



State of Wisconsin
2015 - 2016 LEGISLATURE

LRBa2191/1
MED:all

**SENATE AMENDMENT 1,
TO SENATE BILL 168**

February 15, 2016 - Offered by Senator LEMAHIEU.

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

2 **1.** Page 7, line 7: delete “(ks)” and substitute “(kt)”.

3 **2.** Page 7, line 8: delete “(ks)” and substitute “(kt)”.

4 **3.** Page 7, line 10: after that line insert:

5 “**SECTION 4m.** 20.765 (1) (kt) of the statutes is created to read:

6 20.765 (1) (kt) *Independent economic analyses for administrative rules. All*
7 *moneys received under s. 227.137 (4m) (b) 3. a. to reimburse persons for conducting*
8 *independent economic impact analyses under ss. 227.137 (4m) (b) 3. and 227.19 (5)*
9 *(b) 3.”.*

10 **4.** Page 8, line 3: delete lines 3 to 18.

11 **5.** Page 9, line 9: delete “, ~~under~~” and substitute “, under”.

12 **6.** Page 9, line 10: delete “s. ~~227.19 (3m),~~” and substitute “s. 227.19 (3m),”.

1 **7.** Page 12, line 21: delete “(intro.), (a) and (b)” and substitute “(intro.) and (a)”.

2 **8.** Page 13, line 16: after that line insert:

3 “**SECTION 19g.** 227.137 (3) (b) of the statutes is renumbered 227.137 (3) (b)
4 (intro.) and amended to read:”.

5 **9.** Page 13, line 17: delete “(b)” and substitute “227.137 (3) (b) (intro.)”.

6 **10.** Page 13, line 20: delete “rule,” and substitute “rule.”.

7 **11.** Page 13, line 21: delete lines 21 to 25 and substitute “specifically including
8 all of the following:”.

9 **12.** Page 14, line 1: before that line insert:

10 “**SECTION 19r.** 227.137 (3) (b) 1. and 2. of the statutes are created to read:

11 227.137 (3) (b) 1. An estimate of the total implementation and compliance costs
12 that are reasonably expected to be incurred by or passed along to businesses, local
13 governmental units, and individuals as a result of the proposed rule, expressed as
14 a single dollar figure. With respect to an independent economic impact analysis
15 prepared under sub. (4m) or s. 227.19 (5) (b) 3., the person preparing the analysis
16 shall provide a detailed explanation of any variance from the agency’s estimate
17 under this subdivision.

18 2. A determination, for purposes of the requirement under s. 227.139, as to
19 whether \$10 million or more in implementation and compliance costs are reasonably
20 expected to be incurred by or passed along to businesses, local governmental units,
21 and individuals over any 2-year period as a result of the proposed rule.”.

22 **13.** Page 14, line 2: on lines 2, 11, 14, 15, 16 and 19, delete “secretary of
23 revenue” and substitute “secretary of administration”.

1 **14.** Page 14, line 6: delete “secretary” and substitute “secretary of
2 administration”.

3 **15.** Page 14, line 21: delete the material beginning with that line and ending
4 with page 15, line 9.

5 **16.** Page 15, line 13: delete “secretary of revenue” and substitute “secretary
6 of administration”.

7 **17.** Page 15, line 16: delete lines 16 to 24 and substitute:

8 “(b) 1. If the secretary of administration or a cochairperson of the joint
9 committee for review of administrative rules requests an independent economic
10 impact analysis under par. (a), the secretary or cochairperson shall notify the agency
11 proposing the proposed rule and shall contract with a person that is not an agency
12 to prepare the independent economic impact analysis.”.

13 **18.** Page 16, line 2: delete “secretary of revenue” and substitute “secretary of
14 administration”.

15 **19.** Page 16, line 7: delete “(ks)” and substitute “(kt)”.

16 **20.** Page 16, line 9: delete “(ks)” and substitute “(kt)”.

17 **21.** Page 16, line 13: delete “The committee shall” and substitute “Costs of
18 completing the independent economic impact analysis shall be paid as follows:”.

19 **22.** Page 16, line 14: delete lines 14 and 15 and substitute:

20 “a. If the estimate in the independent economic impact analysis of total
21 implementation and compliance costs under sub. (3) (b) 1. varies from the agency’s
22 estimate by 15 percent or more or varies from the agency’s determination that there
23 will be no implementation or compliance costs, the committee shall assess the agency

1 that is proposing the proposed rule for those costs. The committee shall credit all
2 moneys received under this subd. 3. a. to the appropriation account under s. 20.765
3 (1) (kt) and shall reimburse the person from the appropriation account under s.
4 20.765 (1) (kt).

