



**ASSEMBLY AMENDMENT 4,  
TO 2011 SENATE BILL 47**

September 13, 2011 – Offered by Representatives BARCA, BERNARD SCHABER, SEIDEL  
and MOLEPSKE JR.

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

2 **1.** Page 5, line 24: after “560.43 (3)” insert “and with the staff of the office of  
3 the small business advocate under s. 238.09 to accomplish the objectives of that  
4 section”.

5 **2.** Page 8, line 14: after that line insert:

6 “**SECTION 8e.** 238.09 of the statutes is created to read:

7 **238.09 Office of the small business advocate. (1)** In this section:

8 (a) “Agency” has the meaning given in s. 227.01 (1).

9 (b) “Office” means the office of the small business advocate.

10 (c) “Small business” has the meaning given in s. 227.114 (1).

11 (d) “Small business regulatory coordinator” means the employee of an agency  
12 designated by the agency as required under s. 227.114 (7m).

13 (e) “Small business stationary source” has the meaning given in s. 285.79 (1).

1           **(2)** The corporation shall establish and operate the office to facilitate the flow  
2 of information between state and federal agencies and small businesses, to assist  
3 state agencies in establishing methods to encourage the participation of small  
4 businesses in rule making under s. 227.114 (4) and to serve as ombudsman for small  
5 business stationary sources in connection with the implementation of the federal  
6 Clean Air Act, 42 USC 7401 to 7671q. The office shall be modeled on the best  
7 practices of both state and federal small business advocacy organizations, shall take  
8 a proactive role in maintaining and helping small businesses grow economically, and  
9 shall have the goal of creating jobs and a healthy small business sector. The office  
10 shall be staffed by at least one full-time employee, and the corporation shall  
11 designate one full-time employee in the office as the small business advocate, who  
12 shall act as the official representative of the office for contacts between the office and  
13 agencies and small businesses or other members of the public. The staff of the office  
14 shall serve as staff to the small business regulatory review board and shall cooperate  
15 with the small business regulatory coordinator designated by each agency under s.  
16 227.114 (7m) to accomplish the objectives of this section.

17           **(3)** The office shall do all of the following:

18           (a) Upon the written request of a small business against which an agency has  
19 initiated an enforcement action that may, in the opinion of the small business, cause  
20 unnecessary hardship to the small business, review and investigate the  
21 circumstances of the enforcement action and prepare recommendations regarding  
22 alternative penalties to be imposed upon the small business that will, in the opinion  
23 of the office, achieve regulatory compliance by the small business without causing  
24 unnecessary hardship to the small business.

1 (b) Submit to the small business regulatory coordinator of the agency initiating  
2 the enforcement action under par. (a) all of the following:

3 1. A copy of the written request submitted to the office under par. (a).

4 2. Any recommendations prepared by the office under par. (a).

5 3. A statement requesting that the small business regulatory coordinator  
6 submit to the office within 45 days after receipt of the statement a written response  
7 describing the enforcement action taken by the agency, or that the agency intends  
8 to take, against the small business and what, if any, considerations were made for  
9 the small business as a result of the recommendations prepared under par. (a).

10 (c) Annually do all of the following:

11 1. Compile the written requests received by the office under par. (a), the  
12 submissions made by the office under par. (b), and any communications received  
13 from enforcing agencies under par. (b).

14 2. Analyze and evaluate the information under subd. 1. and any other relevant  
15 information to determine regulatory enforcement trends and the efficacy of the office  
16 in providing regulatory relief to and promoting regulatory compliance by small  
17 businesses.

18 3. Report the information and findings under subds. 1. and 2. to the governor  
19 and to the legislature under s. 13.172 (2).

20 **SECTION 8m.** 285.79 (3) (intro.) of the statutes, as affected by 2011 Wisconsin  
21 Act 32, is amended to read:

22 285.79 (3) ASSISTANCE PROGRAM. (intro.) The department shall, in cooperation  
23 with the office of the small business advocate under s. 238.09, develop and  
24 administer a small business stationary source technical and environmental  
25 compliance assistance program. The program shall include all of the following:

