

2011 DRAFTING REQUEST

Bill

Received: **01/19/2012**

Received By: **mkunkel**

Wanted: **As time permits**

Companion to LRB:

For: **Legislative Council - IND**

By/Representing: **Larry**

May Contact:

Drafter: **mkunkel**

Subject: **Higher Education - UW System**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **larry.konopacki@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Nanotechnology council

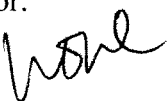
Instructions:

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	mkunkel 02/16/2012	mduchek 02/24/2012	jmurphy 02/24/2012	_____	lparisi 02/24/2012		
/1	mkunkel 02/27/2012	mduchek 02/27/2012	jmurphy 02/27/2012	_____	ggodwin 02/27/2012	mbarman 02/28/2012	

FE Sent For:



<END>

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/P1	mkunkel 02/16/2012	mduchek 02/24/2012	jmurphy 02/24/2012	_____	lparisi 02/24/2012		

FE Sent For:

MD
2/27/12
11
jm
2/27
ksjm
2/27
<END>

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Wanted: As time permits

Companion to LRB:

For: Legislative Council - IND

By/Representing: Larry

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Drafter: mkunkel

Subject: Higher Education - UW System

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Extra Copies:

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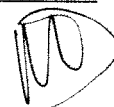
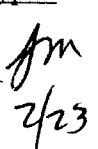
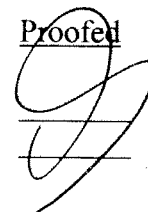
Nanotechnology council

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>
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/P1	mkunkel						
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2/23/12
/P1

<END>

FE Sent For:

1 **AN ACT** *to create* 15.917 (2) and 36.25 (55) of the statutes; **relating to:** establishing
2 a nanotechnology information hub and a nanotechnology council.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the Joint Legislative Council's Special Committee on Nanotechnology. It responds to the committee's instruction to create an entity to promote the development of nanotechnology in this state by serving as a central information source on the benefits, risks, and regulations related to nanotechnology, promoting collaboration between the public and private sectors, providing technical assistance to businesses and researchers, establishing a state educational program, and otherwise promoting the safe development of nanotechnology.

This draft directs the University of Wisconsin (UW) Board of Regents to maintain a nanotechnology information hub in the UW-Extension ("the extension"), for at least 5 years, to promote the development of nanotechnology businesses in this state and gather and disseminate information about environmental health and workplace safety related to nanotechnology. The draft sets forth specific duties for the nanotechnology information hub. The hub is directed to report to the legislature on emerging nanotechnology health and safety information, and at the direction of the nanotechnology council described below, identify needed legislation relating to nanotechnology safety and development.

The draft creates a nanotechnology council to set policies and priorities for the nanotechnology information hub and to make grants for research and development related to nanotechnology.

The nanotechnology council consists of the following members (or their designees):

- The director of the state laboratory of hygiene.
- The secretary of the department of natural resources.
- The secretary of the department of agriculture, trade and consumer protection.
- The secretary of the department of health services.

- The secretary of the department of workforce development.
- The secretary of the department of commerce.
- The chief executive officer of the Wisconsin economic development corporation.
- The administrator of the division of emergency management in the department of military affairs.
- The president of the UW System.
- The chancellor of the UW-Madison (if the UW-Madison is not under the control of the Board of Regents of the UW System).
- The president of the technical college system.
- The president of the Wisconsin technology council board.

The council also has 5 members each of whom represents one of the following specific interests relevant to nanotechnology. These members are nominated by the governor, selected from a list of names submitted by organizations representing the relevant interest. These members are confirmed by the senate and serve staggered 3-year terms:

- Environmental interests.
- Consumer protection.
- Public health.
- Economic development.
- Technology transfer.

The nanotechnology council must meet at least twice each year and must develop and implement plans for the nanotechnology information hub to sustain its own funding.

1 **SECTION 1.** 15.917 (2) of the statutes is created to read:

2 15.917 **(2)** NANOTECHNOLOGY COUNCIL. (a) There is created in the University of
3 Wisconsin System a nanotechnology council consisting of the following members:

- 4 1. The director of the state laboratory of hygiene, or his or her designee.
- 5 2. The secretary of the department of natural resources, or his or her designee.
- 6 3. The secretary of the department of agriculture, trade and consumer protection, or his
7 or her designee.

