

**2003 DRAFTING REQUEST**

**Bill**

Received: **11/13/2002**

Received By: **pdykman**

Wanted: **As time permits**

Identical to LRB: **01-4722/1**

For: **Steve Wieckert (608) 266-3070**

By/Representing: **Tim**

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

Drafter: **pdykman**

May Contact:

Addl. Drafters:

Subject: **Legislature - miscellaneous**

Extra Copies: **JTK  
RAC**

Submit via email: **YES**

Requester's email: **Rep.Wieckert@legis.state.wi.us**

Carbon copy (CC:) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Economic impact statements

**Instructions:**

See Attached 2001 AB 834

**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>
/?	pdykman 11/13/2002	kgilfoy 11/14/2002					State
/1			chaskett 11/14/2002		amentkow 11/14/2002	mbarman 01/23/2003	

*Per Scott in Wieckert's*

FE Sent For: 11/15/2002.

↳ ("1")

<END>

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11-15-02  
(11/15)

requested  
by Tim

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FE Sent For:		4/13 KING	CPH 11/13	RS/CPH 11/13 <END>			

*Handwritten initials*

**2001 ASSEMBLY BILL 834**

*(I) - NOTE*

February 20, 2002 – Introduced by Representatives ~~WIECKERT, MUSSER, SERATTI, OLSEN, OWENS, POCAN, MCCORMICK, HINES, HUEBSCH, ALBERS, SYKORA, STONE~~ and UNDERHEIM, cosponsored by Senators KANAVAS, HUELSMAN, DARLING and WELCH. Referred to Committee on Economic Development.

*Sen. Act.*

- 1 AN ACT *to create* 13.0992 of the statutes; relating to: preparation of economic
- 2 impact statements for bills and proposed administrative rules that would have
- 3 a direct economic impact on the private sector.

***Analysis by the Legislative Reference Bureau***

This bill requires the preparation of statements describing the direct economic impact by bills or proposed rules on the private sector. Each majority leader and each minority leader is authorized to request a statement on one bill or proposed rule each year. It applies to bills and proposed rules that apply specifically to a business or that affect businesses differently than governments or other entities. The requirements of the bill are designed to parallel the current requirements contained in the statutes and the joint rules of the legislature for the preparation of statements describing the fiscal impact of legislation.

It directs the department of administration to assign the preparation of a statement to the appropriate agency or authority. It establishes a deadline for the preparation of a statement and requirements for its distribution. The bill states that a standing committee may not hold a public hearing on, or report a bill or proposed rule-making order for which an economic impact statement is required, before receipt of the statement.

**ASSEMBLY BILL 834**

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

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

1           **SECTION 1.** 13.0992 of the statutes is created to read:

2           **13.0992 Economic impact statements.** (1) In this section:

3           (a) “Agency” means an office, department, agency, institution of higher  
4 education, association, society, or other body in state government created or  
5 authorized to be created by the constitution or any law, which is entitled to expend  
6 moneys appropriated by law, including the legislature and the courts, but not  
7 including an authority.

8           (b) “Authority” means a body created under ch. 231, 232, 233, 234, or 235.

9           (c) “Have a direct impact on the private sector,” when referring to a bill, means  
10 to do any of the following:

- 11           1. Apply directly and specifically to the private sector.
- 12           2. Affect the private sector differently than governments or other entities.
- 13           3. Affect individual businesses differently than other businesses.

14           (2) Each year, the senate majority leader, the senate minority leader, the  
15 assembly majority leader, and the assembly minority leader may each, subject to the  
16 rules of that house or joint rules of the legislature, request the department of  
17 administration to order the preparation of one economic impact statement with  
18 respect to any bill or any proposed rule-making order before that house, either in its  
19 original form or, if it is a bill, as affected by one or more amendments. If a majority  
20 or minority leader so requests, the chief clerk of that house shall thereupon request  
21 the legislative reference bureau to transmit a copy of that bill and any affected

**ASSEMBLY BILL 834**

1 amendments, or the legislative council staff to transmit a copy of the proposed  
2 rule-making order, to the department of administration.

3 (3) Upon receipt of a bill or rule-making order under sub. (2), the department  
4 of administration shall direct one or more agencies or authorities to prepare an  
5 economic impact statement with respect to the bill or order. Each statement shall  
6 describe the direct impact on the private sector that would result from enactment of  
7 the bill or promulgation of the rule.

