



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBa2046/1
TKK:nwn:rs

**ASSEMBLY AMENDMENT 4,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2009 ASSEMBLY BILL 641**

April 7, 2010 – Offered by Representative MOLEPSKE JR..

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 3, line 20: before that line insert:

3 “SECTION 4m. 20.143 (1) (gc) (title) of the statutes is amended to read:

4 20.143 (1) (gc) (title) *Regulatory ombudsman center* Office of regulatory
5 assistance.”

6 **2.** Page 19, line 4: before that line insert:

7 “SECTION 35g. 560.03 (9) of the statutes is amended to read:

8 560.03 (9) Establish and operate a small business ombudsman clearinghouse
9 for business and industry to facilitate the flow of information from other state and
10 federal agencies, to assist state agencies in establishing methods to encourage the
11 participation of small businesses in rule making under s. 227.114 (4) and to serve as
12 ombudsman for small business stationary sources, as defined in s. 285.79 (1), in

1 connection with the implementation of the federal clean air act, 42 USC 7401 to
2 7671q. The department shall assign one full-time employee of the small business
3 ombudsman clearinghouse to provide assistance to businesses as specified under s.
4 560.42 (1m).

5 **SECTION 35r.** 560.03 (19) of the statutes, as affected by 2009 Wisconsin Act 28,
6 is amended to read:

7 560.03 (19) Establish ~~a regulatory ombudsman center~~ an office of regulatory
8 assistance in the department to provide services as set forth in subch. III.”.

9 **3.** Page 23, line 8: before that line insert:

10 “**SECTION 43b.** Subchapter III (title) of chapter 560 [precedes 560.41] of the
11 statutes, as affected by 2009 Wisconsin Act 28, is amended to read:

12 **CHAPTER 560**

13 **SUBCHAPTER III**

14 **OFFICE OF REGULATORY OMBUDSMAN**

15 **CENTER ASSISTANCE**

16 **SECTION 43d.** 560.41 (1) of the statutes is renumbered 560.41 (1n).

17 **SECTION 43e.** 560.41 (1c) of the statutes is created to read:

18 560.41 (1c) “Agency” has the meaning given in s. 16.70 (1e).

19 **SECTION 43f.** 560.41 (1g) of the statutes is created to read:

20 560.41 (1g) “Authority” has the meaning given in s. 16.70 (2).

21 **SECTION 43g.** 560.41 (1m) of the statutes, as affected by 2009 Wisconsin Act 28,
22 is renumbered 560.41 (1w) and amended to read:

23 560.41 (1w) “Center Office” means the ~~regulatory ombudsman center~~ office of
24 regulatory assistance in the department.

1 **SECTION 43h.** 560.41 (1r) of the statutes is created to read:

2 560.41 (1r) “Municipality” has the meaning given in s. 16.70 (8).

3 **SECTION 43j.** 560.41 (2) of the statutes is amended to read:

4 560.41 (2) “Permit” means any approval of ~~a regulatory~~ an agency required as
5 a condition of operating a business in this state.

6 **SECTION 43L.** 560.41 (3) of the statutes is repealed.

7 **SECTION 43n.** 560.42 (1) of the statutes is repealed.

8 **SECTION 43p.** 560.42 (1m) of the statutes is created to read:

9 560.42 (1m) ASSISTANCE TO BUSINESSES. The office shall do all of the following:

10 (a) Provide assistance with obtaining and maintaining permits and any
11 licenses and approvals necessary for a business to operate in this state. To fulfill the
12 requirements of this paragraph, the office shall do all of the following on behalf of
13 businesses:

- 14 1. Explain requirements for obtaining permits.
- 15 2. Track the progress of applications for permits.
- 16 3. Help businesses comply with laws and rules applicable to businesses,
17 including providing plain-language explanations of laws and rules.

18 (b) Serve as a liaison between businesses and agencies, authorities,
19 municipalities, and local economic development organizations.

20 **SECTION 43r.** 560.42 (2) (a) and (b), (2m) (intro.), (2r), (3) and (4) of the statutes
21 are amended to read:

22 560.42 (2) (a) The ~~center~~ office shall assist any person requesting information
23 on which permits are required for a particular business activity or on the application
24 process, including criteria applied in making a determination on a permit

1 application and the time period within which a determination will be made. This
2 assistance may include any of the following:

3 1. Arranging a meeting between the person and the staff of the appropriate
4 regulatory agency to enable the person to obtain information from the agency.

5 2. Obtaining information and permit applications from the regulatory agency
6 and providing the information and appropriate permit applications to the person.

7 (b) If a person receives assistance under this subsection and applies for a permit
8 and if the person requests, the center office shall monitor the status of the permit
9 application and periodically report the status to the person.

10 **(2m) ADVOCACY.** (intro.) The center office shall provide advocacy services
11 before regulatory agencies on behalf of permit applicants. These services shall
12 include all of the following:

13 **(2r) MEDIATION AND DISPUTE RESOLUTION SERVICES.** The center office may provide
14 mediation or other dispute resolution services to facilitate the resolution of a dispute
15 between a regulatory an agency and a person applying for a permit. The provision
16 of mediation or other dispute resolution services under this subsection does not affect
17 any right that the person may have to a contested hearing under ch. 227.

