

2015 DRAFTING REQUEST

Senate Amendment (SA-SB168)

Received: 2/15/2016 Received By: mduchek
For: Devin LeMahieu (608) 266-2056 Same as LRB:
May Contact: By/Representing: Craig
Subject: Administrative Law Drafter: mduchek
Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Sen.LeMahieu@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Admin. rules

Instructions:

AA1-AA4 as one amendment

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mduchek 2/15/2016		_____			
/1		wjackson 2/15/2016	_____	sbasford 2/15/2016	sbasford 2/15/2016	

FE Sent For:

<END>

Duchek, Michael

From: Summerfield, Craig
Sent: Monday, February 15, 2016 9:21 AM
To: Duchek, Michael
Subject: FW: Amendments to SB 168

Importance: High

Michael,

Correction: Could you please wrap all four amendments into one simple amendment, and just send me the stripes for one amendment?

If I could get this by this late this afternoon, that would be great.

Thanks,

Craig

From: Summerfield, Craig
Sent: Monday, February 15, 2016 9:12 AM
To: Duchek, Michael <Michael.Duchek@legis.wisconsin.gov>
Subject: Amendments to SB 168

Hi Michael,

Could you please draft-up and send the stripes over for four amendments to SB 168 that mirror Assembly Amendments 1-4 to AB 251 by Rep. Neylon? Also, please incorporate the LRB correction to AA1.

Best,

Craig Summerfield

Chief of Staff
Office of Senator Devin LeMahieu
Room 323 South
(608) 266-2056



State of Wisconsin
2015 - 2016 LEGISLATURE

TODAY ASAP

LRBa2191/1

all
MED

SENATE AMENDMENT,
TO SENATE BILL 168

Compile of AA1 to AA4 to AB 25/
+ CCC to AA1 + inserts

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

2

(END) → none to end

3 1. Page 7, line 7: delete "(ks)" and substitute "(kt)".

4 2. Page 7, line 8: delete "(ks)" and substitute "(kt)".

5 3. Page 7, line 10: after that line insert:

6 "SECTION 4m. 20.765 (1) (kt) of the statutes is created to read:

7 20.765 (1) (kt) *Independent economic analyses for administrative rules. All*
8 *moneys received under s. 227.137 (4m) (b) 3. a. to reimburse persons for conducting*
9 *independent economic impact analyses under ss. 227.137 (4m) (b) 3. and 227.19 (5)*
10 *(b) 3."*

11 4. Page 8, line 3: delete lines 3 to 18.

12 5. Page 9, line 9: delete "~~, under~~" and substitute ", under".

1 **6.** Page 9, line 10: delete “s. ~~227.19 (3m)~~,” and substitute “s. 227.19 (3m),”.

2 **7.** Page 12, line 21: delete “(intro.), (a) and (b)” and substitute “(intro.) and (a)”.

3 **8.** Page 13, line 16: after that line insert:

4 “**SECTION 19g.** 227.137 (3) (b) of the statutes is renumbered 227.137 (3) (b)
5 (intro.) and amended to read.”.

6 **9.** Page 13, line 17: delete “(b)” and substitute “227.137 (3) (b) (intro.)”.

7 **10.** Page 13, line 20: delete “rule,” and substitute “rule.”.

8 **11.** Page 13, line 21: delete lines 21 to 25 and substitute “specifically including
9 all of the following.”.

10 **12.** Page 14, line 1: before that line insert:

11 “**SECTION 19r.** 227.137 (3) (b) 1. and 2. of the statutes are created to read:

12 227.137 (3) (b) 1. An estimate of the total implementation and compliance costs
13 that are reasonably expected to be incurred by or passed along to businesses, local
14 governmental units, and individuals as a result of the proposed rule, expressed as
15 a single dollar figure. With respect to an independent economic impact analysis
16 prepared under s. 227.137, ^{sub. (4m) or s. 227.19 (5) (b) 3.} the person preparing the analysis shall provide a detailed
17 explanation of any variance from the agency’s estimate under this subdivision.

18 2. A determination, for purposes of the requirement under s. 227.139, as to
19 whether \$10 million or more in implementation and compliance costs are reasonably
20 expected to be incurred by or passed along to businesses, local governmental units,
21 and individuals over any 2-year period as a result of the proposed rule.”.

22 **13.** Page 14, line 2: on lines 2, 11, 14, 15, 16 and 19, delete “secretary of
23 revenue” and substitute “secretary of administration”.

1 **14.** Page 14, line 6: delete “secretary” and substitute “secretary of
2 administration”.

3 **15.** Page 14, line 21: delete the material beginning with that line and ending
4 with page 15, line 9.

5 **16.** Page 15, line 13: delete “secretary of revenue” and substitute “secretary
6 of administration”.

7 **17.** Page 15, line 16: delete lines 16 to 24 and substitute:

8 “(b) 1. If the secretary of administration or a cochairperson of the joint
9 committee for review of administrative rules requests an independent economic
10 impact analysis under par. (a), the secretary or cochairperson shall notify the agency
11 proposing the proposed rule and shall contract with a person that is not an agency
12 to prepare the independent economic impact analysis.”.

13 **18.** Page 16, line 2: delete “secretary of revenue” and substitute “secretary of
14 administration”.

15 **19.** Page 16, line 7: delete “(ks)” and substitute “(kt)”.

16 **20.** Page 16, line 9: delete “(ks)” and substitute “(kt)”.

17 **21.** Page 16, line 13: delete “The committee shall” and substitute “Costs of
18 completing the independent economic impact analysis shall be paid as follows:”.