- 1 4. The secretary of the department of health services, or his or her designee.
- 2 5. The secretary of the department of workforce development, or his or her designee.
- 3 6. The secretary of the department of commerce, or his or her designee.
- 4 7. The chief executive officer of the Wisconsin economic development corporation, or
5 his or her designee.
- 6 8. The administrator of the division of emergency management in the department of
7 military affairs, or his or her designee.
- 8 9. The president of the University of Wisconsin System, or his or her designee.
- 9 10. The chancellor of the University of Wisconsin–Madison, or his or her designee, but
10 only if the University of Wisconsin–Madison is not under the control of the board of regents
11 of the University of Wisconsin system.
- 12 11. The president of the technical college system, or his or her designee.
- 13 12. The president of the Wisconsin technology council board, or his or her designee.
- 14 13. Five members nominated by the governor, and with the advice and consent of the
15 senate appointed to serve 3–year terms, as follows:
 - 16 a. A member representing environmental interests, selected from a list of names
17 submitted by environmental organizations.
 - 18 b. A member representing consumer interests, selected from a list of names submitted
19 by consumer protection organizations.
 - 20 c. A member representing the interests of public health, selected from a list of names
21 submitted by public health organizations.
 - 22 d. A member with knowledge and expertise in economic development, selected from
23 a list of names submitted by economic development organizations.

1 e. A member representing an organization that specializes in technology transfer,
2 selected from a list of names submitted by organizations that specialize in technology transfer.

3 (b) All members of the nanotechnology council shall be appointed or designated no later
4 than 90 days after the effective date of this paragraph ... [LRB inserts date].

5 **SECTION 2.** 36.25 (55) of the statutes is created to read:

6 **36.25 (55) NANOTECHNOLOGY INFORMATION HUB AND NANOTECHNOLOGY COUNCIL.** (a)
7 The board shall maintain in the extension a nanotechnology information hub to promote the
8 development of nanotechnology businesses and gather and disseminate information about
9 environmental health and workplace safety related to nanotechnology. The board shall
10 maintain the nanotechnology information hub for at least 5 years.

11 (b) The nanotechnology information hub shall do all of the following to foster
12 communication and cooperation between the public and private sectors on matters related to
13 nanotechnology:

- 14 1. Facilitate the sharing of specialized equipment and skills related to nanotechnology.
- 15 2. Arrange for periodic events to bring together people interested in nanotechnology.
- 16 3. Establish an interactive Internet platform for receiving and disseminating
17 information on nanotechnology.
- 18 4. Monitor, compile, and disseminate emerging scientific research on nanoscale
19 material uses, benefits, and risks.

20 (c) The nanotechnology information hub shall do all of the following to assist in the
21 development of the nanotechnology industry in this state:

- 22 1. Help businesses to identify and access resources to help them to comply with rules
23 and regulations related to nanotechnology, implement best practices for handling nanoscale

1 materials to protect worker safety, and otherwise minimize the risks associated with the use
2 of nanoscale materials in products.

3 2. Inform businesses that are involved in nanotechnology or that use nanoscale
4 materials in products about business development assistance programs.

5 3. Inform the public and businesses that are involved in nanotechnology about
6 post-secondary education programs that prepare workers for careers related to
7 nanotechnology.

8 4. Monitor and provide information on new and proposed state rules and federal
9 regulations related to nanotechnology.

10 (d) The nanotechnology information hub shall do all of the following to promote
11 environmental health, research, and workplace safety related to nanotechnology:

12 1. Inform interested parties about opportunities for federal, state, or other funding for
13 nanotechnology research or other programs related to nanotechnology.

14 2. Inform the public about the benefits and risks of specific types of nanoscale materials
15 and products containing nanoscale materials.

16 3. Inform emergency response personnel about the safe handling of nanoscale materials
17 in emergency situations.

18 4. Collect information voluntarily provided by public and private sector entities in this
19 state about the types and amounts of nanoscale materials being handled or manufactured and
20 the locations of those activities.

21 5. Undertake other educational, public outreach, and grant activities related to
22 nanotechnology.

1 6. Report to the appropriate standing committees of the legislature under s. 13.172 (3)
2 on emerging nanotechnology health and safety information and, at the direction of the council,
3 identify needed legislation relating to nanotechnology safety and development.

4 (e) The nanotechnology information hub shall seek and compete for federal, state, or
5 other funding to support its activities and to be used by the nanotechnology council under par.
6 (b) to make grants through the extension for research and development related to
7 nanotechnology.

8 (f) The board shall ensure that adequate staff is assigned to provide support to the
9 nanotechnology information hub. The board shall ensure that staff with technical experience
10 with nanoscale materials and knowledge about the occupational and environmental human
11 health effects of nanoscale materials are provided.

12 (g) The nanotechnology council created under s. 15.917 (2) shall meet at least twice
13 every year and shall set policies and priorities for the nanotechnology information hub and
14 make grants through the extension for research and development related to nanotechnology,
15 subject to the availability of funding.

16 (h) The nanotechnology council shall develop and implement plans for the
17 nanotechnology information hub to sustain its own funding.

18 **SECTION 3. Nonstatutory provisions.**

19 (1) Notwithstanding the length of terms specified in section 15.91 (2) (a) 13. of the
20 statutes, as created by this act, the governor shall appoint one of the initial members of the
21 nanotechnology council under section 15.917 (2) (a) 13. a. to e. of the statutes, as created by
22 this act, for a term ending on July 1, 2012, 2 of the initial members of the nanotechnology
23 council under section 15.917 (2) (a) 13. a. to e. of the statutes, as created by this act, for terms
24 ending on July 1, 2013, and 2 of the initial members of the nanotechnology council under

1 section 15.917 (2) (a) 13. a. to e. of the statutes, as created by this act, for terms ending on July
2 1, 2014.

