

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2803/P6dn
MGG:wlj:jf

November 30, 2011

Attention: Dan Johnson

1. This preliminary redraft contains all of the changes requested as of this date except for the changes in the initial applicability provisions.

2. I found in drafting this that the procedures with the deadlines found in s. 281.36 (3m) did not mesh that well with the substantive review requirements in s. 281.36 (3n). If the department is going to have public informational hearings and public comment, is the resulting input to be used in the practicable alternative review? I assumed so, and, therefore, I added language in s. 281.36 (3n) (a) (intro.) in an attempt to mesh the timing of the DNR practicable alternative review with the receipt of public input. Such language is necessary so that someone reading the statutes can have an understanding of how the entire application process is to work.

Also, I was not exactly sure how much of the “presumptive permitting” process I was to omit. Please review carefully.

3. In making changes in ss. 30.28, 281.22, and 281.36 (12), I eliminated the requirement that fees be set by rule except for the fees for expedited service under s. 30.28 (2r), and 281.22 (2m). As to the fees created in this draft, none are required to be set by rule. Also, whenever a fee is not set by rule, I included a requirement that the fee be set as necessary to meet DNR's costs.

4. I used the concept of “informational hearing” throughout s. 281.36. OK?

5. The provisions under s. 281.36 (3m) and (3n) for individual permits apply only to issuing and not modifying permits. OK?

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