19 **22.** Page 16, line 14: delete lines 14 and 15 and substitute:

20 “a. If the estimate in the independent economic impact analysis of total
21 implementation and compliance costs under s. 227.137^{e sub.} (3) (b) 1. varies from the
22 agency’s estimate by 15 percent or more or varies from the agency’s determination
23 that there will be no implementation or compliance costs, the committee shall assess

1 the agency that is proposing the proposed rule for those costs. The committee shall
2 credit all moneys received under this subd. 3. a. to the appropriation account under
3 s. 20.765 (1) (kt) and shall reimburse the person from the appropriation account
4 under s. 20.765 (1) (kt).

5 b. If the estimate in the independent economic impact analysis of total
6 implementation and compliance costs under s. 227.137^{& sub.} (3) (b) 1. does not vary from
7 the agency's estimate by 15 percent or more or is in accord with the agency's
8 determination that there will be no implementation and compliance costs, the
9 committee shall reimburse the person in equal parts from the appropriation
10 accounts under s. 20.765 (1) (a) and (b).".

11 **23.** Page 16, line 20: delete "department of administration, to the secretary
12 of revenue," and substitute "secretary of administration,".

13 **24.** Page 17, line 6: delete that line and substitute:

14 "SECTION 22m. 227.137 (6) of the statutes is repealed and recreated to read:

15 227.137 (6) The department of administration shall provide training to
16 agencies on appropriate data collection and methods of analysis for purposes of
17 preparing economic impact analyses of proposed rules under sub. (3).

18 SECTION 23m. 227.137 (7) of the statutes is repealed.".

19 **25.** Page 18, line 1: on lines 1 and 3, delete "secretary of revenue" and
20 substitute "secretary of administration".

21 **26.** Page 18, line 25: delete "~~small business regulatory review board. The~~
22 office of" and substitute "small business regulatory review board. ~~The~~ and to the
23 office of".

24 **27.** Page 19, line 4: delete "that" and substitute "its".

1 **28.** Page 19, line 8: after “impact.” insert “The small business regulatory
2 review board may also conduct such an assessment on its own initiative. If the board
3 conducts such an assessment on its own initiative, the board shall notify the office
4 of business development and the agency.”.

5 **29.** Page 19, line 9: delete “required”.

6 **30.** Page 20, line 17: after “development,” insert “or within 45 days after the
7 board notifies the agency that it is conducting an assessment on its own initiative,
8 whichever is applicable,”.

9 **31.** Page 20, line 25: delete the material beginning with “with the
10 department” and ending with “ensure the accuracy,” on page 21, line 1, and
11 substitute “with the department of administration and the office of business
12 development, ensure the accuracy,”.

13 **32.** Page 25, line 16: delete “revenue” and substitute “administration”.

14 **33.** Page 27, line 15: after “in” insert “sub. (3m) and”.

15 **34.** Page 27, line 22: delete that line and substitute:

16 “**SECTION 52m.** 227.19 (3m) of the statutes is amended to read:

17 227.19 **(3m)** ANALYSIS NOT REQUIRED. The ~~final~~ regulatory flexibility analysis
18 specified under sub. (3) (e) is not required for any rule if the small business regulatory
19 review board determines under s. 227.14 (2g) (bm) that the rule will not have ~~a~~
20 ~~significant~~ an economic impact on ~~a substantial number of~~ small businesses.”.

21 **35.** Page 29, line 1: delete the material beginning with “The committee shall”
22 and ending with “(b).” on line 3 and substitute “Costs of completing the independent

1 economic impact analysis shall be paid as provided in s. 227.137 (4m) (b) ^{2, a. and} 2. a. and
2 b.”.

3 **36.** Page 29, line 6: after that line insert:

4 “SECTION 54m. 227.19 (5) (h) of the statutes is created to read:

5 227.19 (5) (h) *Secretary of administration or designee to attend hearings.* The
6 secretary of administration or his or her designee shall attend hearings of the joint
7 committee for review of administrative rules and present testimony on proposed
8 rules that the secretary determines will have an economic impact on specific
9 businesses, business sectors, public utility ratepayers, local governmental units,
10 regulated individuals and entities, or the state’s economy as a whole.”.

11 **37.** Page 30, line 10: after “approval” insert “small business regulatory review
12 board and to the”.

13 **38.** Page 32, line 18: delete “that” and substitute “its”.

14 **39.** Page 32, line 22: after “impact.” insert “The small business regulatory
15 review board may also conduct such an assessment on its own initiative. If the board
16 conducts such an assessment on its own initiative, the board shall notify the office
17 of business development and the agency.”.

18 **40.** Page 34, line 20: delete “73.17 (2) (d).”.

19 **41.** Page 34, line 21: delete “(intro.), (a), and (b)” and substitute “(intro.) and
20 (a)”.

21 **42.** Page 35, line 2: after “16.28 (1),” insert “227.137 (3) (b)”.

22 **43.** Page 35, line 4: after “(b) to (e),” insert “227.137 (3) (b) 1. and 2.”.

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6-18

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44. Page 35, line 8: delete the material beginning with “sections” and ending with “227.137 (3m) and (4)” on line 9 and substitute “section 227.137 (3m)”.

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45. Page 35, line 12: delete lines 12 to 16 and substitute:

4

“SECTION 71m. Effective date.

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(1c) This act takes effect on January 1, 2017.”.

6

46. Page 35, line 14: delete the material beginning with “sections” and ending with “227.137 (3m) and (4)” on line 15 and substitute “section 227.137 (3m)”.

7

2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa2191/lins
MED:...

INSERT 6-18

1 **1.** Page 34, line 20: delete the material beginning with that line and ending
2 with page 35, line 11 and substitute:

3 (1m) This act first applies to a proposed rule or emergency rule whose
4 statement of scope is presented for approval under section 227.135 (2) of the statutes
5 on the effective date of this subsection. "o