8 (4) Each agency or authority that is directed to prepare an economic impact  
9 statement under sub. (3) shall provide the statement to the department of  
10 administration within 10 working days after the date on which the agency or  
11 authority receives the direction, but the department of administration, on a limited  
12 basis only and upon an agency's or authority's request received before the end of the  
13 10-day period and applicable to only one economic impact statement, may extend the  
14 period for the specified economic impact statement to not more than 20 working days  
15 if the statement necessitates extended research. Whenever the extension is granted,  
16 the department of administration shall immediately notify the legislative reference  
17 bureau, if it is on a bill, or the legislative council staff, if it is on a proposed  
18 rule-making order.

19 (5) Upon receiving an economic impact statement under sub. (4), the  
20 department of administration shall transmit it to the legislative reference bureau,  
21 which shall transmit one copy to the leader requesting the statement, one copy to the  
22 principal author of the bill, and one copy to the chief clerk of the house of the  
23 legislature in which the bill originated or of the house that is considering the  
24 proposed rule. In case of bills, the statement shall be reproduced and distributed as  
25 are amendments.



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

0710/1  
LRB-4722/P2dn

FJD:kmg:pg  
↑

January 29, 2002 *plw*

The language of proposed s. 13.0992 (6), to the effect that a bill or proposed rule-making order for which an economic impact statement is requested may not be heard or reported by a standing committee to which the bill or order is referred until the statement is received, creates a rule of procedure under article IV, section 8, of the constitution. The supreme court has held that the remedy for noncompliance with this type of provision lies exclusively within the legislative branch. See *State ex rel. La Follette v. Stitt*, 114 Wis. 2d 358, 363-369 (1983). In other words, while this type of provision may be effective to govern internal legislative procedure, the courts will not enforce this type of provision and it does not affect the validity of any enactment resulting from a procedure that may be viewed as contravening the provision.

Atty. Peter J. Dykman  
General Counsel  
Phone: (608) 266-7098  
E-mail: peter.dykman@legis.state.wi.us

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

LRB-0710/1dn  
PJD:kmg:cph

November 14, 2002

The language of proposed s. 13.0992 (6), to the effect that a bill or proposed rule-making order for which an economic impact statement is requested may not be heard or reported by a standing committee to which the bill or order is referred until the statement is received, creates a rule of procedure under article IV, section 8, of the constitution. The supreme court has held that the remedy for noncompliance with this type of provision lies exclusively within the legislative branch. See *State ex rel. La Follette v. Stitt*, 114 Wis. 2d 358, 363-369 (1983). In other words, while this type of provision may be effective to govern internal legislative procedure, the courts will not enforce this type of provision and it does not affect the validity of any enactment resulting from a procedure that may be viewed as contravening the provision.

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General Counsel  
Phone: (608) 266-7098  
E-mail: peter.dykman@legis.state.wi.us

# Memo

To: Senator  Representative  **Wieckert**

(The Draft's Requestor)

Per your request ... the attached is a fiscal estimate was prepared for your un-introduced 2003 draft.

LRB Number: LRB - 0710

Version: “ / 1 ”

Entered In Computer And Copy Sent To Requestor Via E-Mail: 12 / 18 / 2002

Fiscal Estimate Prepared By: (agency abbr.) DOA

If you have questions about the enclosed fiscal estimate, you may contact the agency/individual that prepared the fiscal estimate. If you disagree with the enclosed fiscal estimate, please contact the LRB drafter of your proposal to discuss your options under the fiscal estimate procedure.

\* \* \* \* \*

To: LRB – Legal Section PA's

Subject: *Fiscal Estimate Received For A Un-Introduced Draft*

- > If this draft is **re-drafted** ... please insert this early fiscal estimate into the drafting file ... after the draft's old version (the version this fiscal estimate was based on), and before mark-up of the draft on the updated version.
- > If this draft is **introduced** ... and the version of the attached fiscal estimate is for a **previous version** ... please insert this early fiscal estimate into the drafting file ... after the draft's old version (the version this fiscal estimate was based on), and before mark up of the draft on the updated version. I have Mike (or Lynn) get the ball rolling on getting a fiscal estimate prepared for the introduced version.
- > If this draft is **introduced** ... and the version of the attached fiscal estimate is for the **current version** ... please write the drafts introduction number below and give this fiscal estimate to Mike (or Lynn) to process.

THIS DRAFT WAS INTRODUCED AS: 2003 AB-81

## Barman, Mike

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**From:** Barman, Mike  
**Sent:** Wednesday, December 18, 2002 1:46 PM  
**To:** Rep.Wieckert  
**Subject:** LRB-0710/1 (FE by DOA - attached - for your review)



DOA-0710.pdf

DOA-0710.pdf