

**2003 DRAFTING REQUEST**

**Bill**

Received: **02/09/2003**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **John Ainsworth (608) 266-3097**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Transportation - miscellaneous  
Transportation - mot veh dealers**

Extra Copies: **ARG, TNF**

Submit via email: **NO**

**Pre Topic:**

No specific pre topic given

**Topic:**

Salvage dealers

**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>
/?							
/P1	phurley 02/20/2003	kgilfoy 02/21/2003	rschluet 02/24/2003	_____	mbarman 02/24/2003		
/1	phurley 03/26/2003 phurley 10/03/2003	kgilfoy 03/26/2003 kgilfoy 10/03/2003	jfrantze 03/26/2003	_____ _____	lemery 03/26/2003	lemery 03/26/2003	
/2			pgreensl 10/03/2003	_____	sbasford 10/03/2003	sbasford 10/03/2003	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/3	phurley 11/11/2003	kgilfoy 11/11/2003	rschluet 11/12/2003	_____	sbasford 11/12/2003	sbasford 11/12/2003	

FE Sent For:

<END>

*AK  
intro.*

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	phurley 10/03/2003	kgilfoy 10/03/2003		_____			
/2		1/3 - 11/11 kmq	pgreensl 10/03/2003	_____	sbasford 10/03/2003	sbasford 10/03/2003	

*[Handwritten signature and scribbles]*  
11 12 3

FE Sent For:

**<END>**

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/1	phurley 03/26/2003	kgilfoy 03/26/2003	jfrantze 03/26/2003		lemery 03/26/2003	lemery 03/26/2003	

FE Sent For:

12-10/3  
kmq

10/3  
PJ

10/3  
K/RO

<END>

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May Contact:

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Transportation - mot veh dealers**

Extra Copies: **ARG, TNF**

Submit via email: **NO**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Salvage dealers

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**Instructions:**

see attached

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/? /P1	phurley 02/20/2003	kgilfoy 02/21/2003	rschluet 02/24/2003	_____	mbarman 02/24/2003		

FE Sent For:

*1-3/26*  
*kmq*  
*3/26*  
*Jill*  
*3/26*  
 <END>

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1?	phurley	1/11-2/21 Kmg					

FE Sent For:

2-24-03  
<END>

# Bill Request Form

Legislative Reference Bureau  
100 N. Hamilton Street  
Legal Section. 266-3561

You may use this form or talk directly with the LRB attorney who will draft the bill.

Date 1-16-03

Legislator, agency, or other person requesting this draft Rep. Ainsworth

Person submitting request (name and phone number) Carol Redell 6-3097

Persons to contact for questions about this draft (names and phone numbers) Carol Redell/Ainsworth's Office 6-3097

Describe the problem, including any helpful examples. How do you want to solve the problem?

*Amend Sec. 218.20 W. Stats requiring proof be obtained for the issuance or renewal of a salvage dealer's license. Suggested language is enclosed as proposed by the Concerned Auto Recyclers of Wisconsin.*

Please attach a copy of any correspondence or other material that may help us. If you know of any statute sections that might be affected, list them or provide a marked-up copy.

You may attach a marked-up copy of any LRB draft or provide its number (e.g., 2001 LRB-2345/1 or 1999AB-67).

Requests are confidential unless stated otherwise. May we tell others that we are working on this for you? YES NO

If yes: Anyone who asks?  YES  NO  
Any legislator?  YES  NO

Only the following persons \_\_\_\_\_

Do you consider this request urgent? YES  NO  If yes, please indicate why \_\_\_\_\_

Should we give this request priority over any pending request of this legislator, agency, or person?

YES  NO

[REDACTED]  
BROYDRICK  
&  
ASSOCIATES  
[REDACTED]

Public Affairs

Thursday, January 16, 2003

Representative John Ainsworth  
Chair, Assembly Transportation Committee  
P.O. Box 8953  
Madison, WI 53708-8953

Dear Representative Ainsworth:

The Concerned Auto Recyclers of Wisconsin (CARS) represents an industry dedicated to the efficient removal and reuse of automotive parts, and the proper disposal of inoperable motor vehicles. Auto recycling provides consumers with quality, low cost alternatives for vehicle replacement parts, while preserving our environment for tomorrow.

In an effort to continue this business and environment-friendly philosophy, CARS has had a proud history of working closely with the Auto Recyclers Industry, the Department of Transportation (DOT), the Department of Agriculture, Trade and Consumer Protection (DATCP) and the Department of Natural Resources (DNR).

