

2013 DRAFTING REQUEST

Assembly Amendment (AA-AB40)

Received: **5/10/2013** Received By: **mgallagh**
Wanted: **As time permits** Same as LRB:
For: **Legislative Fiscal Bureau** By/Representing: **Austin**
May Contact: Drafter: **mgallagh**
Subject: **State Govt - miscellaneous** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email: **Legislative Fiscal Bureau**
Carbon copy (CC) to: **michael.gallagher@legis.wisconsin.gov**

Pre Topic:

LFB:.....Austin -

Topic:

Require DOA to conduct a study concerning the consolidation of DSPS and DATCAP into a single, new state agency

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>
/P1	mgallagh 5/31/2013	csicilia 5/31/2013	rschluet 5/31/2013	_____	srose 5/16/2013		
/P2				_____	sbasford 5/31/2013		

FE Sent For:

<END>

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✓ P.2 js 5/31/13
[Signature]
[Signature]
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/P1 mgallagh

Handwritten notes: P/ajs 8/16 8/16 ph jm ph

FE Sent For:

<END>

Gallagher, Michael

From: Austin, Sam
Sent: Friday, May 10, 2013 11:33 AM
To: Gallagher, Michael
Cc: CM (Charlie.Morgan@legis.wisconsin.gov)
Subject: DSPS -- Motion #120 (3 of 4)
Attachments: 120.pdf

3 of 4.

The Committee adopted motion #120 to require DOA to conduct a study on consolidating DSPS and DATCP.

See attached motion.

SAFETY AND PROFESSIONAL SERVICES --
DEPARTMENTWIDE AND PROFESSIONAL REGULATION

DOA Study -- Consolidation of DSPTS and DATCP Functions

Motion:

Require the Department of Administration (DOA) to study a proposal to consolidate functions currently performed by the Department of Safety and Professional Services (DSPTS) and the Department of Agriculture, Trade and Consumer Protection (DATCP) so that the functions of both agencies would be performed by a new state agency, the Department of Agriculture, Regulation and Trade (DART), beginning July 1, 2015. Require DOA to submit a report with the results of the study, including recommendations regarding the consolidation of the two agencies and proposed legislation to implement all of these recommendations, to the Joint Committee on Finance and the relevant standing committees of the Legislature by January 1, 2014.

Specify that the report would include recommendations regarding the organizational structure, programmatic functions, and performance objectives of this new agency. In addition, require the report to include recommendations relating to all of the following:

1. Reductions in state staff that may be possible by consolidating DSPTS and DATCP;
2. Boards or councils that could be eliminated or combined as part of the consolidation;
3. Changes to fees currently charged by DSPTS, and the disposition of fee revenue to support the operations of the new agency;
4. Changes to regulatory and credentialing requirements for individuals and professions currently regulated by DSPTS;
5. Identification of functions and programs that may be better suited to be placed in another agency; and
6. Other ways to improve services provided by the new agency.

In conducting the study, require DOA to consult with DSPTS, DATCP, and the boards and councils attached to these agencies. Require DOA to seek input from stakeholders who would be affected by the consolidation of DSPTS and DATCP.

Note:

DSPTS was created under provisions of 2011 Act 32 (the 2011-13 biennial budget act) by incorporating functions of the former Department of Regulation and Licensing (DRL) and the former Department of Commerce. DSPTS regulates various professional and trade occupations, oversees certain safety and building standards, and administers the petroleum environmental cleanup fund award (PECFA), and the petroleum tank inspection program. (The bill would

transfer the PECFA program to DNR, and the petroleum inspection to DATCP.) Multiple independent credentialing boards and advisory code councils are attached administratively to DSPS. Agency operations are funded by credential fees charged to regulated professionals and businesses, and from program revenues from plan review, inspection, and license fees related to various construction activities.

DATCP administers multiple programs related to the state agriculture industry, including: (a) licensing, inspection and regulation of food producers and processors; (b) the prevention of, and response to, disease outbreaks in plants and animals; (c) management and conservation programs for state land and water resources; and (d) the development and marketing of Wisconsin agriculture and agricultural products. Also, the Department administers and enforces state laws for consumer protection and for the regulation of various business trade practices.

This motion would require DOA to develop recommendations to consolidate DSPS and DATCP into a new state agency, the Department of Agriculture, Regulation and Trade, and to submit its recommendations, together with draft legislation to implement these recommendations, to the Joint Committee on Finance and the appropriate standing committees of the Legislature by January 1, 2014.

There is no fiscal effect of this motion, as any changes to state appropriations would occur in the next biennium, and only if the recommendations developed by DOA were enacted in subsequent legislation.