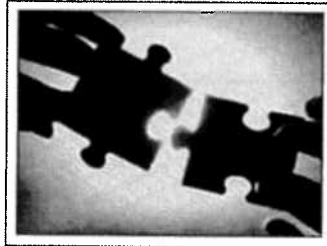
3 (END)

SEARCH →



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- EVENT CALENDAR
- NEWSROOM
- PUBLICATIONS
- POLICY & PROGRAMS
- RESOURCES
- WIN MEMBERSHIP
- CONTACT US

About the Wisconsin Technology Council



The **Wisconsin Technology Council** is the science and technology advisor to the Governor and the Legislature. Launched in 2001, the Tech Council was created by a bipartisan act of the governor and the Legislature. It is an independent, non-profit and non-partisan board with members from tech companies, venture capital firms, all levels of education, research institutions, government and law.

[Click here to view a video summary of the Tech Council's work.](#)

The Tech Council has three main functions:

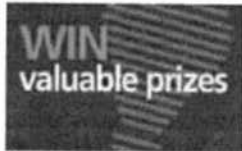
- 1) It provides policy guidance to lawmakers, the governor, state agencies and other institutions in Wisconsin. It has most notably done so through "Vision 2020: A Model Wisconsin Economy" and white papers that have served as background for policymakers.
- 2) It serves an important in-state networking role through **Wisconsin Innovation Network (WIN)**, a community-based organization dedicated to fostering innovation and entrepreneurship. It also works with other statewide and local affiliates. And it provides out-of-state networking through its "I-Q Corridor" activities and other events.
- 3) It serves as an economic catalyst through programs such as:

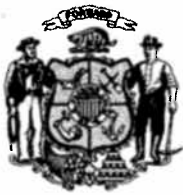
- **Wisconsin Innovation Network (WIN)**, community-based organization dedicated to fostering innovation and entrepreneurship
- **Wisconsin Entrepreneurs' Conference** A program focused on stimulating more entrepreneurial activity in Wisconsin across all segments of our economy.
- **Wisconsin Early Stage Symposium** Open to technology companies seeking all capital.
- **Monthly WIN Events** Brings together entrepreneurs, business owners and related high tech professionals in a collaboration-rich environment.
- **Governor's Business Plan Contest (BPC)** An opportunity to compete for cash and in-kind prizes – but it's also a chance to get constructive feedback on your business plan and to help move it from "virtual business" to reality.
- **Wisconsin Angel Network** WAN's mission is to build angel network capital capacity throughout Wisconsin in order to increase the number and amount of seed-stage equity investments in Wisconsin companies, creating jobs and improving our economy.
- **Wisconsin Security Research Consortium** This consortium of research institutions in Wisconsin is dedicated to delivering world-class science and technology solutions in response to our nation's homeland security requirements.

The president of the Tech Council and WIN is Tom Still. He is the former associate editor of the Wisconsin State Journal in Madison. Still serves on the board of directors for the Wisconsin Security Research Consortium and "We the People/Wisconsin," the UW-Extension Board of Visitors, the UW-Madison College of Engineering Industrial Advisory Board, and the WfSys Technology Foundation Advisory Board, among other civic and business groups. He moderated the Wisconsin Economic Summits (2000-2003) and "Inside Wisconsin" appears regularly in 24 publications (see our News Room). He is a lecturer in the UW-Madison College of Agricultural and Life Sciences. Still is the co-author of "Hands-On Environmentalism," published by Encounter Books, New York.

Interested in learning more? Put your business on the Wisconsin Fast Track to success by reading the Council's **Vision 2020: A Model Wisconsin Economy** - or by **contacting us** directly.

Like Tweet 4





State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-3881/P1
MDK:j:....

O-NOTE

med

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

~~SOON~~
by Fri
D-24

Regen

1 AN ACT *to create* 15.917 (2) and 36.25 (55) of the statutes; **relating to:**
2 establishing a nanotechnology information hub and a nanotechnology council.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Special Committee on Nanotechnology. It responds to the committee's instruction to create an entity to promote the development of nanotechnology in this state by serving as a central information source on the benefits, risks, and regulations related to nanotechnology, promoting collaboration between the public and private sectors, providing technical assistance to businesses and researchers, establishing a state educational program, and otherwise promoting the safe development of nanotechnology.

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council described below, identify needed legislation relating to nanotechnology safety and development.

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- The secretary of the department of health services.
- The secretary of the department of workforce development.
- The secretary of the department of commerce.
- The chief executive officer of the Wisconsin economic development corporation.
- The administrator of the division of emergency management in the department of military affairs.
- The president of the UW System.
- The chancellor of the UW-Madison (if the UW-Madison is not under the control of the Board of Regents of the UW System).
- The president of the technical college system ^{board}.
- The president of the board of the Wisconsin Technology Council.

