Assembly

Record of Committee Proceedings

Committee on Judiciary and Ethics

January 2011 Special Session Assembly Bill 8

Relating to: the authority of a state agency to promulgate rules interpreting the provisions of a statute enforced or administered by the agency and to implement or enforce any standard, requirement, or threshold as a term or condition of a license issued by the state agency; gubernatorial approval of proposed administrative rules; economic impact analyses of proposed rules and emergency rules; and venue in a declaratory judgment action seeking judicial review of the validity of an administrative rule and in an action in which the sole defendant is the state.

By Committee on Assembly Organization, by request of Governor Scott Walker and Representative Tiffany.

January 18, 2011 Referred to Committee on Judiciary and Ethics.

January 25, 2011 **PUBLIC HEARING HELD**

Present: (8) Representatives J. Ott, T. Larson, Kestell,

Kerkman, Jacque, Hebl, Staskunas and D.

Cullen.

Absent: (0) None. Excused: (0) None.

Appearances For

- Rep. Tom Tiffany Author
- Mike Huebsch Secretary, DOA
- Steve Lewallen WI Cast Metals Assoc.
- Robert Fassbender WI Econommic Dev. Corp.
- Jim Buchen & Scott Manley WMC
- Pat Osborne Aggregate Producers of WI
- Brian Dake WI Indep. Business
- Nick George Midwest Food Processors Assoc.

Appearances Against

- Mike Thompson DPI
- Florence Edwards Miller Midwest Environmental Advocates
- Amber Smith & Carl Sinderbrand Clean Wisconsin
- Bob Anderson Legal Action of WI
- John Reindl Sierra Club

Appearances for Information Only

George Meyer — WI Wildlife Federation

Registrations For

- Jay Risch & Mike Semmann WI Bankers Assoc.
- Jim Boullion Assoc. of General Contractors
- Patrick Goss WI Transportation Bldrs. Assoc.
- Tom Howells WI Motors Carriers Assoc.
- Steve Baas MMAC
- Todd Stuart WI Industrial Energy Group
- Brad Boycks WI Builders Assoc

Registrations Against

- Jennifer Giegerich WI League of Conservation of Voters
- Caryl Terrell Sierra Club

Registrations for Information Only

• None.

January 27, 2011 **EXECUTIVE SESSION HELD**

Present: (8) Representatives J. Ott, T. Larson, Kestell, Kerkman, Jacque, Hebl, Staskunas and D.

Cullen.

Absent: None. (0)

Excused: (0)None.

Moved by Representative Kerkman, seconded by Representative Jacque that Assembly Amendment 1 to Assembly Substitute Amendment 1 to SS AB 8 be recommended for adoption.

> (8) Representatives J. Ott, T. Larson, Kestell, Ayes: Kerkman, Jacque, Hebl, Staskunas and D.

> > Cullen.

(0) None. Noes:

ASSEMBLY AMENDMENT 1 TO ASSEMBLY SUBSTITUTE AMENDMENT 1 TO SS AB 8 ADOPTION RECOMMENDED, Ayes 8, Noes 0

Moved by Representative Staskunas, seconded by Representative Kerkman that Assembly Amendment 1 to Assembly Amendment 2 to Assembly Substitute Amendment 1 to SS AB **8** be recommended for introduction and adoption.

Ayes: (8) Representatives J. Ott, T. Larson, Kestell, Kerkman, Jacque, Hebl, Staskunas and D. Cullen.

Noes: (0) None.

INTRODUCTION AND ADOPTION OF ASSEMBLY AMENDMENT 1 TO ASSEMBLY AMENDMENT 2 TO ASSEMBLY SUBSTITUTE AMENDMENT 1 TO SS AB 8 RECOMMENDED, Ayes 8, Noes 0

Moved by Representative Kerkman, seconded by Representative Jacque that **Assembly Amendment 2 to Assembly Substitute Amendment 1 to SS AB 8** be recommended for adoption.

Ayes: (8) Representatives J. Ott, T. Larson, Kestell, Kerkman, Jacque, Hebl, Staskunas and D. Cullen.

Noes: (0) None.

ASSEMBLY AMENDMENT 2 TO ASSEMBLY SUBSTITUTE AMENDMENT 1 TO SS AB 8 ADOPTION RECOMMENDED, Ayes 8, Noes 0

Moved by Representative Kerkman, seconded by Representative Jacque that **Assembly Amendment 10 to Assembly Substitute Amendment 1 to SS AB 8** be recommended for introduction and adoption.

Ayes: (8) Representatives J. Ott, T. Larson, Kestell, Kerkman, Jacque, Hebl, Staskunas and D. Cullen.

Noes: (0) None.

INTRODUCTION AND ADOPTION OF ASSEMBLY AMENDMENT 10 TO ASSEMBLY SUBSTITUTE AMENDMENT 1 TO SS AB 8 RECOMMENDED, Ayes 8, Noes 0

Moved by Representative Kerkman, seconded by Representative Jacque that **Assembly Substitute Amendment 1 to SS AB 8** be recommended for adoption.

Ayes: (5) Representatives J. Ott, T. Larson, Kestell, Kerkman and Jacque.

Noes: (3) Representatives Hebl, Staskunas and D. Cullen.

ASSEMBLY SUBSTITUTE AMENDMENT 1 TO SS AB 8 ADOPTION RECOMMENDED, Ayes 5, Noes 3

Moved by Representative Kestell, seconded by Representative Kerkman that **January 2011 Special Session Assembly Bill 8** be recommended for passage as amended.

Ayes: (5) Representatives J. Ott, T. Larson, Kestell, Kerkman and Jacque.

Noes: (3) Representatives Hebl, Staskunas and D. Cullen.

PASSAGE AS AMENDED RECOMMENDED, Ayes 5, Noes 3

Virginia Mueller Committee Clerk