.

Iowa: Iowa Code §17A.7(2), relating to petition for adoption, amendment, or repeal of rules — periodic comprehensive reviews, requires that beginning July 1, 2012, over each five-year period of time, an agency shall conduct an ongoing and comprehensive review of all of the agency’s rules with the goal of identifying and eliminating all rules of the agency that are outdated, redundant, inconsistent, or incompatible with statute or its own rules or those of other agencies. An agency shall commence its review by developing a plan of review in consultation with major stakeholders and constituent groups. When the agency completes the five-year review of the agency’s own rules, the agency shall provide a summary of the results to the Administrative Rules Coordinator and the Administrative Rules Review Committee.

Michigan: MCL 24.253 Sec. 53, relating to annual regulatory plan; link to website of office of regulatory reinvention, requires that each agency shall prepare an annual regulatory plan that reviews the agency’s rules. In completing a review of rules pursuant to the annual regulatory plan, first priority shall be given to those rules that directly affect the greatest number of businesses, groups, individuals, and those rules that have the greatest actual statewide compliance costs for businesses, groups, and individuals. The review of rules shall state the following: 1) whether there is a continued need for the rules; 2) a summary of any complaints or comments received from the public concerning the rules; 3) the complexity of complying with the rules; 4) whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government; and 5) the date of the last evaluation of the rules and the degree to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules. In completing the annual regulatory plan, the agency shall include these rules as well as the rules it expects to process in the next year, the mandatory statutory authority it has not exercised, and the rules it expects to rescind in the next year. Annual regulatory plans shall be completed and filed with the Office of Regulatory Reinvention by July 1 of each year.

Minnesota: Minn. Statutes 2018 14.05 Subd. 5, relating to the review and repeal of rules, requires that by December 1 of each year, an agency must submit to the governor, the Legislative Coordinating Commission, the policy and funding committees and divisions with jurisdiction over the agency, and the revisor of statutes, a list of any rules or portions of rules that are obsolete, unnecessary, or duplicative of other state or federal statutes or rules. The list must also include an explanation of why the rule or portion of the rule is obsolete, unnecessary, or duplicative of other state or federal statutes or rules. By December 1, the agency must either report a timetable for repeal of the rule or portion of the rule, or must develop a bill for submission to the appropriate policy committee to repeal the obsolete, unnecessary, or duplicative rule. The report also must identify the status of any rules identified in the prior year’s report as obsolete, unnecessary, or duplicative.

19. Contact Name Carl Bryan, Administrative Rules Coordinator Department of Public Instruction	20. Contact Phone Number (608) 266-3275
--	--

This document can be made available in alternate formats to individuals with disabilities upon request.