The council also has 5 members each of whom represents one of the following specific interests relevant to nanotechnology. These members are nominated by the governor, selected from a list of names submitted by organizations representing the relevant interest. These members are confirmed by the senate and serve staggered 3-year terms:

- Environmental interests.
- Consumer protection.
- Public health.
- Economic development.
- Technology transfer.

The nanotechnology council must meet at least twice each year and must develop and implement plans for the nanotechnology information hub to sustain its own funding.

1 **SECTION 1.** 15.917 (2) of the statutes is created to read:

2 **15.917 (2) NANOTECHNOLOGY COUNCIL.** (a) There is created in the University of
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4 1. The director of the state laboratory of hygiene or his or her designee.

5 2. The secretary of the department of natural resources or his or her designee.

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3. The secretary of the department of agriculture, trade and consumer protection or his or her designee.

4. The secretary of the department of health services or his or her designee.

5. The secretary of the department of workforce development or his or her designee.

~~6. The secretary of the department of commerce or his or her designee.~~

6. The chief executive officer of the Wisconsin economic development corporation or his or her designee.

7. The administrator of the division of emergency management in the department of military affairs or his or her designee.

8. The president of the University of Wisconsin System or his or her designee.

9. 10. The chancellor of the University of Wisconsin-Madison or his or her designee, but only if the University of Wisconsin-Madison is not under the control of the board of regents of the University of Wisconsin system.

10. 11. The president of the technical college system ^{board} or his or her designee.

11. 12. The president of the board of the Wisconsin Technology Council or his or her designee.

12. 13. Five members nominated by the governor, and with the advice and consent of the senate appointed to serve 3-year terms, as follows:

a. A member representing environmental interests, selected from a list of names submitted by environmental organizations.

b. A member representing consumer interests, selected from a list of names submitted by consumer protection organizations.

c. A member representing the interests of public health, selected from a list of names submitted by public health organizations.

1 d. A member with knowledge and expertise in economic development, selected
2 from a list of names submitted by economic development organizations.

3 e. A member representing an organization that specializes in technology
4 transfer, selected from a list of names submitted by organizations that specialize in
5 technology transfer.

6 (b) All ^{initial} members of the nanotechnology council shall be appointed or designated
7 no later than 90 days after the effective date of this paragraph ... [LRB inserts date].

8 **SECTION 2.** 36.25 (55) of the statutes is created to read:

9 **36.25 (55) NANOTECHNOLOGY INFORMATION HUB AND NANOTECHNOLOGY COUNCIL.**

10 (a) The board shall maintain in the extension a nanotechnology information hub to
11 promote the development of nanotechnology businesses and gather and disseminate
12 information about environmental health and workplace safety related to
13 nanotechnology. The board shall maintain the nanotechnology information hub for
14 at least 5 years.

15 (b) The nanotechnology information hub shall do all of the following to foster
16 communication and cooperation between the public and private sectors on matters
17 related to nanotechnology:

18 1. Facilitate the sharing of specialized equipment and skills related to
19 nanotechnology.

20 2. Arrange for periodic events to bring together people interested in
21 nanotechnology.

22 3. Establish an interactive Internet platform for receiving and disseminating
23 information on nanotechnology.

24 4. Monitor, compile, and disseminate emerging scientific research on nanoscale
25 material uses, benefits, and risks.

1 (c) The nanotechnology information hub shall do all of the following to assist
2 in the development of the nanotechnology industry in this state:

3 1. Help businesses to identify and access resources to help them to comply with
4 rules and regulations related to nanotechnology, implement best practices for
5 handling nanoscale materials to protect worker safety, and otherwise minimize the
6 risks associated with the use of nanoscale materials in products.

7 2. Inform businesses that are involved in nanotechnology or that use nanoscale
8 materials in products about business development assistance programs.

9 3. Inform the public and businesses that are involved in nanotechnology about
10 post-secondary education programs that prepare workers for careers related to
11 nanotechnology.

12 4. Monitor and provide information on new and proposed state rules and
13 federal regulations related to nanotechnology.

14 (d) The nanotechnology information hub shall do all of the following to promote
15 environmental health, research, and workplace safety related to nanotechnology:

16 1. Inform interested parties about opportunities for federal, state, or other
17 funding for nanotechnology research or other programs related to nanotechnology.

18 2. Inform the public about the benefits and risks of specific types of nanoscale
19 materials and products containing nanoscale materials.

20 3. Inform emergency response personnel about the safe handling of nanoscale
21 materials in emergency situations.

22 4. Collect information voluntarily provided by public and private sector entities
23 in this state about the types and amounts of nanoscale materials being handled or
24 manufactured and the locations of those activities.

1 5. Undertake other educational, public outreach, and grant activities related
2 to nanotechnology.

