



State of Wisconsin
2011 – 2012 LEGISLATURE

January 2011 Special Session



LRBa0498/1
GMM:jld&wlj:ph

**SENATE AMENDMENT 5,
TO ASSEMBLY BILL 8**

February 10, 2011 – Offered by Senators TAYLOR, VINEHOUT, HOLPERIN, C. LARSON,
T. CULLEN, CARPENTER, WIRCH, RISSER and LASSA.

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

3 **1.** Page 7, line 1: before that line insert:

4 “**SECTION 1g.** 227.01 (1) of the statutes is amended to read:

5 227.01 **(1)** “Agency” means a board, commission, committee, department or
6 officer in the state government, except, including the legislature and the courts, but
7 not including the governor, a district attorney, or a military or judicial officer.”.

8 **2.** Page 7, line 1: delete “**SECTION 1**” and substitute “**SECTION 1m**”.

9 **3.** Page 9, line 7: delete “An” and substitute “Except as provided in sub. (2m),
10 an”.

11 **4.** Page 9, line 22: after “rule” insert “to which this subsection applies”.

12 **5.** Page 9, line 25: after that line insert:

1 **“SECTION 4g.** 227.135 (2m) of the statutes is created to read:

2 227.135 **(2m)** If the director of state courts, the judicial commission, the crime
3 victims rights board, the law enforcement standards board, the office of the state
4 treasurer, the office of the secretary of state, the legislature, the department of
5 justice, or the department of public instruction prepares a statement of the scope of
6 a proposed rule, that agency shall present the statement to the individual or body
7 with policy–making powers over the subject matter of the proposed rule for approval.
8 The individual or body with policy–making powers may not approve the statement
9 until at least 10 days after publication of the statement under sub. (3). No state
10 employee or official may perform any activity in connection with the drafting of a
11 proposed rule to which this subsection applies except for an activity necessary to
12 prepare the statement of the scope of the proposed rule until the individual or body
13 with policy–making powers approves the statement.”.

14 **6.** Page 10, line 4: after “register.” insert “If a statement of the scope of a
15 proposed rule is presented to the individual or body with policy–making powers over
16 the subject matter of the proposed rule under sub. (2m), the agency presenting the
17 statement shall send the statement to the legislative reference bureau for
18 publication in the register.”.

19 **7.** Page 10, line 9: after “(2)” insert “or (2m)”.

20 **8.** Page 10, line 15: after “(2)” insert “or under subs. (1) and (2m)”.

21 **9.** Page 16, line 1: delete “After” and substitute “Except as provided in this
22 section, after”.

23 **10.** Page 16, line 8: after “writing.” insert “This section does not apply to a
24 proposed rule drafted by the director of state courts, the judicial commission, the

1 crime victims rights board, the law enforcement standards board, the office of the
2 state treasurer, the office of the secretary of state, the legislature, the department
3 of justice, or the department of public instruction.”.

4 **11.** Page 26, line 14: after “(2)” insert “or (2m)”.

5 **12.** Page 26, line 21: delete “Submit” and substitute “Except as provided in
6 this subdivision, submit”.

7 **13.** Page 27, line 2: after “writing.” insert “This subdivision does not apply to
8 a proposed emergency rule drafted by the director of state courts, the judicial
9 commission, the crime victims rights board, the law enforcement standards board,
10 the office of the state treasurer, the office of the secretary of state, the legislature, the
11 department of justice, or the department of public instruction.”.

12 **14.** Page 28, line 22: delete “GUBERNATORIAL” and substitute “ADMINISTRATIVE”.

13 **15.** Page 28, line 22: after “sections” insert “227.01 (1)”.

14 **16.** Page 28, line 23: after “(2),” insert “(2m),”.

15 (END)