



1995 SENATE BILL 297

August 16, 1995 – Introduced by Senators ROSENZWEIG, RUDE, PANZER, DARLING, PETAK and A. LASEE, cosponsored by Representatives GREEN, WARD, KLUSMAN, URBAN, SCHNEIDERS, LEHMAN, LAZICH, ALBERS, OLSEN, KREIBICH and F. LASEE. Referred to Special committee on State and Federal Relations.

- 1 **AN ACT to create** 15.107 (17) and 16.16 of the statutes; **relating to:** federal
2 mandates and creation of a federal mandate review council.

Analysis by the Legislative Reference Bureau

This bill creates a federal mandate review council in the department of administration consisting of the governor, the secretary of administration, and 2 representatives to the assembly and 2 senators, one from the majority party and one from the minority party in each house. The council is directed to examine federal mandates or proposed federal mandates that impose a significant financial burden upon this state, that significantly infringe upon the sovereignty of this state or that may exceed the lawful authority of the federal government. For each federal mandate or proposed federal mandate examined by the council, the council is directed to determine the cost of the mandate to this state and to local governments in this state and determine whether the mandate is desirable as a matter of public policy, serves a useful purpose or unlawfully infringes upon the sovereignty of this state. The council is further directed to recommend whether the mandate should be funded to a greater degree by the federal government, or should be implemented as proposed or, if it has already been implemented, should be limited in scope or eliminated because the mandate is contrary to state policy or serves no useful purpose. The council must also recommend whether the mandate should not be imposed or, if it has already been imposed, should be limited in scope or eliminated as an unlawful infringement upon the sovereignty of this state or an unwarranted intrusion into affairs that are traditionally regulated by this state.

The council may refer matters to the attorney general for appropriate legal action. The council may also request the members of the congressional delegation from this state to meet with it to discuss the desirability, funding or legality of any federal mandate or proposed federal mandate.

The bill defines a “federal mandate” as a directive by the federal government that this state carry out or prohibit an act, a requirement by the federal government

that this state carry out or prohibit an act as a condition precedent to receipt of federal aids or a preemption by the federal government of the regulation by this state of any act or conduct.

For further information see the *state* 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:

1 **SECTION 1.** 15.107 (17) of the statutes is created to read:

2 15.107 (17) FEDERAL MANDATE REVIEW COUNCIL. There is created in the
3 department of administration a federal mandate review council consisting of the
4 governor, the secretary of administration, and 2 senators and 2 representatives to
5 the assembly, one in each house from the majority party and one in each house from
6 the minority party, appointed in the same manner that members of standing
7 committees are appointed.

8 **SECTION 2.** 16.16 of the statutes is created to read:

9 **16.16 Federal mandate review council. (1)** In this section:

10 (a) "Federal mandate" means a directive by the federal government that this
11 state carry out or prohibit an act, a requirement by the federal government that this
12 state carry out or prohibit an act as a condition precedent to receipt of aids from the
13 federal government or a preemption by the federal government of the regulation by
14 this state of any act or conduct.

15 (b) "Local governmental unit" has the meaning given in s. 16.97 (7).

16 **(2)** The federal mandate review council shall examine federal mandates or
17 proposed federal mandates that impose a significant financial burden upon this
18 state, that significantly infringe upon the sovereignty of this state or that may exceed
19 the lawful authority of the federal government.

1 **(3)** The federal mandate review council shall determine the cost to this state
2 and to local governmental units in this state of each federal mandate or proposed
3 federal mandate that it examines. The council shall also determine, for each federal
4 mandate or proposed federal mandate that it examines, whether the mandate:

5 (a) Is desirable as a matter of public policy.

6 (b) Serves a useful purpose.

7 (c) Unlawfully infringes upon the sovereignty of this state.

8 **(4)** The federal mandate review council shall recommend to the governor, to the
9 legislature under s. 13.172 (2), and to each member of the congressional delegation
10 from this state whether each federal mandate or proposed federal mandate that it
11 examines:

12 (a) Should be funded to a greater degree by the federal government.

13 (b) Should be implemented as proposed or, if implemented, should be limited
14 in scope or eliminated because the mandate is contrary to state public policy or serves
15 no useful purpose.

16 (c) Should not be imposed or, if imposed, should be limited in scope or
17 eliminated as an unlawful infringement upon the sovereignty of this state or an
18 unwarranted intrusion into affairs that are traditionally regulated by this state.

19 **(5)** For each federal mandate or proposed federal mandate examined by the
20 federal mandate review council, the council shall recommend to the governor, and to
21 the appropriate standing committees of the legislature under s. 13.172 (3) whether
22 changes in any state law would relieve this state from any undesirable fiscal or
23 regulatory burden resulting from the mandate or proposed mandate and, if so, shall
24 specify the changes required to achieve that purpose.

