

State of Misconsin 2011 - 2012 LEGISLATURE



ASSEMBLY AMENDMENT 2, TO 2011 ASSEMBLY BILL 426

January 20, 2012 – Offered by Representative WILLIAMS.

1	At the locations indicated, amend the bill as follows:
2	1. Page 2, line 2: after "activities," insert "procedures for obtaining approvals
3	from the Department of Natural Resources for the construction of utility facilities,".
4	2. Page 24, line 10: after that line insert:
5	"SECTION 8b. 30.025 (1e) (title) and (a) of the statutes are repealed.
6	SECTION 8d. 30.025 (1e) (b) of the statutes is renumbered 30.025 (4m) (b) and
7	amended to read:
8	30.025 (4m) (b) This section subsection does not apply to a proposal to construct
9	a utility facility if the only permit that the utility facility is required to obtain from
10	the department is a storm water discharge permit under s. $283.33(1)(a)$.
11	SECTION 8f. 30.025 (1m) (intro.) of the statutes is amended to read:
12	30.025 (1m) PREAPPLICATION PROCESS. (intro.) Before filing an <u>a combined</u>
13	application under this section <u>for permits</u> under sub. (1s) with the department in lieu

of separate applications, a person proposing to construct a utility facility shall notify
 the department of the intention to file an a combined application under sub. (1s).
 After receiving such notice, the department shall confer with the person, in
 cooperation with the commission, to make a preliminary assessment of the project's
 scope, to make an analysis of alternatives, to identify potential interested persons,
 and to ensure that the person making the proposal is aware of all of the following:
 SECTION 8h. 30.025 (1m) (c) of the statutes is amended to read:

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8 30.025 (1m) (c) The timing of information submissions that the person will be 9 required to provide in order to enable the department to participate in commission 10 review procedures and to process the <u>combined</u> application <u>for permits</u> in a timely 11 manner.

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SECTION 8i. 30.025 (1s) (a) of the statutes is amended to read:

13 30.025 (1s) (a) Any person proposing to construct a utility facility to which this 14section applies shall may, in lieu of separate application for permits, submit one 15combined application for permits together with any additional information required 16 by the department. The combined application shall for permits may be filed with the 17department at the same time that an application for a certificate is filed with the 18 commission under s. 196.49 or in a manner consistent with s. 196.491 (3) and shall 19 include the detailed information that the department requires to determine whether 20 an a combined application for permits is complete and to carry out its obligations 21under sub. (4). The department may require supplemental information to be furnished thereafter. 22

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SECTION 8j. 30.025 (2) of the statutes is amended to read:

30.025 (2) HEARING. Once the applicant meets the requirements of sub. (1s) (a),
the department may schedule the matter for a public hearing. Notice of the hearing

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shall be given to the applicant and shall be published as a class 1 notice under ch. 1 $\mathbf{2}$ 985. The department may give such further notice as it deems proper, and shall give 3 notice to persons requesting same. One copy of the combined application for permits 4 shall be available for public inspection at the office of the department, at least one $\mathbf{5}$ copy in the regional office of the department, and at least one copy at the main public 6 library, of the area affected. Notwithstanding s. 227.42, the hearing shall be an 7 informational hearing and may not be treated as a contested case hearing nor 8 converted to a contested case hearing.

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SECTION 8L. 30.025 (2g) (b) (intro.) of the statutes is amended to read:

10 30.025 (2g) (b) (intro.) The department shall participate in commission 11 investigations or proceedings under s. 196.49 or 196.491 (3) with regard to any 12 proposed utility facility that is subject to this section for which a combined 13 application for permits is filed under sub. (1s). In order to ensure that the 14 commission's decision is consistent with the department's responsibilities, the 15 department shall provide the commission with information that is relevant to only 16 the following:

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SECTION 8n. 30.025 (4m) of the statutes is created to read:

18 30.025 (4m) PROCEDURE FOR A SINGLE PERMIT APPLICATION. (a) A person 19 proposing to construct a utility facility for which not more than one permit is required 20 may submit an application for that single permit with the department in the same 21 manner as a combined application for permits may be submitted under sub. (1s). If 22 the applicant elects to submit the application in the same manner as a combined 23 application for permits, the procedures under this section that apply to a combined 24 application for permits shall apply to that application for a single permit.". 2011 – 2012 Legislature

3. Page 31, line 25: after that line insert: 1 $\mathbf{2}$ **"SECTION 33r.** 196.491 (3) (a) 3. b. of the statutes is amended to read: 196.491 (3) (a) 3. b. Within 20 days after After the department provides a listing 3 4 specified in subd. 3. a. to a person, the person shall apply for the applicable permits 5 and approvals identified in the listing. The department shall determine whether an 6 application under this subd. 3. b. is complete and, no later than 30 days after the 7 application is filed, notify the applicant about the determination. If the department 8 determines that the application is incomplete, the notice shall state the reason for 9 the determination. An applicant may supplement and refile an application that the 10 department has determined to be incomplete. There is no limit on the number of 11 times that an applicant may refile an application under this subd. 3. b. If the 12department fails to determine whether an application is complete within 30 days 13after the application is filed, the application shall be considered to be complete. The 14 department shall complete action on an application under this subd. 3. b. for any permit or approval that is required prior to construction of a facility within 120 days 1516 after the date on which the application is determined or considered to be complete.". 17(END)

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