18 **(3) ASSISTANCE BY CENTER OFFICE.** (a) The center office may charge for services
19 provided under this subchapter. Any amount charged for services may not exceed
20 the actual cost of the service provided, unless a specific charge for the service, or
21 method of calculating the charge, is provided by law. All amounts received under this
22 paragraph shall be deposited in the appropriation account under s. 20.143 (1) (gc).

23 (b) The center office may refer to the appropriate regulatory agency, without
24 giving further assistance, any person seeking information or assistance on a permit
25 under chs. 186, 215, 217, 220 to 224, 440 to 480 and 600 to 646.

1 (c) Advice, assistance, mediation or other dispute resolution services or
2 information rendered by the center office under this subchapter does not relieve any
3 person from the obligation to secure a required permit or satisfy a regulatory
4 requirement.

5 (d) The center office shall not be liable for any consequences resulting from the
6 failure of ~~a regulatory~~ an agency to issue, or the failure of a person to seek, a permit.

7 **(4) PROMOTION OF ASSISTANCE.** (a) The center office shall maintain and publicize
8 the availability of a toll-free telephone line available to in-state and out-of-state
9 callers to the center office.

10 (b) The center office shall seek to explain, promote and publicize its services to
11 the public and shall provide information on its services for inclusion in any public
12 informational material on permits provided by regulatory agencies.

13 (c) The center office shall, in its efforts under pars. (a) and (b), clearly represent
14 that its services are advisory, informational and facilitative only.

15 **SECTION 43s.** 560.42 (5) of the statutes is created to read:

16 560.42 **(5) STAFFING AND REPORT.** The office shall be staffed by at least 2
17 full-time employees of the department. The office shall annually submit to the chief
18 clerk of each house of the legislature for distribution to the appropriate standing
19 committees under s. 13.172 (3) a report on the work of the office.

20 **SECTION 43t.** 560.43 (title), (1) (intro.), (a), (b), (c), (g) and (2) of the statutes are
21 amended to read:

22 **560.43 (title) Responsibilities of regulatory agencies. (1) INTERAGENCY**
23 **COOPERATION.** (intro.) Each ~~regulatory~~ agency shall:

1 (a) Designate a staff person to coordinate regulatory agency cooperation with
2 center office staff, provide information to center office staff on the permit process and
3 direct center office staff to appropriate staff within the regulatory agency.

4 (b) Cooperate with center office staff and respond promptly to requests for
5 assistance in expediting and requests for information on the permit process under
6 s. 560.42.

7 (c) Include material provided by the center office under s. 560.42 (4) in any
8 public informational material on permits that it provides.

9 (g) Provide to the center office written notification of a change to a permit, along
10 with a copy of the new or revised permit, before the effective date of the change.

11 **(2) PREAPPLICATION MEETINGS.** Each regulatory agency shall provide an
12 opportunity for a preapplication meeting with its staff to any person interested in
13 applying for a permit upon request by the person or the center office, and shall
14 comply with the following requirements:

15 (a) The regulatory agency shall conduct preapplication meetings in an informal
16 manner.

17 (b) In any preapplication meeting, the regulatory agency shall identify all
18 permits required by the regulating agency for a business activity, describe the steps
19 and identify the time period for each step in the permit process and identify potential
20 problems in the process.

21 (d) The regulatory agency shall invite participation by center office staff in
22 preapplication meetings when appropriate.

23 (e) The regulatory agency shall publicize the availability of preapplication
24 meetings to persons contacting them about permits.

25 **SECTION 43v.** 560.44 (1) (intro.) of the statutes is amended to read:

1 560.44 (1) OMBUDSMAN. (intro.) The ~~center~~ office shall act as an ombudsman
2 for brownfields redevelopment projects. As ombudsman, the ~~center~~ office shall do all
3 of the following:

4 **SECTION 43x.** 560.44 (2) of the statutes is amended to read:

5 560.44 (2) ADMINISTRATION OF BROWNFIELDS PROGRAMS. The ~~center~~ office shall
6 assist in administering the grant program under s. 560.13 and in administering
7 grants and loans under s. 560.138 that are made for brownfields remediation
8 projects.”.

9 **4.** Page 27, line 9: delete “REGULATORY OMBUDSMAN CENTER” and substitute
“OFFICE OF REGULATORY ASSISTANCE”.

10 **5.** Page 27, line 13: after “positions” insert “in the department by 1.0 GPR
position”.

11 **6.** Page 27, line 13: after “for the” insert “purpose of performing the
responsibilities assigned to the office of”.

12 **7.** Page 27, line 14: delete “ombudsman center by 1.0 GPR position” and
substitute “assistance under this act”.

13 **8.** Page 27, line 14: after that line insert:

14 “(6) SMALL BUSINESS OMBUDSMAN AND OFFICE OF REGULATORY ASSISTANCE FUNDING.
15 In the schedule under section 20.005 (3) of the statutes for the appropriation to the
16 department of commerce under section 20.143 (1) (a) of the statutes, as affected by
17 the acts of 2009, the dollar amount is increased by \$75,000 for the second fiscal year
18 of the fiscal biennium in which this subsection takes effect to provide supplemental
19 funding so that a previously–authorized 1.0 FTE GPR small business ombudsman

1 position is funded for a full year for the purpose of performing the responsibilities
2 assigned to the office of regulatory assistance under this act.”

3 (END)