

2001 DRAFTING REQUEST

Bill

Received: **01/07/2002**

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 6-2081**

By/Representing: **Koskinen**

This file may be shown to any legislator: **NO**

Drafter: **shoveme**

May Contact:

Addl. Drafters:

Subject: **Counties - miscellaneous
Munis - miscellaneous
State Government - miscellaneous**

Extra Copies: **JTK, RAC, JK**

Submit via email: **NO**

Pre Topic:

DOA:.....Koskinen -

Topic:

Municipalities, counties, may appeal for exemptions from state mandates

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	shoveme 01/09/2002	csicilia 01/09/2002	kfollet 01/10/2002	_____	lrb_docadmin 01/10/2002		S&L
/2	shoveme 01/11/2002	csicilia 01/11/2002	rschluet 01/11/2002	_____	lrb_docadmin 01/11/2002		S&L

FE Sent For:

<END>

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Instructions: *changes in/2 made after 1/11 conversation w/ John Koskinen*

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12 MES 1/11/02
FE Sent For:

1/2 cjs 1/11/02

9 9
1-11-02
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1/?	shoveme	1 cjs 1/9	1/9	KJ/FS 1/10			
11 MES	1/8/02	1/2	1/9				

FE Sent For:

<END>

Uecker, Deborah

From: Koskinen, John
Sent: Monday, January 07, 2002 10:58 AM
To: Miller, Steve
Cc: Uecker, Deborah
Subject: Drafting Request--Budget Adj Bill--Mandate Relief

Please draft the following for inclusion in the budget adjustment bill.

*Shared Rev
Agency 835*

Economic Full Disclosure of Mandates

Require all administrative rules and proposed legislation to have an economic impact statement on the costs of a proposed mandate.

Administrative rules may not take effect without a published economic impact statement.

Economic impact statement must include costs or benefits of complying with rule or legislation on local governments and private firms.

Appeals for Mandate Exemption

Allow county and municipal governments to appeal for an exemption from state mandates. (This should be comparable to school districts appeal to Superintendent of Public Instruction for the same purpose.) There can be no appeals on mandates affecting health and safety. The levy limit mandate cannot be appealed.

DOR would be the clearinghouse for appeals.

DOR refers appeal to administrative agency responsible for the mandate. The administrative agency rules on the request for exemption.

*John Koskinen
266-2081*

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116138

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John Koskinen
266-2081



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-4585/1
MES

ejs
RMNR

DOA:.....Koskinen - Municipalities, counties, may appeal for exemptions from state mandates

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

D-NOTE

no not gen

1 AN ACT ...; relating to: authorizing a city, village, town, or county to appeal for
2 an exemption from a state mandate.

of **Analysis by the Legislative Reference Bureau**

LOCAL GOVERNMENT

This bill authorizes a city, village, town, or county (political subdivision) to request a waiver from a state mandate, other than a state mandate in the area of health *of* safety. A state mandate is defined as a requirement for a political subdivision to engage in an ~~additional~~ activity or provide ~~an additional~~ service, or to increase the level of its activities or services.

Under the bill, a political subdivision may file a request for a waiver from a state mandate with ~~the department of revenue (DOR)~~. DOR is required to forward the request to the administrative agency which is responsible for the mandate. If no agency is responsible, the request remains with DOR. The agency, or DOR, determines whether ~~the request is granted~~ *to grant* and notifies the political subdivision and DOR in writing. A waiver is effective for four years and may be extended.

By July 1, 2004, the bill requires DOR to submit a report to the governor and the legislature on the number of waivers requested, a description of each waiver request, the reason given for each waiver request, and the financial effects on the political subdivision of each waiver that was granted. ✓

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill. ✓

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

CA

1 SECTION 1. 66.0143 of the statutes is created to read:

2 **66.0143 Local appeals for exemption from state mandates. (1)**

3 DEFINITIONS. In this section: ✓

4 (a) "Political subdivision" means a city, village, town, or county. ✓

5 (b) "State mandate" means a state law that requires a political subdivision to
6 engage in an additional activity or provide an additional service, or to increase the
7 level of its activities or services.

8 (2) APPEALS FOR EXEMPTIONS. (a) A political subdivision may file a request with
9 the department of revenue for a waiver from a state mandate, except for a state
10 mandate that is related to any of the following:

11 1. Health.

12 2. Safety.

