



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRBa1336/1  
MGG:kjf:rs

**ASSEMBLY AMENDMENT 1,  
TO 2011 ASSEMBLY BILL 177**

June 28, 2011 – Offered by Representative STEINEKE.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 6: delete “applications and hearings relating to permits” and  
3 substitute “issuing individual permits, contracts, and general permits”.

4 **2.** Page 3, line 1: before that line insert:

5 “**SECTION 1b.** 30.12 (1j) (c) of the statutes is amended to read:

6 30.12 (1j) (c) If the riparian owner or owners of a property described in par. (a)  
7 are eligible and propose to place a pier or wharf with the number of boat slips  
8 specified in par. (a), the riparian owner or owners shall apply to the department for  
9 an individual permit under s. 30.208 authorizing the configuration of the pier or  
10 wharf unless the configuration is authorized by the department under a general  
11 permit under s. 30.206 (1g), 2009 stats. The department may not deny the permit  
12 on the basis of the number of slips proposed by the riparian owner or owners if the  
13 number of slips proposed does not exceed the number allowed under par. (a). A

1 riparian owner or owners who apply for a permit under this paragraph shall be  
2 presumed to be entitled to the number of slips allowed under par. (a).

3 **SECTION 1c.** 30.12 (3) (a) (intro.) of the statutes is amended to read:

4 30.12 (3) (a) (intro.) The department ~~shall~~ may issue statewide general permits  
5 under s. 30.206 that authorize riparian owners to do all of the following:

6 **SECTION 1d.** 30.12 (3) (br) of the statutes is amended to read:

7 30.12 (3) (br) The department may ~~promulgate rules that~~ specify structures or  
8 deposits, in addition to those listed in par. (a), that may be authorized by statewide  
9 general permits.

10 **SECTION 1e.** 30.123 (7) (a) (intro.) of the statutes is amended to read:

11 30.123 (7) (a) (intro.) The department ~~shall~~ may issue statewide general  
12 permits under s. 30.206 that authorize any person to do all of the following:

13 **SECTION 1f.** 30.123 (7) (b) of the statutes is amended to read:

14 30.123 (7) (b) The department may ~~promulgate rules that~~ specify bridges or  
15 culverts, in addition to those listed in par. (a), that may be authorized by statewide  
16 general permits.”.

17 **3.** Page 3, line 1: substitute “**SECTION 1g**” for “**SECTION 1**”.

18 **4.** Page 3, line 10: after that line insert:

19 “**SECTION 1h.** 30.19 (3r) (a) (intro.) of the statutes is amended to read:

20 30.19 (3r) (a) (intro.) The department ~~shall~~ may issue statewide general  
21 permits under s. 30.206 that authorize persons to do all of the following:

22 **SECTION 1j.** 30.19 (3r) (b) of the statutes is amended to read:

1           30.19 **(3r)** (b) The department may ~~promulgate rules that~~ specify other types  
2 of activities, in addition to those listed in par. (a), that may be authorized by  
3 statewide general permits.

4           **SECTION 1k.** 30.20 (1t) (a) of the statutes is amended to read:

5           30.20 **(1t)** (a) The department ~~shall~~ may issue statewide general permits under  
6 s. 30.206 that authorize any person to remove material for maintenance purposes  
7 from an area from which material has been previously removed.

8           **SECTION 1L.** 30.20 (1t) (b) of the statutes is amended to read:

9           30.20 **(1t)** (b) The department may ~~promulgate rules that~~ specify other types  
10 of removals, in addition to the one listed in par. (a), that may be authorized by  
11 statewide general permits.

12           **SECTION 1m.** 30.206 (1) (a) of the statutes is repealed.

13           **SECTION 1n.** 30.206 (1) (am) of the statutes is created to read:

14           30.206 **(1)** (am) Upon compliance with the requirements under subs. (2b) and  
15 (2m), the department may issue a general permit to a person wishing to proceed with  
16 an activity for which an individual permit is issued, or a contract is entered into,  
17 under this subchapter. A permit issued under this paragraph is in lieu of any permit  
18 or contract that would otherwise be required for that activity under this subchapter.

19           **SECTION 1p.** 30.206 (1) (b) of the statutes is created to read:

20           30.206 **(1)** (b) A general permit issued under par. (am) is valid for a period of  
21 5 years, and an activity that the department determines is authorized by a general  
22 permit remains authorized under the general permit until the activity is completed  
23 regardless of whether the general permit expired before the activity is completed.  
24 The department may renew or modify, or revoke a general permit issued under par.

