



State of Wisconsin
1997 - 1998 LEGISLATURE
April 1998 Special Session

LRB-5249/1
RCT:jlg&kmg:jf

ASSEMBLY BILL 4

May 12, 1998 - Introduced by COMMITTEE ON ASSEMBLY ORGANIZATION, by request of Governor Tommy G. Thompson. Referred to Joint committee on Finance.

1 **AN ACT to amend** 299.05 (1) (intro.) and 299.05 (2) (intro.); and **to create** 299.05
2 (2) (a), (c) and (d) of the statutes; **relating to:** the permit guarantee program
3 of the department of natural resources and requiring the exercise of
4 rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, under the permit guarantee program, the department of natural resources (DNR) is required refund fees paid by an applicant for a license or approval of a specified kind if DNR does not make a decision on the application within a time limit specified by DNR by rule. The permit guarantee program currently covers high-capacity well approvals, solid waste facility licenses and hazardous waste facility licenses. The permit guarantee program does not apply to an applicant for a mining or prospecting license or approval.

This bill expands the permit guarantee program. The bill requires DNR to establish deadlines for making decisions on applications for approvals relating to navigable waters, for water pollution discharge permits and for air pollution control permits. The bill authorizes DNR to establish deadlines for other approvals related to water, air, solid waste and hazardous waste.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 299.05 (1) (intro.) of the statutes, as created by 1997 Wisconsin Act
2 27, is amended to read:

3 299.05 (1) (intro.) The department shall promulgate rules under which the
4 department refunds fees paid by an applicant for a license or approval that is issued
5 under ss. 30.10 to 30.205 or 30.21 to 30.27, chs. 280 to 292 or subch. II of ch. 295 and
6 that is of a type specified in sub. (2) ~~the rule~~ if the department fails to make a
7 determination on the application within the time limit specified in the rule for that
8 type of license or approval. The rules under this subsection do not apply to an
9 applicant for a license or other approval related to mining, as defined in s. 293.01 (9),
10 prospecting, as defined in s. 293.01 (18), or nonmetallic mining, as defined in s.
11 295.11 (3).

12 **SECTION 2.** 299.05 (2) (intro.) of the statutes, as created by 1997 Wisconsin Act
13 27, is amended to read:

14 299.05 (2) (intro.) The department shall specify time limits for at least the
15 following types of licenses and approvals in the rules under sub. (1):

16 **SECTION 3.** 299.05 (2) (a), (c) and (d) of the statutes are created to read:

17 299.05 (2) (a) Permits and other approvals under ss. 30.10 to 30.205 and 30.21
18 to 30.27.

19 (c) Permits under subch. IV of ch. 283.

20 (d) Permits under subch. VII of ch. 285.

21 **SECTION 4. Nonstatutory provisions.**

1 (1) The department of natural resources shall submit proposed rules required
2 under section 299.05 of the statutes, as affected by this act, to the legislative council
3 staff for review under section 227.15 (1) of the statutes no later than the first day of
4 the 13th month beginning after the effective date of this subsection.

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(END)