

2001 DRAFTING REQUEST

Bill

Received: 01/12/2001

Received By: nelsorp1

Wanted: As time permits

Identical to LRB:

For: Administration-Budget 6-7329

By/Representing: Walker

This file may be shown to any legislator: NO

Drafter: nelsorp1

May Contact:

Alt. Drafters:

Subject: Administrative Law

Extra Copies:

Pre Topic:

DOA:.....Walker -

Topic:

Committee to consider the effects of regulations on businesses

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	nelsorp1 01/12/2001	wjackson 01/12/2001	kfollet 01/14/2001	_____	lrb_docadmin 01/14/2001		

FE Sent For:

<END>

2001 DRAFTING REQUEST

Bill

Received: **01/12/2001**

Received By: **nelsorp1**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 6-7329**

By/Representing: **Walker**

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

Drafter: **nelsorp1**

May Contact:

Alt. Drafters:

Subject: **Administrative Law**

Extra Copies:

Pre Topic:

DOA:.....Walker -

Topic:

Committee to consider the effects of regulations on businesses

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?	nelsorp1	1 wij 1/12	kj 1/14	kj/RS 1/14			

FE Sent For:

<END>

Nelson, Robert P.

From: Walker, William
Sent: Friday, January 12, 2001 10:52 AM
To: Nelson, Robert P.
Subject: FW: Drafting Request: Regulation Study Group

The Governor's office would like to have the group created in statute anyway for the public visibility.

Could you please draft?

Sorry.

-----Original Message-----

From: Walker, William
Sent: Thursday, January 11, 2001 5:29 PM
To: Nelson, Robert P.
Subject: FW: Drafting Request: Regulation Study Group

Governor's decision: proceed with the study group, not the larger regulatory reform package.

-----Original Message-----

From: Walker, William
Sent: Wednesday, January 10, 2001 4:34 PM
To: Nelson, Robert P.
Cc: Currier, Dawn
Subject: Drafting Request: Regulation Study Group

(Dawn: For Commerce: "Regulation Study Group.")

If the regulatory flexibility request is cancelled for whatever reason, we may want to do the following instead:

Goal: Develop a Governor's task force on regulatory flexibility.

Specific topics for the task force:

- How to require agencies to consider direct and indirect impacts of their regulations
- Possibility for judicial enforcement of regulatory flexibility act.
- Provisions for businesses to challenge a rule's regulatory flexibility analysis.
- Authority of the Joint Committee on Review of Administrative Rules to suspend or modify proposed or existing rules.
- Development of a no-fault audit program.
- Development of a compliance assistance program.
- Grace periods in which violations can be corrected without fines.
- Consideration of small business's ability to pay.
- Development of payment plans for fines.

Bill Walker

Executive Policy and Budget Analyst
Department of Administration
(608) 266-7329



5009 (112)
State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-2023/1

RPN.../.....

WJ

DOA:.....Walker - Committee to consider the effects of regulations on businesses

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

DO NOT GEN

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
COMMERCE AND ECONOMIC DEVELOPMENT ✓

COMMERCE ✓

This bill creates a regulatory flexibility committee whose ^{ten}10 members are appointed by the governor. The committee is required to issue a report, which may include recommendations for legislation, that will consider issues related to agency regulation of businesses, including requiring agencies to consider the direct and indirect impact of proposed rules; allowing businesses a grace period before to correct a violation and avoid being penalized; allowing installment payments of fines or forfeitures; and granting additional authority to the Joint Committee for Review of Administrative Rules to suspend or modify existing or proposed rules.

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

2 SECTION 9110. Nonstatutory provisions; commerce. ✓

3 (1) REGULATORY FLEXIBILITY. There is created a regulatory flexibility committee,
4 which shall consist of 10 members appointed by the governor. At least one member

SECTION 9110

1 ^{the} of committee shall be appointed from a list of nominees submitted by the Wisconsin
2 chapter of the National Federation of Independent Businesses. At least one member
3 of the committee shall be appointed from a list of nominees submitted by Wisconsin
4 Manufacturers and Commerce. The governor shall designate one of the members of
5 the committee as the chairperson. The chairperson shall set the date for the first
6 meeting. A majority of the committee constitute^s a quorum to do business. The
7 committee members shall be reimbursed for their actual and necessary expenses
8 incurred while performing their duties as committee members. The committee shall
9 issue a report, which may include recommendations for legislation, to the governor
10 and to the legislature for distribution to the appropriate standing committees in the
11 manner provided in section 13.172 (3) of the statutes. The department of commerce
12 shall provide staff support and any assistance necessary for the committee to
13 complete its report. The committee shall cease to exist when the committee has
14 submitted the report required under this section or on September 1, 2002, whichever
15 occurs sooner. The committee shall include discussions of all of the following in its
16 report:

17 (a) How to require an agency to consider the direct and indirect impacts of rules
18 proposed by the agency.