Each year, salvage dealers must apply for the issuance or renewal of a "salvage dealer's license" with the DOT (stat. 218.20). DOT currently requires a storm water Permit Number and the Refrigerant Recovery Permit Number (where applicable) on the license applications. Some DOT investigators (**but not all**) refuse salvage licenses to applicants until proof is provided that the yard meets the requirements of the DNR permits. CARS agrees with this standard of procedure.

Providing permit numbers has gone a long way in assisting DOT and DNR to confirm a salvage yard's environmental and business compliance. However, neither department has the staff necessary to check if the information is accurate or current. Since the State's current budget problems will make it difficult (or impossible) for the agencies to hire the staff necessary to verify application information - CARS believes it has identified a mechanism that will solve this problem without creating unnecessary administrative costs.

On behalf of the Concerned Auto Recyclers of Wisconsin, I would like to request your assistance to author legislation that would provide statutory modifications to require the

following proof be obtained for the issuance or renewal of a "salvage dealer's license"(Stat 218.20):

- Require proof that the salvage dealer applicant has coverage under a DNR Storm Water Discharge Permit for their salvage facility. This could be demonstrated by requiring that the applicant provide a copy of the DNR permit cover letter that authorizes storm water discharge permit coverage (Stat. 283.33)
- Require that the applicant have a current Refrigerant Recovery Permit. Again, this could be obtained by requiring that the applicant provide an official copy of a current DNR Refrigerant Recovery Permit (Stat. 100.45)
- Finally, require that the applicant provide a letter from their respective County Executive or County Clerk's office indicating the applicant is in compliance with County regulations.

Again, the members of the Concerned Auto Recyclers of Wisconsin believe these modifications will provide a business-responsible / business-friendly action that will serve to protect the environment, protect consumers and assist local government with enforcement of local salvage regulations.

If you should have any questions regarding this matter, please feel free to me at (608) 255-0566.

Sincerely,



Forbes McIntosh  
Lobbying Consultant



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-2010/?

PJH:/:....  
*mg*

PI

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

*Sen. Cat.*

1 AN ACT */*; relating to: the licensing of motor vehicle salvage dealers.

*Analysis by the Legislative Reference Bureau*

Under current law, all motor vehicle salvage dealers must be licensed by the Department of Transportation (DOT). A motor vehicle salvage dealer is a person who purchases and resells motor vehicles for wrecking, processing, scrapping, recycling, or dismantling purposes or who conducts the business of wrecking, processing, scrapping, recycling, or dismantling motor vehicles or selling parts of those vehicles.

Current law also requires a person who owns or operates a point source of water pollution to obtain from the Department of Natural Resources (DNR) a permit to discharge storm water and a person who recovers ozone-depleting refrigerants to obtain from DNR a permit for safe recovery of the refrigerants.

This bill requires every applicant for a new or renewed motor vehicle salvage dealer license to provide to DOT a copy of a permit issued by DNR relating to storm water discharge and to refrigerant recovery. The bill also requires every applicant for a new or renewed motor vehicle salvage dealer license to provide a letter from the county executive or county administrator in the county where the applicant's business is to be conducted that states the applicant's business complies with county ordinances relating to storm water discharge and refrigerant recovery.

*That*

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

2 SECTION 1. 218.21 (2) (eg) of the statutes is created to read:

1 218.21 (2) (eg) A copy of a permit issued to the applicant under s. 283.22.

2 SECTION 2. 218.21 (2) (em) of the statutes is created to read:

3 218.21 (2) (em) A copy of a permit issued to the applicant under s. 100.45.

4 SECTION 3. 218.21 (2) (er) of the statutes is created to read:

5 218.21 (2) (er) A letter from the county executive or county administrator in  
6 the county where the applicant's business is to be conducted that states the  
7 applicant's business complies with county ordinances relating to storm water  
8 discharge and refrigerant recovery.

that

9 SECTION 4. 218.21 (2m) (a) of the statutes is amended to read:

10 218.21 (2m) (a) The department shall deny an application for the issuance or  
11 renewal of a license if any information required under sub. (2) (ag) or (am) is not  
12 included in the application or if a document required under sub. (2) (eg) to (er) is not  
13 included with the application or is not valid.

History: 1975 c. 288; 1977 c. 29 s. 1654 (7) (a); 1977 c. 272, 415, 447; 1979 c. 32; 1987 a. 351; 1991 a. 39; 1993 a. 112; 1997 a. 191, 237, 283; 1999 a. 9, 31, 32; 2001 a. 109.



