

“REINS Act” - New Power for Leaders to Stop Public Protections

Written by Kathleen Vinehout, State Senator 31st District

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<http://newiproggressive.com/images/stories/S5/wisc-capitol-dome-s5.jpg>



The REINS Act (SB 15) allows the Senate Majority Leader, Assembly Speaker, or Chairs of the administrative rules committee to stop development of administrative rules if the cost to implement the rule is over \$10 million, regardless of the benefit to the public.

MADISON - “This is the broadest, most dangerous bill you’ve never heard of.” I told my colleagues during a recent Senate debate. “It’s an obscure way to shut down government from doing something that the Legislature intended to do.”

Senate Bill 15, known by the initials REINS, would allow leaders of the Legislature to shut down the implementation of new laws if the leader found the new law too costly to implement. A version of the bill is moving toward passage at both the state and federal levels of government. I expect the state Assembly will soon take up the bill.

A little background; after a bill becomes law, agencies work on writing the details of how to implement the law. These details, known as Administrative Rules, are vetted by the Legislature through a committee and vetted by the public through hearings.

“Administrative Rules are the fine details of laws written by policy experts at state agencies.” said long-time Capitol reporter Shawn Johnson in an NPR story on the Senate passage of the REINS Act.

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In 2011, majority members voted to change the rulemaking process to give the governor exceptional authority. Under what became known as “Act 21” the rulemaking process now begins and ends in the governor’s office.

Chief sponsor of the REINS Act argued the bill “shifts the power back to us, the elected officials.” Curiously, the bill did not change the portion of the process that begins and ends with the governor.

What the bill did do is allow leaders – the Senate Majority Leader, Assembly Speaker, or Chairs of the administrative rules committee – to stop the implementation of a law if their own commissioned study shows the total cost of implementing the new law is over \$10 million.

However, the study would only evaluate the costs of the new law, not the benefits. Therefore, the bill only considers one side of the equation – the costs to business not the benefits to the public.

Consider this hypothetical example: a manufacturing process caused the death of thirty people. Implementation of a rule to change the manufacturing process statewide would cost over \$10 million. The value of the business costs would be weighed but not the value of human lives saved because of protections put in place by the rule.

The cynical observer of the political process might say the REINS Act allows a legislator to vote for a new law that has broad public support, but after action by a few legislative leaders, satisfy a select group by never implementing the new law.

The REINS Act would affect every portion of state government, but there are five agencies that write the majority of Administrative Rules: Agriculture, Trade and Consumer Protection; Natural Resources; Transportation; Economic Development Authority (formerly Commerce) and Workforce Development (Labor).

Given what these agencies do, the effect of the REINS law could be wide reaching. New laws that could be stopped might be related to consumer protections; human, animal and plant

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health; workers compensation, unemployment and discrimination protections; road and bridge construction; food, water and air pollution. Even clawing back state money from companies that refused to deliver promised jobs.

The groups supporting the REINS Act reads like a “Who’s Who” among factions trying to influence the Republican Party: Wisconsin Manufacturers and Commerce, various utility companies, American Petroleum Institute, the Koch brothers-backed Americans for Prosperity, to name but a few.

According to the Center for Media and Democracy, the American Legislative Exchange Council (ALEC) a corporate lobbying-sponsored group supports the bill. Some Wisconsin legislators are among ALEC leadership and members.

In Washington, a similar REINS Act is moving through Congress. The Act was passed by the House of Representatives and is under consideration in the U.S Senate.

In a letter to Congress, the nonpartisan League of Women Voters wrote, “If you think you might ever protect your constituents from dirty air or water, drinking water contamination, disease spread by food, lead in toys, predatory banking practices or any known or yet unforeseen threat, you need to vote against the REINS Act. The Act would simply be the most fundamental step away from protecting the public in U.S. history.”

The REINS Act is promoted as a cleverly devised pun to rein-in run-away government. However, in reality, it is a way for large corporate interests to manipulate our political process to their own ends, sacrificing our people’s health and safety.