19 (b) Whether judicial enforcement of section 227.114[✓] of the statutes is
20 appropriate or sufficient.

21 (c) What provisions are available or are needed to enable a business to
22 challenge an agency's regulatory flexibility analysis prepared under section 227.19

23 (3) (e)[✓] of the statutes.

1 (d) What additional authority is appropriate and necessary for the Joint
2 Committee for Review of Administrative Rules to suspend or modify a proposed or
3 existing agency rule.

4 (e) What action needs to be taken by what agencies to develop a no-fault audit
5 program and a compliance assistance program.

6 (f) What grace periods are appropriate during which a business ^{may} can correct a
7 rule or statutory violation before being assessed a fine or forfeiture.

8 (g) Whether an agency should consider a small business's ability to pay when
9 assessing a fine or forfeiture against that business.

10 (h) What action needs to be taken ^{and} by what agencies to develop a program that
11 ^{a business to pay a} allows ~~the payment of~~ fines or forfeitures in installments.

12

(END)



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-2023/1
RPN:wlj:kjf

DOA:.....Walker - Committee to consider the effects of regulations on
businesses

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau
COMMERCE AND ECONOMIC DEVELOPMENT

COMMERCE

This bill creates a regulatory flexibility committee whose ten members are appointed by the governor. The committee is required to issue a report, which may include recommendations for legislation, that will consider issues related to agency regulation of businesses, including requiring agencies to consider the direct and indirect impact of proposed rules; allowing businesses a grace period to correct a violation and avoid being penalized; allowing installment payments of fines or forfeitures; and granting additional authority to the Joint Committee for Review of Administrative Rules to suspend or modify existing or proposed rules.

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

2 **SECTION 9110. Nonstatutory provisions; commerce.**

3 (1) **REGULATORY FLEXIBILITY.** There is created a regulatory flexibility committee,

4 which shall consist of 10 members appointed by the governor. At least one member

1 of the committee shall be appointed from a list of nominees submitted by the
2 Wisconsin chapter of the National Federation of Independent Businesses. At least
3 one member of the committee shall be appointed from a list of nominees submitted
4 by Wisconsin Manufacturers and Commerce. The governor shall designate one of the
5 members of the committee as the chairperson. The chairperson shall set the date for
6 the first meeting. A majority of the committee constitutes a quorum to do business.
7 The committee members shall be reimbursed for their actual and necessary expenses
8 incurred while performing their duties as committee members. The committee shall
9 issue a report, which may include recommendations for legislation, to the governor
10 and to the legislature for distribution to the appropriate standing committees in the
11 manner provided in section 13.172 (3) of the statutes. The department of commerce
12 shall provide staff support and any assistance necessary for the committee to
13 complete its report. The committee shall cease to exist when the committee has
14 submitted the report required under this section or on September 1, 2002, whichever
15 occurs sooner. The committee shall include discussions of all of the following in its
16 report:

17 (a) How to require an agency to consider the direct and indirect impacts of rules
18 proposed by the agency.

19 (b) Whether judicial enforcement of section 227.114 of the statutes is
20 appropriate or sufficient.

21 (c) What provisions are available or are needed to enable a business to
22 challenge an agency's regulatory flexibility analysis prepared under section 227.19
23 (3) (e) of the statutes.

1 (d) What additional authority is appropriate and necessary for the Joint
2 Committee for Review of Administrative Rules to suspend or modify a proposed or
3 existing agency rule.

4 (e) What action needs to be taken by what agencies to develop a no-fault audit
5 program and a compliance assistance program.

6 (f) What grace periods are appropriate during which a business may correct a
7 rule or statutory violation before being assessed a fine or forfeiture.

8 (g) Whether an agency should consider a small business's ability to pay when
9 assessing a fine or forfeiture against that business.

10 (h) What action needs to be taken, and by what agencies, to develop a program
11 that allows a business to pay a fine or forfeiture in installments.

12

(END)