3 6. Report to the appropriate standing committees of the legislature under s.
4 13.172 (3) on emerging nanotechnology health and safety information and, at the
5 direction of the nanotechnology council, identify needed legislation relating to
6 nanotechnology safety and development.

7 (e) The nanotechnology information hub shall seek and compete for federal,
8 state, or other funding to support its activities and to be used by the nanotechnology
9 council under par. (b) to make grants through the extension for research and
10 development related to nanotechnology.

11 (f) The board shall ensure that adequate staff is assigned to provide support
12 to the nanotechnology information hub. The board shall ensure that staff with
13 technical experience with nanoscale materials and knowledge about the
14 occupational and environmental human health effects of nanoscale materials are
15 provided.

16 (g) The nanotechnology council shall meet at least twice every year and shall
17 set policies and priorities for the nanotechnology information hub and make grants
18 through the extension for research and development related to nanotechnology,
19 subject to the availability of funding.

20 (h) The nanotechnology council shall develop and implement plans for the
21 nanotechnology information hub to sustain its own funding.

22 **SECTION 3. Nonstatutory provisions.**

23 (1) Notwithstanding the length of terms specified in section 15.91 (2) (a) ¹² of
24 the statutes, as created by this act, the governor shall appoint one of the initial
25 members of the nanotechnology council under section 15.917 (2) (a) ¹² a. to e. of the

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statutes, as created by this act, for a term ending on July 1, 2014, two of the initial

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members of the nanotechnology council under section 15.917 (2) (a) ~~15~~ a. to e. of the

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statutes, as created by this act, for terms ending on July 1, 2015, and two of the initial

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members of the nanotechnology council under section 15.917 (2) (a) ~~15~~ a. to e. of the

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statutes, as created by this act, for terms ending on July 1, 2016.

6

(END)

12.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3881/P1dn
MDK:/:....

DMK

med

Please note the following about this draft:

1. You may want to revise the prefatory note to say the nanotechnology council's grants are subject to the availability of funding, as the bill does not provide any funding for the grants.
2. ~~Who should replace the secretary of department of commerce on the nanotechnology council or do you want to eliminate, rather than replace, that member?~~ *I deleted from*
3. I revised the prefatory note and proposed s. 15.917 (2) (a) ¹² to refer to the president of the board of the Wisconsin Technology Council, rather than to the president of the Wisconsin technology council board. I understand that the Wisconsin Technology Council is the high-technology business development corporation that was organized under s. 560.27, 2009 stats., which was created by 1999 Wisconsin Act 106 and repealed by 2011 Wisconsin Act 32. Because the corporation has organized itself as the council, I think it is okay to refer to the council by name without citing the former law under which it was created.
4. Should I delete proposed s. 15.917 (2) (a) ¹⁰ from the next version? That provision puts the UW-Madison chancellor on the nanotechnology council only if the UW-Madison is not under the control of the board of regents.
5. Proposed s. 15.917 (2) (b) requires members of the nanotechnology council to ^{be} appointed or designated no later than 90 days after the bill's effective. However, appointment of some of the members is contingent on senate confirmation. Based on the current legislative schedule, it probably won't be possible for the senate confirm within that deadline. In addition, the senate is free to ignore the deadline, as the bill cannot bind future acts of the legislature. You may want to remove the deadline or revise it to require the governor to submit nominations within a specified deadline. Of course, the governor may choose not to comply with the deadline. If you want to retain the deadline, I would move it to a nonstatutory provision in the next version, as it has only a temporary effect.
6. ⁷⁸ I revised proposed s. 36.25 (55) (g) to refer to the nanotechnology council, instead of the nanotechnology council created under s. 15.917 (2). The cross reference to s. 15.917 (2) is not necessary.
8. In the nonstatutory provision, I provided that the initial terms expire in 2014, 2105, and 2016, instead of in 2012, 2013, and 2014. Is that okay?

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov

Should proposed s. 36.25(55) (g) refer to par. (g) instead of par. (b)?

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3881/P1dn
MDK:med:jm

February 24, 2012

Please note the following about this draft:

