



State of Wisconsin
2011 – 2012 LEGISLATURE

January 2011 Special Session



LRBa0503/1
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**SENATE AMENDMENT 1,
TO ASSEMBLY BILL 8**

February 8, 2011 – Offered by COMMITTEE ON ECONOMIC DEVELOPMENT AND VETERANS
AND MILITARY AFFAIRS.

1 At the locations indicated, amend the bill, as shown by assembly substitute
2 amendment 1, as follows:

3 **1.** Page 7, line 1: delete the material beginning with that line and ending with
4 page 8, line 6, and substitute:

5 “**SECTION 1g.** 13.92 (4) (a) of the statutes is amended to read:

6 13.92 **(4)** (a) The legislative reference bureau shall prepare copy for publication
7 in the Wisconsin administrative code. Whenever the legislative reference bureau
8 receives notice under s. 227.40 (6) of the entry of a declaratory judgment determining
9 the validity or invalidity of a rule, the legislative reference bureau shall insert an
10 annotation of that determination in the Wisconsin administrative code under the
11 rule that was the subject of the determination.

12 **SECTION 1m.** 35.93 (4) of the statutes is amended to read:

1 35.93 (4) Each issue of the Wisconsin administrative register shall contain a
2 notice section in which shall be printed the notices of hearings on rule making which
3 agencies have transmitted to the legislative reference bureau for that purpose,
4 statements of scope of proposed rules under s. 227.135, notices of submittal to the
5 legislative council staff under s. 227.14 (4m), notices of intent to promulgate rules
6 without a public hearing under s. 227.16 (2) (e), notices of referrals of proposed rules
7 to presiding officers under s. 227.19 (2), notices of emergency rules in effect, fiscal
8 estimates for rule-making orders under s. 227.14 (4), notices of declaratory
9 judgments received under s. 227.40 (6), and such other notices as may be required
10 by law or determined by the legislative reference bureau to be appropriate.

11 **SECTION 1r.** 227.10 (2m) of the statutes is created to read:

12 227.10 (2m) No agency may implement or enforce any standard, requirement,
13 or threshold, including as a term or condition of any license issued by the agency,
14 unless that standard, requirement, or threshold is explicitly required or explicitly
15 permitted by statute or by a rule that has been promulgated in accordance with this
16 subchapter. The governor, by executive order, may prescribe guidelines to ensure
17 that rules are promulgated in compliance with this subchapter.”.

18 **2.** Page 8, line 19: delete “expressly” and substitute “explicitly”.

19 **3.** Page 8, line 23: delete “expressly” and substitute “explicitly”.

20 **4.** Page 13, line 19: delete that line.

21 **5.** Page 15, line 10: delete “(4) and” and substitute “(4).”.

22 **6.** Page 15, line 11: after “(2)” insert “, and any revised economic impact
23 analysis required under s. 227.137 (4)”.

1 **7.** Page 15, line 18: after “(2)” insert “and any revised economic impact analysis
2 required under s. 227.137 (4)”.

3 **8.** Page 15, line 20: after “(2)” insert “, any revised economic impact analysis
4 required under s. 227.137 (4)”.

5 **9.** Page 17, line 5: after “(2)” insert “, a copy of any revised economic impact
6 analysis prepared by the agency under s. 227.137 (4)”.

7 **10.** Page 21, line 21: after “and” insert “any”.

8 **11.** Page 23, line 25: after “(d)” insert “, until the expiration of the review
9 period under par. (b) 1., if no committee has objected to the proposed rule or the part
10 of the proposed rule”.

11 **12.** Page 27, line 9: delete “Dane County” and substitute “Dane County the
12 county where the dispute arose”.

13 **13.** Page 27, line 20: delete lines 20 to 25 and substitute:

14 “**SECTION 62g.** 227.40 (6) of the statutes is created to read:

15 227.40 (6) Upon entry of a final order in a declaratory judgment action under
16 sub. (1), the court shall notify the legislative reference bureau of the court’s
17 determination as to the validity or invalidity of the rule, and the legislative reference
18 bureau shall publish a notice of that determination in the Wisconsin administrative
19 register under s. 35.93 (4) and insert an annotation of that determination in the
20 Wisconsin administrative code under s. 13.92 (4) (a).

21 **SECTION 63g.** 801.50 (3) of the statutes is amended to read:

22 801.50 (3) All Except as provided in this subsection, all actions in which the
23 sole defendant is the state, any state board or commission, or any state officer,
24 employee, or agent in an official capacity shall be venued in Dane County unless

1 another venue is specifically authorized by law. All actions relating to the validity
2 or invalidity of a rule shall be venued as provided in s. 227.40 (1).”.

3 **14.** Page 28, line 1: delete the material beginning with “section” and ending
4 with “(1)” on line 2 and substitute “sections 13.92 (4) (a), 35.93 (4), and 227.40 (1) and
5 (6)”.

6 **15.** Page 28, line 15: delete “(4), and (5)” and substitute “and (4)”.

7 (END)