

Small Business Regulatory Review Board
May 14, 2007
Room 300 SE, State Capitol
Approved Meeting Minutes

CALL TO ORDER

The meeting was called to order by Chairman Rick Petershack at 1:04 PM

ROLL CALL

Board Members Present: Pat Cooper, Hal Bergan, Minoo Seifoddini, Bernard Ziegeweid, Pat Farley, Bonnie Schwid, Randy Meffert, Al Shea, Larry Martin, Aaron Olver, Pat LaShore (for Laura Engan); Rick Petershack

Board Members Absent: Karen Vernal, Rep. Terry Moulton, Dennis Faye

Staff Present: Carol Dunn, Anne Thundercloud

Others Present: Gary Smith, Southwest Small Business Development Center; Matt Hauser, Wisconsin Petroleum Manufacturers and Convenience Store Association (WPMCA); Bill Smith, National Federation of Independent Business; Ray Marchiori, Regional Advocate-Small Business Administration Office of Advocacy; Berni Mattsson, Sheldon Schall, Sam Rockweiler, Wisconsin Department of Commerce; Nicholas Alexander, AFSCME; Gennie Lovelace Michel, Silke O'Donnell, AFSCME; Laura Satterfield, Jim Bates, Wisconsin Department of Workforce Development

APPROVAL OF MINUTES

A motion was made by Al Shea, seconded by Pat Farley to approve the February 23, 2006 meeting minutes. Motion carried unanimously.

REPORT FROM THE CHAIRMAN

Chairman Petershack introduced Ray Marchiori. Mr. Marchiori is the Small Business Administration (SBA) Regional Representative for Wisconsin. Mr. Marchiori emphasized the importance of regulatory fairness for small business.

RULE REVIEW OF PROPOSED RULES

Comm 10-Flammable and Combustible Liquids-

Berni Mattsson, Division Administrator of the Environmental and Regulatory Services Division of Commerce was introduced, along with Sheldon Schall and Sam Rockweiler. Sheldon Schall testified that any business with at least one storage tank containing a flammable, combustible or federally-regulated hazardous liquid will be affected by this rule. This includes any business that sells gasoline or other liquid motor fuel for use in any type of internal combustion engine. Mr. Schall stated that the new requirements were added to focus environmental protection on the components of a tank system that have been shown to have the greatest potential for releases to the environment. Mr. Schall provided background on the industry's involvement during the rulemaking process.

Matt Hauser of WPMCA represents members who sell fuel oil. Mr. Hauser testified that the five year retroactive window would be problematic for many gas station owners, who may be unable to afford the necessary upgrades in that time span. The Board received input from Randy Meffert who also had concerns about the retroactive window requirement for owners.

The Chairman asked for comments from the Board.

A motion was made by Al Shea to support the rule and the small business economic impact analysis prepared by the Department of Commerce. Pat LaShore seconded the motion. Motion passed unanimously.

DWD 56-Child Care Rates –

Under the administrative code DWD 56.06, the Wisconsin Department of Workforce Development must survey all licensed childcare providers each year to determine the child care prices they charged to the general community that year. The state W-2 program subsidizes child care rates for low income families. The amendment to DWD 56 suspends a provision that would have required a maximum rate increase for calendar year 2007.

Nicholas Alexander of Wisconsin Child Care Providers Together/AFSCME testified on behalf of the 5,000+ family child care businesses represented by the union. Mr. Alexander requested the Board to scrutinize DWD's analysis of this rule change, especially for urban area childcare providers who will be significantly impacted by this proposed rule change.

Testimonies followed from Genniene Lovelace-Michel and Silke O'Donnell, daycare providers. The Board was asked to consider the burden that would be put upon many daycare providers if this rule were to become law.

Laura Saterfield testified on behalf of the Wisconsin Department of Workforce Development's Child Care Section. Ms. Saterfield testified that the Department is seeking a permanent rule with knowledge that the upcoming 2007-2009 biennial budget will direct that department to continue the rate freeze or give new direction on the funding levels and operating rules of the Child Care Subsidy program. Ms. Saterfield testified that 21% of children are now eligible for this subsidy. Additional testimony was given from Jim Bates of the Wisconsin Department of Workforce Development in support of the small business impact analysis prepared by the department.

The chairman asked for the Board members' comments. Hal Bergan stated that he felt DWD came to the best conclusion based on the survey results available to them. Bernard Ziegeweid stated he felt the department erred in focusing on statewide figures and averages rather than focusing on the child care subsidy rate freeze in specific relation to each of the four rate zones. Ziegeweid contended that DWD should have explored alternative sources of data when analyzing the impact on day care providers.

A motion was made by Mino Seifoddini, seconded by Bonnie Schwid, requesting that the Board provide advisory comments to the Department of Workforce Development. These comments should include a request for a re-evaluation of the data sources available to DWD in making an objective analysis of the small business impact and a re-examination of the impact of the rate freeze upon the different rate zones. Nine in favor, three opposed; motion carried.

(A copy of the Board's letters to DWD and the DWD response to the Board are attached and made a part of the approved minutes)

PUBLIC COMMENTS OF EXISTING RULES

None.

OTHER BUSINESS

None.

FUTURE MEETINGS

Chairman Petershack stated a future meeting will be scheduled as administrative rules are presented for the Board's review.

ADJOURNMENT

Al Shea motioned to adjourn the meeting at 4:07 p.m.; motion seconded by Bernard Ziegweid. Motion carried unanimously.