1. You may want to revise the prefatory note to say the nanotechnology council's grants are subject to the availability of funding, as the bill does not provide any funding for the grants.
2. I deleted the secretary of department of commerce from the nanotechnology council.
3. I revised the prefatory note and proposed s. 15.917 (2) (a) 11. to refer to the president of the board of the Wisconsin Technology Council, rather than to the president of the Wisconsin technology council board. I understand that the Wisconsin Technology Council is the high-technology business development corporation that was organized under s. 560.27, 2009 stats., which was created by 1999 Wisconsin Act 106 and repealed by 2011 Wisconsin Act 32. Because the corporation has organized itself as the council, I think it is okay to refer to the council by name without citing the former law under which it was created.
4. Should I delete proposed s. 15.917 (2) (a) 9. from the next version? That provision puts the UW-Madison chancellor on the nanotechnology council only if the UW-Madison is not under the control of the board of regents.
5. Proposed s. 15.917 (2) (b) requires members of the nanotechnology council to be appointed or designated no later than 90 days after the bill's effective. However, appointment of some of the members is contingent on senate confirmation. Based on the current legislative schedule, it probably won't be possible for the senate confirm within that deadline. In addition, the senate is free to ignore the deadline, as the bill cannot bind future acts of the legislature. You may want to remove the deadline or revise it to require the governor to submit nominations within a specified deadline. Of course, the governor may choose not to comply with the deadline. If you want to retain the deadline, I would move it to a nonstatutory provision in the next version, as it has only a temporary effect.
6. Should proposed s. 36.25 (55) (e) refer to par. (g) instead of par. (b)?
7. I revised proposed s. 36.25 (55) (g) to refer to the nanotechnology council, instead of the nanotechnology council created under s. 15.917 (2). The cross reference to s. 15.917 (2) is not necessary.

8. In the nonstatutory provision, I provided that the initial terms expire in 2014, 2105, and 2016, instead of in 2012, 2013, and 2014. Is that okay?

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov

Kunkel, Mark

From: Matthias, Mary
Sent: Monday, February 27, 2012 11:26 AM
To: Kunkel, Mark
Cc: Shannon, Pam; Konopacki, Larry; Mautz, Kelly
Subject: FW: Draft review: LRB 11-3881/P1 Topic: Nanotechnology council
Mark-

Thanks for the draft. Here are our responses to your drafter's note questions:

1: Good idea. How about if we expand the first full paragraph of the Pref Note on page 2 to read as follows:

The bill creates a nanotechnology council to set policies and priorities for the nanotechnology information hub and to make grants for research and development related to nanotechnology, subject to the availability of funding. The bill does not appropriate any funds for grants but rather directs the nanotechnology hub to seek and compete for federal, state or other funding to supports its activities and to be used by the nanotechnology council to make grants.

2: OK.

3: OK.

4: Yes.

5. I like your suggestions to put in a non-statutory provision.

6. Yes

7. OK.

8. Yes.

Mary Matthias

Senior Staff Attorney

Wisconsin Legislative Council Staff

Ph.(608)266-0932;Fax (608)266-3830

From: Konopacki, Larry
Sent: Friday, February 24, 2012 1:41 PM
To: Shannon, Pam; Matthias, Mary
Subject: FW: Draft review: LRB 11-3881/P1 Topic: Nanotechnology council

2/27/2012

Larry A. Konopacki
Wisconsin Legislative Council
(608) 267-0683
larry.konopacki@legis.wisconsin.gov

From: LRB.Legal
Sent: Friday, February 24, 2012 1:15 PM
To: Konopacki, Larry
Subject: Draft review: LRB 11-3881/P1 Topic: Nanotechnology council

Following is the PDF version of draft LRB 11-3881/P1 and drafter's note.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3881/P1dn
MDK:med:jm

February 24, 2012

Please note the following about this draft:

1. You may want to revise the prefatory note to say the nanotechnology council's grants are subject to the availability of funding, as the bill does not provide any funding for the grants. *See change*

2. I deleted the secretary of department of commerce from the nanotechnology council. *OK*

3. I revised the prefatory note and proposed s. 15.917 (2) (a) 11. to refer to the president of the board of the Wisconsin Technology Council, rather than to the president of the Wisconsin technology council board. I understand that the Wisconsin Technology Council is the high-technology business development corporation that was organized under s. 560.27, 2009 stats., which was created by 1999 Wisconsin Act 106 and repealed by 2011 Wisconsin Act 32. Because the corporation has organized itself as the council, I think it is okay to refer to the council by name without citing the former law under which it was created. *OK*

4. Should I delete proposed s. 15.917 (2) (a) 9. from the next version? *Yes* That provision puts the UW-Madison chancellor on the nanotechnology council only if the UW-Madison is not under the control of the board of regents.

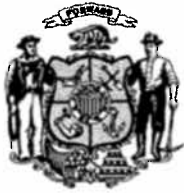
5. Proposed s. 15.917 (2) (b) requires members of the nanotechnology council to be appointed or designated no later than 90 days after the bill's effective. However, appointment of some of the members is contingent on senate confirmation. Based on the current legislative schedule, it probably won't be possible for the senate confirm within that deadline. In addition, the senate is free to ignore the deadline, as the bill cannot bind future acts of the legislature. You may want to remove the deadline or revise it to require the governor to submit nominations within a specified deadline. Of course, the governor may choose not to comply with the deadline. If you want to retain the deadline, I would move it to a nonstatutory provision in the next version, as it has only a temporary effect.

6. Should proposed s. 36.25 (55) (e) refer to par. (g) instead of par. (b)? *Yes*

7. I revised proposed s. 36.25 (55) (g) to refer to the nanotechnology council, instead of the nanotechnology council created under s. 15.917 (2). The cross reference to s. 15.917 (2) is not necessary.

