



State of Wisconsin  
2011 - 2012 LEGISLATURE

January 2011 Special Session



LRBa0496/1  
GMM:jld:md

**SENATE AMENDMENT 3,  
TO ASSEMBLY BILL 8**

February 10, 2011 – Offered by Senators HOLPERIN, MILLER, HANSEN, ERPENBACH,  
WIRCH, LASSA and CARPENTER.

- 1           At the locations indicated, amend the bill, as shown by assembly substitute  
2           amendment 1, as follows:
- 3           **1.** Page 9, line 7: delete “An” and substitute “Except as provided in sub. (2m),  
4           an”.
- 5           **2.** Page 9, line 14: after “statement” insert “, except that, if the governor does  
6           not disapprove the statement by the last day of the legislature’s final  
7           general-business floorperiod as established in the joint rules required under s. 13.02  
8           (3), the statement is considered to be approved and the agency may send the  
9           statement to the legislative reference bureau for publication under sub. (3)”.
- 10           **3.** Page 9, line 22: after “rule” insert “to which this subsection applies”.
- 11           **4.** Page 9, line 25: after that line insert:
- 12           “**SECTION 4g.** 227.135 (2m) of the statutes is created to read:

1           227.135 **(2m)** If the proposed rule interprets the provisions of a statute that  
2 expressly directs the agency to promulgate rules to implement the statute, the  
3 agency shall present the statement to the individual or body with policy-making  
4 powers over the subject matter of the proposed rule for approval. The individual or  
5 body with policy-making powers may not approve the statement until at least 10  
6 days after publication of the statement under sub. (3). No state employee or official  
7 may perform any activity in connection with the drafting of a proposed rule to which  
8 this subsection applies except for an activity necessary to prepare the statement of  
9 the scope of the proposed rule until the individual or body with policy-making  
10 powers approves the statement.”.

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

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

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

18           **8.** Page 16, line 1: delete “After” and substitute “Except as provided in this  
19 section, after”.

20           **9.** Page 16, line 8: after “writing” insert “, except that, if the governor does not  
21 reject the proposed rule by the last day of the legislature’s final general-business  
22 floorperiod as established in the joint rules required under s. 13.02 (3), the proposed  
23 rule is considered to be approved and the agency may submit the proposed rule to the  
24 legislature for review under s. 227.19 (2). This section does not apply to a proposed

1 rule interpreting the provisions of a statute that expressly directs the agency to  
2 promulgate rules to implement the statute.”.

3 **10.** Page 26, line 21: delete “Submit” and substitute “Except as provided in  
4 this subdivision, submit”.

5 **11.** Page 27, line 2: after “writing” insert “, except that, if the governor does  
6 not reject the proposed emergency rule by the last day of the legislature’s final  
7 general-business floorperiod as established in the joint rules required under s. 13.02  
8 (3), the proposed emergency rule is considered to be approved and the agency may  
9 file the emergency rule for publication. This subdivision does not apply to a proposed  
10 emergency rule interpreting the provisions of a statute that expressly directs the  
11 agency to promulgate rules to implement the statute”.

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

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

14 (END)