



# JERRY PETROWSKI

WISCONSIN STATE SENATOR

## *Assembly Bill 515 / Senate Bill 493*

### *DWD Right the Rules*

January 29, 2014

Thank you, Mr. Chairman and members of the committee, for the opportunity to speak today on Assembly Bill 515 and Senate Bill 493.

The bills before us would repeal three sections of outdated administrative rules for the Department of Workforce Development.

The first set of rules pertains to the department's role in administering the Job Training Partnership Act (JTPA) of 1982. In 1998, the JTPA was replaced by the federal Workforce Investment Act, thereby making the section of rules dealing with the JTPA irrelevant.

The second set of rules pertains to the department's role in awarding grants for the Wisconsin Job Opportunity Business Subsidy Program. The department's statutory authority for awarding grants under this program ended in 1993.

The third and final set of rules relates to the department's role in the filing and hearing of mining damage claims. In 1996, those responsibilities were transferred to the Department of Commerce, and subsequently transferred to the Department of Safety and Professional Services in 2011.

The aforementioned rules have become outdated and obsolete, and I hope the committee will help me move forward with eliminating them and cleaning up the administrative code for the Department of Workforce Development.

Thank you for the opportunity to speak on this topic. I'm happy to answer any questions you may have.

29TH SENATE DISTRICT

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**Committee on Workforce Development, Forestry, Mining, and Revenue  
Senate Bill 493 and Assembly Bill 515**

**January 29, 2014**

**Testimony provided by BJ Dernbach, Legislative Liaison and Joe Handrick, Division Administrator**

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Chairperson Tiffany and members of the Senate Committee on Workforce Development, Forestry, Mining, and Revenue:

I am BJ Dernbach, Legislative Liaison at the Department of Workforce Development, along with Joe Handrick, the Division Administrator for the Department of Equal Rights. We are here to support changes which pertain to changing sections of the administrative code that were identified through the "Right the Rules" process as obsolete and in need of repeal.

Four of the rules, DWD 805, DWD 811, DWD816, and DWD 820 relate to the Job Training Partnership Act of 1982 which was replaced by the Workforce Investment Act of 1998 (WIA). WIA is administered under federal regulations, which makes the current rules obsolete.

DWD 82 was promulgated in 1985 and relates to a statute enacted in 1979 under which a person claiming to be damaged by mining activities could file a claim against a state fund. According to DWD General Counsel, the claims process doesn't seem to have ever been used. In addition, responsibility for the statute, along with the workplace safety aspects of mining, was transferred to the Department of Commerce in 1996 and is now with the Department of Safety and Professional Services; therefore making the rule obsolete for the department.

The final repeal included in this legislation relates to the Wisconsin job opportunity business subsidy program. The original rule was promulgated in 1989, but the statutory authority for the program has expired and the program is no longer in operation, therefore making this rule obsolete.

Again, the department would like to thank the committee for all of your work to date on DWD's rule change legislation. By repealing irrelevant and outdated code, we are making it easier for people to work and do business in Wisconsin; we are moving Wisconsin forward. We would also like to thank the Small Business Regulatory Review Board (SBRRB) in identifying the rules included in this legislation.