

2001 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB55)

Received: 06/23/2001

Received By: gibsom

Wanted: As time permits

Identical to LRB:

For: Assembly Republican Caucus

By/Representing: Tessmer

This file may be shown to any legislator: NO

Drafter: gibsom

May Contact:

Addl. Drafters:

Subject: Nat. Res. - nav. waters

Extra Copies:

Submit via email: NO

Requester's email:

Pre Topic:

ARC:.....Tessmer - AM94,

Topic:

Chapter 30 revision--Timelines for complete applications and public hearings

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	gibsom 06/23/2001	gilfokm 06/23/2001	jfrantze 06/23/2001	_____	lrb_docadmin 06/24/2001		

FE Sent For:

<END>

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<END>

30.02(3), Stats. must file an affidavit within 30 days of filing the objection establishing the substantive basis for the objection and committing to appear at a hearing and call witnesses in support of the objection. In a contested case hearing, the burden of proof shall be on those who object to the issuance of the permit.

7. Any person who files an objection to the permit may be required to pay the costs and attorneys fees of an applicant incurred in responding to the objection if the objection is found to be frivolous as provided in 814.025, Stats.
8. The Division of Hearings and Appeals will assign ALJ's to hear cases in a random manner. If the agency does not agree to schedule a hearing within 120 days of an agency denying a permit or contract

Fiscal Impact: None

Location/Status: Adopt ARC Amendment #84 (Bies)

D. Non-Metallic Reclamation Exemption

A nonmetallic mining reclamation ordinance and the standards established do not apply to removal of topsoil, other than soil taken from the bed of a navigable water, from an area the size of which does not exceed the size determined by dividing the total acreage of the contiguous land under common ownership on which the area is located by 40 and multiplying the result by 3, if no other material is removed from the area.

In addition, the department may not charge an annual fee of more than \$100 for a nonmetallic mining site with one to five acres that have not been reclaimed, if the nonmetallic mining site is approved for a wildlife enhancement project, or an annual fee of more than \$300 for any other nonmetallic mining site with one to five acres that have not been reclaimed.

Affected agency: DNR

Fiscal Impact: \$25,500 Loss of Revenue from Environmental Fund SEG

Location/Status: Adopt LRB 3414/P2 (Albers)

E. Chapter 30 revision – Timelines for Complete Applications and Public Hearings

Add language to Section 30.02 to read: The department shall initially determine whether a complete application has been submitted and, no later than 30 days after the application is submitted, notify the applicant in writing about the initial determination of completeness.

If the department determines that the application is incomplete, the notice shall state the reason for the determination and the specific items of information necessary to make the application complete. An applicant may supplement and resubmit an application that the department has determined to be incomplete. There is no limit on the number of times that an applicant may resubmit an application that the department has determined to be incomplete under this subdivision.

The department may not demand items of information that are not specified in the notice as a condition for determining whether the application is complete unless both the

department and the applicant agree or unless the applicant makes material additions or alterations to the project for which the application has been submitted.

Additionally, amend Section 30.02 (4)(a) to require a public hearing be held with 30 days of an order to conduct such a hearing.

Agency affected: DNR

Fiscal Impact: \$0

Location/Status: New motion (Kedzie)

F. Piers and Docks

All piers and docks built before January 1, 2001 would be "grandfathered" and not subject to current DNR rulemaking authority. Further, the DNR would be required to promulgate new rules to regulate piers and docks constructed after January 1, 2001.

Location/Status: New motion (Gunderson)

Fiscal impact: None.

G. Land Purchase Approval

Require the Board of Commissioners of Public Lands to submit a request to the Joint Committee on Finance for approval of the land purchase which is currently owned by WPS in Marinette County

Affected agency: Public Lands

Fiscal Impact: None.

Location/Status: Adopt ARC Amendment #258 (Montgomery)

6. Air Management

A. Bureau of Air Management — General Construction Permits

Authorize DNR to promulgate administrative rules that specify the types of stationary sources of air emissions that may obtain general construction permits. A general construction permit may cover several similar stationary sources. It would be used instead of issuing an individual construction permit for each source covered by the general construction permit. Examples of categories for which a general construction permit might be created would include crushers, package boilers, degreasing units, dry cleaners and hot-mix asphalt plants.