1 (am) upon compliance with the requirements under subs. (2b) and (2m) and until  
2 such renewal, modification, or revocation of the general permit shall remain in effect.

3 **SECTION 1q.** 30.206 (1g) of the statutes is repealed.

4 **SECTION 1r.** 30.206 (1m) of the statutes is repealed.

5 **SECTION 1s.** 30.206 (1r) of the statutes is created to read:

6 30.206 (1r) TRANSITIONS BETWEEN PERMITS. Any general permit issued under  
7 this subchapter that is valid on the effective date of this subsection .... [LRB inserts  
8 date], shall remain valid until the date upon which a general permit issued under  
9 sub. (1) (am) that authorizes the same activity becomes effective.

10 **SECTION 1t.** 30.206 (2b) of the statutes is created to read:

11 30.206 (2b) PUBLIC NOTICE. (a) The department shall circulate to interested  
12 and potentially interested members of the public notices of its intention to issue a  
13 general permit. Procedures for providing public notices shall include all of the  
14 following:

15 1. A procedure consisting of when publishing a class 1 notice under ch. 985 or  
16 circulating the notice by use of an electronic notification system established by the  
17 department.

18 2. A procedure under which a copy of the notice is provided to any person or  
19 group upon request of the person or group.

20 (b) The department shall provide a period of not less than 30 days following the  
21 date of the public notice during which time interested persons may submit their  
22 written views on the department's intention to issue a general permit under sub. (1)  
23 (am). All written comments submitted during the period for comment shall be  
24 retained by the department and considered in the issuance of the general permit.

1 (c) Every notice issued by the department of the department's intention to issue  
2 a general permit under sub. (1) (am) shall include a description of the activities  
3 proposed to be authorized under the general permit.

4 **SECTION 1u.** 30.206 (2m) of the statutes is created to read:

5 30.206 (2m) PUBLIC HEARING. (a) 1. The department shall provide an  
6 opportunity for any interested state agency or federal agency or person or group of  
7 persons to request a public hearing with respect to the department's intention to  
8 issue a general permit under sub. (1) (am). Such request for a public hearing shall  
9 be filed with the department within 30 days after the circulation of the public notice  
10 under sub. (2b) and shall indicate the interest of the party filing the request and the  
11 reasons why a hearing is warranted.

12 2. The department shall hold a public hearing upon a request under subd. 1.  
13 if the department determines that there is a significant public interest in holding  
14 such a hearing. Hearings held under this section are not contested cases under s.  
15 227.01 (3).

16 (b) Public notice of any hearing held under this subsection shall be circulated  
17 in accordance with the requirements under sub. (2b)."

18 **5.** Page 4, line 12: substitute "all of the requested" for "the additional".

19 **6.** Page 6, line 3: after "hearing" insert "with or".

20 **7.** Page 6, line 9: substitute "15" for "10".

21 **8.** Page 6, line 14: delete that line and substitute:

22 "30.208 (3) (e) Within 30 20 days after the public hearing is held period for  
23 public comment under sub. (4) (b) has ended or".

24 **9.** Page 6, line 20: delete "in this" and substitute "under sub. (3) (e)".

1           **10.** Page 6, line 21: delete “subsection or sub. (4)”.

2           **11.** Page 6, line 21: delete the material beginning with “in the” and ending  
3 with “permit” on line 22.

4           **12.** Page 6, line 23: after “rendered.” insert “The permit that is issued or is  
5 modified, or the contract that is approved, shall authorize the activity as proposed  
6 by the applicant, but the department may impose terms and conditions on the permit  
7 or contract that are consistent with the applicant’s basic proposal.”.

8           **13.** Page 7, line 20: after that line insert:

9           “**SECTION 11m.** 30.208 (5) (a) 1. of the statutes is amended to read:

10           30.208 (5) (a) 1. That the notice be published as a class 1 notice under ch. 985  
11 or by an electronic notification system established by the department.”.

12           **14.** Page 9, line 8: delete lines 8 to 13 and substitute:

13           “**SECTION 18m.** 30.209 (2) (e) of the statutes is created to read:

14           30.209 (2) (e) In an administrative hearing under this section, the petitioner  
15 shall proceed first with the presentation of evidence and shall have the burden of  
16 proof.”.

17           **15.** Page 9, line 13: after that line insert:

18           “**SECTION 19m.** 227.01 (13) (rt) of the statutes is amended to read:

19           227.01 (13) (rt) Is a general permit issued under s. 30.206 or 30.2065.”.

20           **16.** Page 9, line 21: after that line insert:

21           “**SECTION 21m. Effective date.**

