



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2009 Assembly Bill 767

Senate Amendment 1

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Assembly Bill 767 requires state agencies to do all of the following, consistent with the requirements in s. 895.59, Stats., and to the extent possible:

- a. Provide assistance to small businesses to help them comply with agency rules.
- b. Establish, by rule, reduced fines and alternative enforcement mechanisms for minor violations of administrative rules by small businesses.
- c. Consider the use of a written warning, reduced fine, or alternative penalty against a small business found to be in violation of a rule, if the business made a good faith effort to comply with the rule and the rule violation does not pose a threat to public health, safety, or welfare, or to the environment or the workplace.

Senate Amendment 1 deletes the requirements in items b. and c., above.

Assembly Bill 767 changes the name of the Small Business Ombudsman Clearinghouse in the Department of Commerce to the Office of the Small Business Advocate (“office”). The bill provides that the office must, upon 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.

Senate Amendment 1 specifies that an investigation by the office may not delay or interfere with the enforcement action initiated by the agency or serve as grounds for a small business to fail to comply with an order issued by an agency pursuant to the enforcement action.

Legislative History

On March 2, 2010, the Assembly Committee on Jobs, the Economy and Small Business recommended passage of the bill on a vote of Ayes, 10; Noes, 0. On March 4, 2010, the Assembly passed the bill on a vote of Ayes, 94; Noes, 0.

On April 7, 2010, Senator Wirch introduced Senate Amendment 1. The Senate Committee on Small Business, Emergency Preparedness, Technical Colleges, and Consumer Protection adopted Senate Amendment 1, and recommended concurrence in the bill, as amended, on votes of Ayes, 5; Noes, 0.

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