

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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| 1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected | 2. Date 8/23/2023 |
| 3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) Chapter DMA 3, Small Business Enforcement Discretion | |
| 4. Subject Discretion in enforcement of rule violations by small businesses | |
| 5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S | 6. Chapter 20, Stats. Appropriations Affected None |
| 7. Fiscal Effect of Implementing the Rule <input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input checked="" type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget | |
| 8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A) | |
| 9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$ | |
| 10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| 11. Policy Problem Addressed by the Rule The rule complies with the requirements of § 227.04 (2) (b) created by 2011 Wis. Act 46, which requires each state agency to "establish by rule, reduced fines and alternative enforcement mechanisms for minor violations of administrative rules made by small businesses", and which requires that the rule include a definition of "minor violation". | |
| 12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. | |
| 13. Identify the Local Governmental Units that Participated in the Development of this EIA. None. This rule does not affect local government units. | |
| 14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) This rule will not increase any costs for businesses. The rule may produce an economic benefit for small businesses that commit minor violations of DMA regulations when discretion is exercised to forego formal sanctions or to seek reduced sanctions. This rule will not impact local governments. Local governments will not have any implementation or compliance costs. This rule will have no impact on utility rate payers. This rule will have no impact on the general public. | |
| 15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule | |

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This rule may benefit small businesses that commit minor violations of DMA rules.

Adoption of this rule is required by the provisions of § 227.04 (2) (b).

16. Long Range Implications of Implementing the Rule
There are no long range implications.

17. Compare With Approaches Being Used by Federal Government
Federal agencies exercise similar enforcement discretion. The Regulatory Flexibility Act, as revised by the Small Business Regulatory Enforcement Fairness Act, requires federal agencies to assess, to the greatest extent possible, the rule's economic impact on small entities, investigate regulatory options for mitigating any major economic impact on a considerable number of such entities, and justify their ultimate regulatory approach.

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)
Agencies in surrounding states exercise similar enforcement discretion.

19. Contact Name

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20. Contact Phone Number

608-242-3072

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ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

The impact to small business owners will be either no impact or a positive impact. The ability of the agency to reduce fines on small businesses for minor violations of administrative rules could result in small businesses paying only the set amount of a service or required payment and not any late fee or fine for non-payment.

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

N/A

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

The agency will determine if the entity is a small business and then reduce the fine for late or non-payment.

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

N/A

5. Describe the Rule's Enforcement Provisions

N/A

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No
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