Affected agency: DNR

Fiscal Impact: \$0

Location/Status: Adopt ARC Amendment #193 (Kedzie)

soon

ARC:.....Tessmer - AM94, Chapter 30 revision—Timelines for complete applications and public hearings

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

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

2 *✓* 1. Page 492, line 2: after that line insert:

3 "SECTION 1245g. 30.015 of the statutes is created to read:

4 **30.015 Time limits for issuing permit determinations.** In issuing permits
5 under this chapter, the department shall initially determine whether a complete
6 application for the permit has been submitted and, no later than 30 days after the
7 application is submitted, notify the applicant in writing about the initial
8 determination of completeness. If the department determines that the application
9 is incomplete, the notice shall state the reason for the determination and the specific
10 items of information necessary to make the application complete. An applicant may

1 supplement and resubmit an application that the department has determined to be
 2 incomplete. There is no limit on the number of times that an applicant may resubmit
 3 an application that the department has determined to be incomplete under this
 4 ~~subdivision~~ ^{section}. The department may not demand items of information that are not
 5 specified in the notice as a condition for determining whether the application is
 6 complete unless both the department and the applicant agree or unless the applicant
 7 makes material additions or alterations to the project for which the ~~the~~ application
 8 has been submitted. e

9 **SECTION 1245a.** 30.02 (3) of the statutes is amended to read: (P)

10 30.02 (3) Upon receipt of a complete permit application or a request for a
 11 determination under s. 236.16 (3) (d), the department shall either schedule a public
 12 hearing to be held within 30 days after ~~the~~ receipt of the application or request or
 13 provide notice stating that it will proceed on the application or request without a
 14 public hearing if, within 30 days after the publication of the notice, no substantive
 15 written objection to issuance of the permit is received or no request for a hearing
 16 concerning the determination under s. 236.16 (3) (d) is received. The notice shall be
 17 provided to the clerk of each municipality in which the project is located and to any
 18 other person required by law to receive notice. The department may provide notice
 19 to other persons as it deems appropriate. The department shall provide a copy of the
 20 notice to the applicant, who shall publish it as a class 1 notice under ch. 985 in a
 21 newspaper designated by the department that is likely to give notice in the area
 22 affected. The applicant shall file proof of publication with the department.

History: 1987 a. 374; 1997 a. 172.

23 **SECTION 1245r.** 30.02 (4) (a) of the statutes is amended to read:

1 30.02 (4) (a) If a public hearing is ordered, the division of hearings and appeals
2 shall mail a written notice at least 10 days before the hearing to each person given
3 notice under sub. (3) and in the case of an application for a permit, to any person who
4 submitted a substantive written objection to issuance of the permit. The public
5 hearing shall be conducted within 30 days after the hearing is ordered.

History: 1987 a. 374; 1997 a. 172.

6 **SECTION 1245⁵.** 30.02 (4) (b) of the statutes is amended to read:

7 30.02 (4) (b) The applicant shall publish a class 1 notice under ch. 985 of the
8 public hearing in a newspaper designated by the department that is likely to give
9 notice in the area affected. The applicant shall file proof of publication under this
10 paragraph with the hearing examiner at or prior to the hearing.”.

History: 1987 a. 374; 1997 a. 172.

11

(END)



ARC:.....Tessmer - AM94, Chapter 30 revision—Timelines for complete applications and public hearings

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1 supplement and resubmit an application that the department has determined to be
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3 an application that the department has determined to be incomplete under this
4 section. The department may not demand items of information that are not specified
5 in the notice as a condition for determining whether the application is complete
6 unless both the department and the applicant agree or unless the applicant makes
7 material additions or alterations to the project for which the application has been
8 submitted.

9 **SECTION 1245p.** 30.02 (3) of the statutes is amended to read:

10 30.02 (3) Upon receipt of a complete permit application or a request for a
11 determination under s. 236.16 (3) (d), the department shall either schedule a public
12 hearing to be held within 30 days after receipt of the application or request or provide
13 notice stating that it will proceed on the application or request without a public
14 hearing if, within 30 days after the publication of the notice, no substantive written
15 objection to issuance of the permit is received or no request for a hearing concerning
16 the determination under s. 236.16 (3) (d) is received. The notice shall be provided
17 to the clerk of each municipality in which the project is located and to any other
18 person required by law to receive notice. The department may provide notice to other
19 persons as it deems appropriate. The department shall provide a copy of the notice
20 to the applicant, who shall publish it as a class 1 notice under ch. 985 in a newspaper
21 designated by the department that is likely to give notice in the area affected. The
22 applicant shall file proof of publication with the department.

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25 shall mail a written notice at least 10 days before the hearing to each person given

1 notice under sub. (3) and in the case of an application for a permit, to any person who
2 submitted a substantive written objection to issuance of the permit. The public
3 hearing shall be conducted within 30 days after the hearing is ordered.

4 **SECTION 1245s.** 30.02 (4) (b) of the statutes is amended to read:

5 30.02 (4) (b) The applicant shall publish a class 1 notice under ch. 985 of the
6 public hearing in a newspaper designated by the department that is likely to give
7 notice in the area affected. The applicant shall file proof of publication under this
8 paragraph with the hearing examiner at or prior to the hearing.”

9 (END)