8. In the nonstatutory provision, I provided that the initial terms expire in 2014, 2105, and 2016, instead of in 2012, 2013, and 2014. Is that okay?

Mark D. Kunkel
Senior Legislative Attorney
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State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-3881/R1
MDK:med:jm

Stays

1

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Today

RM has been sent

Regen

- 1 **AN ACT to create** 15.917 (2) and 36.25 (55) of the statutes; **relating to:**
- 2 establishing a nanotechnology information hub and a nanotechnology council.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Special Committee on Nanotechnology. It responds to the committee's instruction to create an entity to promote the development of nanotechnology in this state by serving as a central information source on the benefits, risks, and regulations related to nanotechnology, promoting collaboration between the public and private sectors, providing technical assistance to businesses and researchers, establishing a state educational program, and otherwise promoting the safe development of nanotechnology.

This bill directs the University of Wisconsin (UW) System Board of Regents to maintain a nanotechnology information hub in the UW-Extension ("the extension"), for at least 5 years, to promote the development of nanotechnology businesses in this state, and gather and disseminate information about environmental health and workplace safety related to nanotechnology. The bill sets forth specific duties for the nanotechnology information hub. The hub is directed to report to the legislature on emerging nanotechnology health and safety information, and at the direction of the nanotechnology

council described below, identify needed legislation relating to nanotechnology safety and development.

The bill creates a nanotechnology council to set policies and priorities for the nanotechnology information hub and to make grants for research and development related to nanotechnology.

INSERT 2A

* The nanotechnology council consists of the following members (or their designees):

- The director of the state laboratory of hygiene.
- The secretary of natural resources.
- The secretary of agriculture, trade and consumer protection.
- The secretary of health services.
- The secretary of workforce development.
- The chief executive officer of the Wisconsin Economic Development Corporation.
- The administrator of the division of emergency management in the department of military affairs.
- The president of the UW System.

* ~~The chancellor of the UW-Madison (if the UW-Madison is not under the control of the Board of Regents of the UW System).~~

- The president of the technical college system board.
- The president of the board of the Wisconsin Technology Council.

The council also has 5 members each of whom represents one of the following specific interests relevant to nanotechnology. These members are nominated by the governor, selected from a list of names submitted by organizations representing the relevant interest. These members are confirmed by the senate and serve staggered 3-year terms:

- Environmental interests.
- Consumer protection.
- Public health.
- Economic development.
- Technology transfer.

The nanotechnology council must meet at least twice each year and must develop and implement plans for the nanotechnology information hub to sustain its own funding.

1 **SECTION 1.** 15.917 (2) of the statutes is created to read:

2 15.917 (2) NANOTECHNOLOGY COUNCIL. ~~(a)~~ There is created in the University of

3 Wisconsin System a nanotechnology council consisting of the following members:

4 (a) The director of the state laboratory of hygiene or his or her designee.

5 (b) The secretary of natural resources or his or her designee.

1 ~~(c)~~ The secretary of agriculture, trade and consumer protection or his or her
2 designee.

3 ~~(d)~~ The secretary of health services or his or her designee.

4 ~~(e)~~ The secretary of workforce development or his or her designee.

5 ~~(f)~~ 6. The chief executive officer of the Wisconsin Economic Development
6 Corporation or his or her designee.

7 ~~(g)~~ 7. The administrator of the division of emergency management in the
8 department of military affairs or his or her designee.

9 ~~(h)~~ 8. The president of the University of Wisconsin System or his or her designee.

10 9. The chancellor of the University of Wisconsin-Madison or his or her
11 designee but only if the University of Wisconsin-Madison is not under the control
12 of the board of regents of the University of Wisconsin System.

13 ~~(i)~~ 10. The president of the technical college system board or his or her designee.

14 ~~(j)~~ 11. The president of the board of the Wisconsin Technology Council or his or her
15 designee.

16 ~~(k)~~ 12. Five members nominated by the governor, and with the advice and consent
17 of the senate appointed to serve 3-year terms, as follows:

18 1. A member representing environmental interests, selected from a list of
19 names submitted by environmental organizations.

20 2. A member representing consumer interests, selected from a list of names
21 submitted by consumer protection organizations.

22 3. A member representing the interests of public health, selected from a list of
23 names submitted by public health organizations.

24 4. A member with knowledge and expertise in economic development, selected
25 from a list of names submitted by economic development organizations.

1 ~~e.~~ A member representing an organization that specializes in technology
2 transfer, selected from a list of names submitted by organizations that specialize in
3 technology transfer.

4 (b) All initial members of the nanotechnology council shall be appointed or
5 designated no later than 90 days after the effective date of this paragraph [LRB
6 inserts date].

