



State of Wisconsin  
2017 - 2018 LEGISLATURE

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**ASSEMBLY AMENDMENT 5,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO ASSEMBLY BILL 42**

May 2, 2017 - Offered by Representatives HESSELBEIN, ZAMARRIPA, SINICKI, OHNSTAD  
and DOYLE.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 10, line 6: delete "A determination" and substitute "Unless subd. 3.  
3 applies, a determination".

4 **2.** Page 10, line 6: after "227.139" insert "(1)".

5 **3.** Page 10, line 10: after that line insert:

6 "3. A determination, for purposes of the requirement under s. 227.139 (1m), as  
7 to whether \$20,000,000 or more in implementation and compliance costs are  
8 reasonably expected to be incurred by or passed along to businesses, local  
9 governmental units, and individuals over any 2-year period as a result of the  
10 proposed rule. This subdivision applies only with respect to a proposed rule of the  
11 department of natural resources."

1           **4.** Page 12, line 14: delete “If” and substitute “Unless sub. (1m) applies, if”.

2           **5.** Page 12, line 23: after that line insert:

3           “(1m) If an economic impact analysis prepared under s. 227.137 (2), a revised  
4           economic impact analysis prepared under s. 227.137 (4), or an independent economic  
5           impact analysis prepared under s. 227.137 (4m) or 227.19 (5) (b) 3. for a proposed rule  
6           indicates that \$20,000,000 or more in implementation and compliance costs are  
7           reasonably expected to be incurred by or passed along to businesses, local  
8           governmental units, and individuals over any 2-year period as a result of the  
9           proposed rule, the agency proposing the rule shall stop work on the proposed rule and  
10          may not continue promulgating the proposed rule notwithstanding any provision  
11          authorizing or requiring the agency to promulgate the proposed rule, except as  
12          authorized under sub. (2). This subsection applies only with respect to a proposed  
13          rule of the department of natural resources.”.

14          **6.** Page 13, line 15: after that line insert:

15          “(2m) (a) Any member of the legislature may introduce a bill authorizing the  
16          department of natural resources to promulgate a rule that the department is  
17          prohibited from promulgating under sub. (1m). The department may resume the  
18          rule-making process as provided in this subchapter upon enactment of a bill  
19          introduced under this paragraph.

20          (b) If the department of natural resources is prohibited from promulgating a  
21          rule under sub. (1m), the the department may modify the proposed rule, if the  
22          modification is germane to the subject matter of the proposed rule, to address the  
23          implementation and compliance costs of the proposed rule. If the department  
24          modifies a proposed rule under this paragraph, the department shall prepare a

1 revised economic impact analysis under s. 227.137 (4). Following the modification,  
2 the department may continue with the rule-making process as provided in this  
3 subchapter if the revised economic impact analysis prepared by the department  
4 indicates, and any independent economic impact analysis prepared under s. 227.137  
5 (4m) or 227.19 (5) (b) 3. subsequent to the department's modification also indicates,  
6 that \$20,000,000 or more in implementation and compliance costs are not reasonably  
7 expected to be incurred by or passed along to businesses, local governmental units,  
8 and individuals over any 2-year period as a result of the proposed rule.”.

9

(END)