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LFB:.....Austin - Require DOA to conduct a study concerning the consolidation of DSPS and DATCAP into a single, new state agency

**FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 40**

1 At the locations indicated, amend the bill as follows:

2 1. Page 1015, line 23: after that line insert:

3 “(3s) CONSOLIDATION OF THE DEPARTMENTS OF SAFETY AND PROFESSIONAL SERVICES

4 AND AGRICULTURE, TRADE AND CONSUMER PROTECTION. (a) The department of
5 administration shall conduct a study concerning the feasibility of consolidating the
6 functions currently being performed by the departments of safety and professional
7 services and agriculture, trade and consumer protection under a single new agency
8 in the executive branch of state government, to be named the department of
9 agriculture, regulation, and trade.

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feasibility of

of

1 (b) In conducting the study under par. (a), the department of administration
2 shall consult with the departments of safety and professional services and
3 agriculture, trade and consumer protection and with the boards and councils
4 attached to or under those agencies.

5 (c) In conducting the study under par. (a), the department of administration
6 shall consult members of the public who may be affected by the consolidation of the
7 departments of safety and professional service^s and agriculture, trade and consumer
8 protection and the creation of the department of agriculture, regulation, and trade.

9 (d) No later than January 1, 2014, the department of administration shall
10 submit a report of its findings and recommendations based on the study conducted
11 under par. (a) to the joint committee on finance and the appropriate standing
12 committees of the legislature. That report shall contain the department of
13 administration's recommendations concerning all of the following:

14 1. The organizational structure, programmatic functions, and performance
15 objectives of the department of agriculture, regulation, and trade.

16 2. Any reduction in staff that may be accomplished as a result of the
17 consolidation of the departments of safety and professional service^s and agriculture,
18 trade and consumer protection.

19 3. Any board or council that may be eliminated as a result of the consolidation
20 of the departments of safety and professional service^s and agriculture, trade and
21 consumer protection.

22 4. Any adjustment to credentialing fees that may be appropriate and the
23 capability of revenue from credentialing fees to support the operations of the
24 department of agriculture, regulation, and trade.

in the manner provided
under section 13.172(3) of
the statutes to

Gallagher, Michael

From: Austin, Sam
Sent: Friday, May 31, 2013 8:57 AM
To: Gallagher, Michael
Cc: CM (Charlie.Morgan@legis.wisconsin.gov)
Subject: DSPP Draft Changes

Hi Mike,

I have two changes to of the DSPP drafts:

- 1) **Consolidation of DSPP and DATCP (LRBb 0080/P1).** The last section (page 3, lines 7-10) deals requires "draft legislation consolidating, effective July 1, 2015, the departments." I think this section should allow for a situation where DOA recommends *not* consolidating the departments, if that's what they find after studying such a proposal. I don't know the best way to do that, but here's my non-drafting attorney stab at it:

(e) The department of administration shall submit with its report under par. (d) draft legislation ~~consolidating~~ implementing the recommendations under par. (d) for consolidation, effective July 1, 2015, of the departments of safety and professional services and agriculture, trade and consumer protection and creating the department of agriculture, regulation and trade.

- 2) **Chiropractic Exam (LRBb 0081/P2).** After thinking about it, and checking with the DSPP budget office, I think we should maintain the appropriation under 20.165(1)(gc). There's an issue with that appropriation currently carrying a deficit, and I'm not exactly sure what deleting it on the effective date of the bill would mean for that. I think that deleting Page 2, Line 4 and the reference to (gc) in the non-stat should accomplish that?

Let me know if you have any questions on this.

Thanks,

Sam

Sam Austin, Fiscal Analyst
Wisconsin Legislative Fiscal Bureau
1 E. Main Street, Suite 301
Madison, WI 53703

Telephone: (608)266-3847
Fax: (608)267-6873
E-Mail: Sam.Austin@legis.wisconsin.gov



192

LFB:.....Austin - Require DOA to conduct a study concerning the consolidation of DSPS and DATCAP into a single, new state agency

**FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT,
TO ASSEMBLY BILL 40**

Study concerning
LS

1 At the locations indicated, amend the bill as follows:

2 1. Page 1015, line 23: after that line insert:

3 ~~“(3s) CONSOLIDATION OF THE DEPARTMENTS OF SAFETY AND PROFESSIONAL SERVICES~~
4 AND AGRICULTURE, TRADE AND CONSUMER PROTECTION.

5 (a) The department of administration shall conduct a study concerning the
6 consolidation of the functions currently being performed by the departments of
7 safety and professional services and agriculture, trade and consumer protection
8 under a single new agency in the executive branch of state government, to be named
9 the department of agriculture, regulation, and trade.

1 (b) In conducting the study under par. (a), the department of administration
2 shall consult with the departments of safety and professional services and
3 agriculture, trade and consumer protection and with the boards and councils
4 attached to or under those agencies.

5 (c) In conducting the study under par. (a), the department of administration
6 shall consult members of the public who may be affected by the consolidation of the
7 departments of safety and professional services and agriculture, trade and consumer
8 protection and the creation of the department of agriculture, regulation, and trade.

9 (d) No later than January 1, 2014, the department of administration shall
10 submit a report of its findings ^{from} ~~and recommendations based on~~ the study conducted
11 under par. (a) to the joint committee on finance and, in the manner provided under
12 section 13.172 (3) of the statutes, to the appropriate standing committees of the
13 legislature. ~~That~~ report shall ^{include} ~~contain~~ the department ^{of} ~~administration's~~

14 recommendations concerning all of the following:

- 15 1. The organizational structure, programmatic functions, and performance
16 objectives of the department of agriculture, regulation, and trade.
- 17 2. Any reduction in staff that may be accomplished as a result of the
18 consolidation of the departments of safety and professional services and agriculture,
19 trade and consumer protection.
- 20 3. Any board or council that may be eliminated as a result of the consolidation
21 of the departments of safety and professional services and agriculture, trade and
22 consumer protection.
- 23 4. Any adjustment to credentialing fees that may be appropriate and the
24 capability of revenue from credentialing fees to support the operations of the
25 department of agriculture, regulation, and trade.

That report shall set forth the department of administration's
recommendations concerning the proposed consolidation described
under par. (a) to the department of agriculture, regulation, and trade

1 5. Any function of or program under the departments of safety and professional
2 services and agriculture, trade and consumer protection that should be transferred
3 to an agency other than the newly created department of agriculture, regulation, and
4 trade.

5 6. Any way to improve the services to be provided by the department of
6 agriculture, regulation, and trade.

7 (e) The department of administration shall submit with its report under par.
8 (d) draft legislation consolidating, effective July 1, 2015, the departments of safety
9 and professional services and agriculture, trade and consumer protection and
10 creating the department of agriculture, regulation, and trade.”

11 (END)

that implements

also that
recommendations made in the report

If the department of administration recommends consolidation in its report under par. (d),¹

paragraph



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBb0080/P2
MPG:cjs:rs

LFB:.....Austin – Require DOA to conduct a study concerning the consolidation of DSPS and DATCAP into a single, new state agency

**FOR 2013-2015 BUDGET -- NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 40**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1015, line 23: after that line insert:

3 “(3s) STUDY CONCERNING CONSOLIDATION OF THE DEPARTMENTS OF SAFETY AND
4 PROFESSIONAL SERVICES AND AGRICULTURE, TRADE AND CONSUMER PROTECTION.

5 (a) The department of administration shall conduct a study concerning the
6 consolidation of the functions currently being performed by the departments of
7 safety and professional services and agriculture, trade and consumer protection
8 under a single new agency in the executive branch of state government, to be named
9 the department of agriculture, regulation, and trade.

1 (b) In conducting the study under paragraph (a), the department of
2 administration shall consult with the departments of safety and professional
3 services and agriculture, trade and consumer protection and with the boards and
4 councils attached to or under those agencies.

5 (c) In conducting the study under paragraph (a), the department of
6 administration shall consult members of the public who may be affected by the
7 consolidation of the departments of safety and professional services and agriculture,
8 trade and consumer protection and the creation of the department of agriculture,
9 regulation, and trade.

10 (d) No later than January 1, 2014, the department of administration shall
11 submit a report of its findings from the study conducted under paragraph (a) to the
12 joint committee on finance and, in the manner provided under section 13.172 (3) of
13 the statutes, to the appropriate standing committees of the legislature. That report
14 shall set forth the department of administration's recommendations concerning the
15 proposed consolidation described under paragraph (a). If the department
16 recommends consolidation, the report shall include the department's
17 recommendations concerning all of the following:

18 1. The organizational structure, programmatic functions, and performance
19 objectives of the department of agriculture, regulation, and trade.

20 2. Any reduction in staff that may be accomplished as a result of the
21 consolidation of the departments of safety and professional services and agriculture,
22 trade and consumer protection.

23 3. Any board or council that may be eliminated as a result of the consolidation
24 of the departments of safety and professional services and agriculture, trade and
25 consumer protection.