7 **SECTION 2.** 36.25 (55) of the statutes is created to read:

8 **36.25 (55) NANOTECHNOLOGY INFORMATION HUB AND NANOTECHNOLOGY COUNCIL.**

9 (a) The board shall maintain in the extension a nanotechnology information hub to
10 promote the development of nanotechnology businesses and gather and disseminate
11 information about environmental health and workplace safety related to
12 nanotechnology. The board shall maintain the nanotechnology information hub for
13 at least 5 years.

14 (b) The nanotechnology information hub shall do all of the following to foster
15 communication and cooperation between the public and private sectors on matters
16 related to nanotechnology:

17 1. Facilitate the sharing of specialized equipment and skills related to
18 nanotechnology.

19 2. Arrange for periodic events to bring together people interested in
20 nanotechnology.

21 3. Establish an interactive Internet platform for receiving and disseminating
22 information on nanotechnology.

23 4. Monitor, compile, and disseminate emerging scientific research on nanoscale
24 material uses, benefits, and risks.

1 (c) The nanotechnology information hub shall do all of the following to assist
2 in the development of the nanotechnology industry in this state:

3 1. Help businesses to identify and access resources to help them to comply with
4 rules and regulations related to nanotechnology, implement best practices for
5 handling nanoscale materials to protect worker safety, and otherwise minimize the
6 risks associated with the use of nanoscale materials in products.

7 2. Inform businesses that are involved in nanotechnology or that use nanoscale
8 materials in products about business development assistance programs.

9 3. Inform the public and businesses that are involved in nanotechnology about
10 post-secondary education programs that prepare workers for careers related to
11 nanotechnology.

12 4. Monitor and provide information on new and proposed state rules and
13 federal regulations related to nanotechnology.

14 (d) The nanotechnology information hub shall do all of the following to promote
15 environmental health, research, and workplace safety related to nanotechnology:

16 1. Inform interested parties about opportunities for federal, state, or other
17 funding for nanotechnology research or other programs related to nanotechnology.

18 2. Inform the public about the benefits and risks of specific types of nanoscale
19 materials and products containing nanoscale materials.

20 3. Inform emergency response personnel about the safe handling of nanoscale
21 materials in emergency situations.

22 4. Collect information voluntarily provided by public and private sector entities
23 in this state about the types and amounts of nanoscale materials being handled or
24 manufactured and the locations of those activities.

1 5. Undertake other educational, public outreach, and grant activities related
2 to nanotechnology.

3 6. Report to the appropriate standing committees of the legislature under s.
4 13.172 (3) on emerging nanotechnology health and safety information and, at the
5 direction of the nanotechnology council, identify needed legislation relating to
6 nanotechnology safety and development.

7 (e) The nanotechnology information hub shall seek and compete for federal,
8 state, or other funding to support its activities and to be used by the nanotechnology
9 council under par. (b) to make grants through the extension for research and
10 development related to nanotechnology.

11 (f) The board shall ensure that adequate staff is assigned to provide support
12 to the nanotechnology information hub. The board shall ensure that staff with
13 technical experience with nanoscale materials and knowledge about the
14 occupational and environmental human health effects of nanoscale materials are
15 provided.

16 (g) The nanotechnology council shall meet at least twice every year and shall
17 set policies and priorities for the nanotechnology information hub and make grants
18 through the extension for research and development related to nanotechnology,
19 subject to the availability of funding.

20 (h) The nanotechnology council shall develop and implement plans for the
21 nanotechnology information hub to sustain its own funding.

22 **SECTION 3. Nonstatutory provisions.**

23 (1) Notwithstanding the length of terms specified in section 15.91 (2) ~~of~~
24 the statutes, as created by this act, the governor shall appoint one of the initial
25 members of the nanotechnology council under section 15.917 (2) ~~of the~~ of the

(K) (init 10.)

(K) 1. to 5.

(k) 1. to 5.

1 statutes, as created by this act, for a term ending on July 1, 2014, two of the initial
 2 members of the nanotechnology council under section 15.917 (2) ~~(a) 12. a. to e.~~ of the
 3 statutes, as created by this act, for terms ending on July 1, 2015, and two of the initial
 4 members of the nanotechnology council under section 15.917 (2) ~~(a) 12. a. to e.~~ of the
 5 statutes, as created by this act, for terms ending on July 1, 2016.

6

(END)

(k) 1. to 5.

↑
 INSERT 7-5

**2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3881/lins
MDK:.....

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INSERT 2A:

, subject to the availability of funding. The bill does not appropriate any funds for grants but rather directs the nanotechnology hub to seek and compete for federal, state or other funding to support its activities and to be used by the nanotechnology council to make grants

INSERT 7-5::

(2) All initial members of the nanotechnology council shall be appointed or designated under section 15.917 (2) of the statutes, as created by this act, no later than 90 days after the effective date of this subsection.

Barman, Mike

From: Konopacki, Larry
Sent: Tuesday, February 28, 2012 9:25 AM
To: LRB.Legal
Subject: Draft Review: LRB 11-3881/1 Topic: Nanotechnology council

Please Jacket LRB 11-3881/1 for the SENATE.