

2011 DRAFTING REQUEST

Assembly Amendment (AA-SB47)

Received: 09/12/2011

Received By: mgallagh

Wanted: Today

Companion to LRB:

For: Peter Barca (608) 266-5504

By/Representing: Matt

May Contact:

Drafter: mgallagh

Subject: Econ. Development - bus. dev.
Econ. Development - misc.

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.Barca@legis.wisconsin.gov

Carbon copy (CC:) to: michael.gallagher@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Insert office of small business advocate

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>
/?	mgallagh 09/12/2011	wjackson 09/12/2011		_____			
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+ rejacketed*

FE Sent For:

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/?	mgallagh	1 WLj 9/12	9/12 ph	ph/JP			

FE Sent For:

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT,
TO 2011 ASSEMBLY BILL 47

STET

LPS: Please
Fix request
sheet.

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 this
4 subsection and s. 238.09".

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

6 (END)

Insert 1-5

Insert 1-5

Also, under the bill, the office must, upon the written request of a small business against which an agency has initiated an enforcement action, review and investigate the circumstances of the enforcement action and make recommendations regarding alternative enforcement to the enforcing agency. The office must annually report to the governor and to the legislature the effectiveness of the office in providing regulatory relief to and promoting regulatory compliance by small businesses.

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. 227.114 (7m) of the statutes is amended to read:
2 ~~227.114 (7m) The~~ Each agency shall designate ~~a-~~ at least one employee to serve
3 as the small business regulatory coordinator ~~to for~~ the agency, and shall publicize
4 that employee's electronic mail address and telephone number. The small business
5 regulatory coordinator shall act as a contact person for small business regulatory
6 issues for the agency and shall publicize that person's electronic mail address and
7 telephone number cooperate with the staff of the office of the small business advocate
8 under s. ~~238.09~~ to accomplish the objectives of this subsection and s. 238.09.

9 SECTION 2. 238.09 of the statutes is created to read:

- 10 **238.09 Office of the small business advocate.** (1) In this section:
11 (a) "Agency" has the meaning given in s. 227.01 (1).
12 (b) "Office" means the office of the small business advocate.
13 (c) "Small business" has the meaning given in s. 227.114 (1).
14 (d) "Small business regulatory coordinator" means the employee of an agency
15 designated by the agency as required under s. 227.114 (7m).
16 (e) "Small business stationary source" has the meaning given in s. 285.79 (1).

9
Insert starts on line 9

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).

****NOTE: Please let me know if you would like to include any additional responsibilities for the Office of the Small Business Advocate, including any responsibilities previously performed by the Office of Regulatory Assistance in the Department of Commerce. Also, do you want to include a requirement that the Office of the Small Business Advocate be staffed with more than one employee?

SECTION 2. 285.79 (3) (intro.) of the statutes, as affected by 2011 Wisconsin Act
21 32, is amended to read:

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Insert 1-5 continued.

1 285.79 (3) ASSISTANCE PROGRAM. (intro.) The department shall, in cooperation
2 with the office of the small business advocate under s. 238.09, develop and
3 administer a small business stationary source technical and environmental
4 compliance assistance program. The program shall include all of the following:

5 SECTION 4. 285.795 (2) of the statutes, as affected by 2011 Wisconsin Act 32,
6 is amended to read:

7 285.795 (2) The employees of the corporation who staff the office of the small
8 business advocate under s. 238.09 and the employees of the department who staff the
9 small business stationary source technical and environmental compliance
10 assistance program under s. 285.79 shall provide the small business environmental
11 council with the assistance necessary to comply with sub. (1).

12

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~~REDACTED~~