5 b. If the estimate in the independent economic impact analysis of total
6 implementation and compliance costs under sub. (3) (b) 1. does not vary from the
7 agency's estimate by 15 percent or more or is in accord with the agency's
8 determination that there will be no implementation and compliance costs, the
9 committee shall reimburse the person in equal parts from the appropriation
10 accounts under s. 20.765 (1) (a) and (b).".

11 **23.** Page 16, line 20: delete "department of administration, to the secretary
12 of revenue," and substitute "secretary of administration,".

13 **24.** Page 17, line 6: delete that line and substitute:

14 "**SECTION 22m.** 227.137 (6) of the statutes is repealed and recreated to read:

15 227.137 (6) The department of administration shall provide training to
16 agencies on appropriate data collection and methods of analysis for purposes of
17 preparing economic impact analyses of proposed rules under sub. (3).

18 **SECTION 23m.** 227.137 (7) of the statutes is repealed.".

19 **25.** Page 18, line 1: on lines 1 and 3, delete "secretary of revenue" and
20 substitute "secretary of administration".

21 **26.** Page 18, line 25: delete "~~small business regulatory review board. The~~
22 office of" and substitute "small business regulatory review board. The and to the
23 office of".

24 **27.** Page 19, line 4: delete "that" and substitute "its".

1 **28.** Page 19, line 8: after “impact.” insert “The small business regulatory
2 review board may also conduct such an assessment on its own initiative. If the board
3 conducts such an assessment on its own initiative, the board shall notify the office
4 of business development and the agency.”.

5 **29.** Page 19, line 9: delete “required”.

6 **30.** Page 20, line 17: after “development,” insert “or within 45 days after the
7 board notifies the agency that it is conducting an assessment on its own initiative,
8 whichever is applicable.”.

9 **31.** Page 20, line 25: delete the material beginning with “with the
10 department” and ending with “ensure the accuracy,” on page 21, line 1, and
11 substitute “with the department of administration and the office of business
12 development, ensure the accuracy,”.

13 **32.** Page 25, line 16: delete “revenue” and substitute “administration”.

14 **33.** Page 27, line 15: after “in” insert “sub. (3m) and”.

15 **34.** Page 27, line 22: delete that line and substitute:

16 “**SECTION 52m.** 227.19 (3m) of the statutes is amended to read:

17 227.19 **(3m)** ANALYSIS NOT REQUIRED. The final regulatory flexibility analysis
18 specified under sub. (3) (e) is not required for any rule if the small business regulatory
19 review board determines under s. 227.14 (2g) (bm) that the rule will not have –a
20 significant an economic impact on a substantial number of small businesses.”.

21 **35.** Page 29, line 1: delete the material beginning with “The committee shall”
22 and ending with “(b).” on line 3 and substitute “Costs of completing the independent

1 economic impact analysis shall be paid as provided in s. 227.137 (4m) (b) 3. a. and
2 b.”.

3 **36.** Page 29, line 6: after that line insert:

4 “**SECTION 54m.** 227.19 (5) (h) of the statutes is created to read:

5 227.19 (5) (h) *Secretary of administration or designee to attend hearings.* The
6 secretary of administration or his or her designee shall attend hearings of the joint
7 committee for review of administrative rules and present testimony on proposed
8 rules that the secretary determines will have an economic impact on specific
9 businesses, business sectors, public utility ratepayers, local governmental units,
10 regulated individuals and entities, or the state’s economy as a whole.”.

11 **37.** Page 30, line 10: after “approval” insert “small business regulatory review
12 board and to the”.

13 **38.** Page 32, line 18: delete “that” and substitute “its”.

14 **39.** Page 32, line 22: after “impact.” insert “The small business regulatory
15 review board may also conduct such an assessment on its own initiative. If the board
16 conducts such an assessment on its own initiative, the board shall notify the office
17 of business development and the agency.”.

18 **40.** Page 34, line 20: delete the material beginning with that line and ending
19 with page 35, line 11, and substitute:

20 “(1m) This act first applies to a proposed rule or emergency rule whose
21 statement of scope is presented for approval under section 227.135 (2) of the statutes
22 on the effective date of this subsection.”.

23 **41.** Page 35, line 12: delete lines 12 to 16 and substitute:

24 “**SECTION 71m. Effective date.**

1 (1c) This act takes effect on January 1, 2017.”.

2 (END)