Senate approves REINS Act

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Proposed administrative rules with an estimated economic impact of $10 million or more over a two-year period for implementation and compliance would require additional scrutiny under legislation the state Senate approved today.

If the cost comes in at $10 million, the Legislature would have to approve the rule via legislation. Otherwise, the agency would have to reduce the cost below the $10 million threshold.

Sen. Rob Cowles, R-Green Bay, was the only Republican who voted no as the bill cleared 19-14. He said phosphorous regulations approved in 2010 were “the face” of the REINS Act. But he questioned if the legislation would address that situation.

The initial estimate of those rules was up to $1 billion over a decade, though a later estimate pegged it at more than $7 billion over two decades. In 2014, the GOP-controlled Legislature passed legislation to give factories and sewage treatment plants up to 20 years to meet the standard, and eventually the state and U.S. Environmental Protection Agency approved allowing the state to phase in the regulations.

Cowles said some are confusing what happened with those rules with what is proposed in the REINS Act, which he said would have hampered the state’s discussions with the EPA.

“I was involved in this up to my teeth, and I don’t see how this on water issues, particularly phosphorous, would have made the situation any better,” he said. “In fact, it would have made it worse.”

The version of the REINS Act approved today includes several changes to the original bill that was introduced earlier this session. One allows the Joint Committee for Review of Administrative Rules to permanently object to a proposed rule to prevent the agency from going forward with it. Currently, if the JCRAR objects to a proposed rule, it has to introduce bills in both houses of the Legislature to support the objection. The objection is temporary unless one of the bills becomes law.

The new version of the bill also would require the Joint Finance Committee to determine who would pay for the economic impact analysis of any rule if the costs exceeded $50,000.

Sen. Kathleen Vinehout, D-Alma, said the bill only considers the cost to businesses, but not the benefits. Her amendment to change that was shot down.

The bill heads to the Assembly, which has a committee vote planned tomorrow on its version of the bill.