✓ ***NOTE: Your instructions stated that the "levy limit mandate cannot be
appealed." Were you referring to your drafting request for municipal levy limits? I did
not include this provision because the municipal levy limits, if they become law, do not
fall under the definition of "state mandate" in sub. (1) (b). ✓

13 (b) The political subdivision shall specify in its request for a waiver its reason
14 for requesting the waiver. Upon receipt of a request for a waiver, the department of
15 revenue shall forward the request to the administrative agency which is responsible
16 for the mandate. The agency shall determine whether ^{to grant} the waiver ~~is granted~~ and
17 shall notify the political subdivision and the department of revenue of its decision in
18 writing. If no agency is responsible for the mandate, the department of revenue shall

1 determine whether ^{to grant} the waiver ~~is granted~~ and shall notify the political subdivision
2 of its decision in writing.

3 (3) DURATION OF WAIVERS. A waiver is effective for 4 years. The administrative
4 agency may renew the waiver for additional 4-year periods. If a waiver is granted
5 by the department of revenue, the department may renew the waiver under this
6 subsection.

7 (4) EVALUATION. By July 1, 2004, the department of revenue shall submit a
8 report to the governor, and to the appropriate standing committees of the legislature
9 under s. 13.172 (3). The report shall specify the number of waivers requested under
10 this section, a description of each waiver request, the reason given for each waiver
11 request, and the financial effects on the political subdivision of each waiver that was
12 granted.

13 **SECTION 9344. Initial applicability; revenue.**

14 (1) ~~APPEALS FOR MANDATE EXEMPTIONS~~ The treatment of section 66.0143 of the
15 statutes first applies to a state mandate that takes effect on the effective date of this
16 subsection

17 (END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4585/?dn

MES...Y:...

Handwritten signature and initials, possibly 'g's', written in black ink.

John Koskinen:

Your instructions did not contain a lot of detail, so I am not sure whether this draft meets your intent. For example, the instructions did not contain a definition of "state mandate." Is the definition in the bill OK? Also, the guidelines to be applied by the department of public instruction in its determination of whether a waiver should be granted under s. 118.38 (2), the statute on which you asked that this draft be based, did not seem to be appropriate for this draft. Do you want to specify guidelines that you'd like an administrative agency to apply in reviewing waiver requests under this bill? ✓

For many mandates, there may be no responsible administrative agency. In that case, the bill requires DOR to decide on the request for exemption. Is this OK? ✓

The scope of this bill is quite broad, and may have unintended consequences. For example, it is my understanding that in the area of election law alone, there are literally hundreds of mandates. If there is some inconsistency in the granting of exemptions from election law mandates, the way in which municipalities and counties conduct elections could be very different throughout the state. ✓

Marc E. Shovers
Senior Legislative Attorney
Phone: (608) 266-0129
E-mail: marc.shovers@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4585/1dn
MES:cjs:kjf

January 9, 2002

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Marc E. Shovers
Senior Legislative Attorney
Phone: (608) 266-0129
E-mail: marc.shovers@legis.state.wi.us



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-45850

MES:cjs: [initials]

Stans (circled) RMR

DOA:.....Koskinen - Municipalities, counties, may appeal for exemptions from state mandates

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

do not pass

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- 2 an exemption from a state mandate.

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LOCAL GOVERNMENT

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administering

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By July 1, 2004, the bill requires DOR to submit a report to the governor and the legislature on the number of waivers requested, a description of each waiver request, the reason given for each waiver request, and the financial effects on the political subdivision of each waiver that was granted.

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9 the department of revenue for a waiver from a state mandate, except for a state
10 mandate that is related to any of the following:

11 1. Health.

12 2. Safety.

An administrative agency for the department of revenue may grant a political subdivision a waiver from a state mandate as provided in par. (c),

~~NOTE: Your instructions stated that the "levy limit mandate cannot be appealed." Were you referring to your drafting request for municipal levy limits? I did not include this provision because the municipal levy limits, if they become law, do not fall under the definition of "state mandate" in sub. (1)(b).~~

13 *(c) (3)* The political subdivision shall specify in its request for a waiver its reason
14 for requesting the waiver. Upon receipt of a request for a waiver, the department of
15 revenue shall forward the request to the administrative agency which is responsible
16 for ^{administering} the ^{state} mandate. The agency shall determine whether to grant the waiver and shall
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(END)



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-4585/2

MES:cjs:rs

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10 mandate that is related to any of the following:

11 1. Health.

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13 (b) An administrative agency, or the department of revenue, may grant a
14 political subdivision a waiver from a state mandate as provided in par. (c).

15 (c) The political subdivision shall specify in its request for a waiver its reason
16 for requesting the waiver. Upon receipt of a request for a waiver, the department of
17 revenue shall forward the request to the administrative agency which is responsible
18 for administrating the state mandate. The agency shall determine whether to grant
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