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-2010/P1

PJH:kmg:rs

NOW

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

1 AN ACT *to amend* 218.21 (2m) (a); and *to create* 218.21 (2) (eg), 218.21 (2) (em)  
2 and 218.21 (2) (er) of the statutes; **relating to:** the licensing of motor vehicle  
3 salvage dealers.

---

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Under current law, all motor vehicle salvage dealers must be licensed by the Department of Transportation (DOT). A motor vehicle salvage dealer is a person who purchases and resells motor vehicles for wrecking, processing, scrapping, recycling, or dismantling purposes or who conducts the business of wrecking, processing, scrapping, recycling, or dismantling motor vehicles or selling parts of those vehicles.

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**Barman, Mike**

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**From:** Hurley, Peggy  
**Sent:** Wednesday, March 26, 2003 10:58 AM  
**To:** Barman, Mike  
**Subject:** FW: LRB 2010/1 - Jacket Request

Could you please jacket this draft? Thanks.

Peggy J. Hurley  
Legislative Reference Bureau  
100 North Hamilton Street  
Madison, Wisconsin 53701-2037  
608 266 8906

Jacket  
"/1"  
(being re-drafted)  
Chow a /PI)

-----Original Message-----

**From:** Rep.Ainsworth  
**Sent:** Wednesday, March 26, 2003 10:57 AM  
**To:** Hurley, Peggy  
**Subject:** LRB 2010/1 - Jacket Request

Peggy -- Could you please jacket LRB 2010/1 - Licensing of motor vehicle salvage dealers for Rep. Ainsworth?

Thanks,

Carol/Ainsworth's Office  
Room 309 North  
6-3097

April 4, 2003

To: Senator Robert Cowles, attn: Jennifer Halbur  
From: Carson P. Frazier  
Re: DOT comments on 2003 LRB-2010/1, licensing of motor vehicle salvage dealers.

Thank you for asking DOT to review the bill draft. Randy Romanski asked us in DMV to reply on his behalf. We have the following comments on the draft:

- Page 1, LRB analysis: S. 100.45 seems to be a Department of Agriculture, Trade, and Consumer Protection permit. LRB may wish to clarify that in the analysis.
- Page 2, line 2: The citation is incorrect; no s.283.22 exists. It may be s.283.33, but DOT is not sure. LRB may wish to check the citation.
- Not all salvage dealer applicants need a permit. First, some types of salvage dealers do not ever engage in practices that require a permit. Second, even for the applicant for a license of the type that generally requires permits, the specific dealership may not need a permit. DOT would not know whether an individual applicant requires a permit. Therefore, all applicants must submit some documentation, either a permit or a statement from the issuing authority that the applicant does not require a permit. The following amendments should be made:
  1. Page 2, line 2: at the end of that line, insert “or a statement from the department of natural resources that the applicant is not required to have a permit under s.283.33.”
  2. Page 2, line 4: at the end of that line, insert “or a statement from the department of agriculture, trade, and consumer protection that the applicant is not required to have a permit under s.100.45.”
  3. Page 2, line 6, after “letter” insert “from on county letterhead, signed by”.
  4. Page 2, line 9: at the end of that line, insert “or that the county does not have such ordinances or that the county does not certify compliance with such ordinances.”
- DOT is not statutorily authorized to determine the validity of any permit under s.283.33 or under s.100.45 or any certification of compliance with county ordinances. Only the issuing agency is authorized by statute to make that determination. Consequently, DOT cannot be liable for decisions as to validity. Thus, the following amendment should be made:
  - Page 2, line 14, delete the words “or is not valid”, so that line 14 reads “included with the application.”

Thank you again for the opportunity to review the draft. If you'd like to discuss any of our comments, please let us know.

CC: Randy Romanski, Executive Assistant



## 2003 BILL

by 10-6-03

1 **AN ACT to amend** 218.21 (2m) (a); and **to create** 218.21 (2) (eg), 218.21 (2) (em)  
2 and 218.21 (2) (er) of the statutes; **relating to:** the licensing of motor vehicle  
3 salvage dealers.

### *Analysis by the Legislative Reference Bureau*

Under current law, all motor vehicle salvage dealers must be licensed by the Department of Transportation (DOT). A motor vehicle salvage dealer is a person who purchases and resells motor vehicles for wrecking, processing, scrapping, recycling, or dismantling purposes or who conducts the business of wrecking, processing, scrapping, recycling, or dismantling motor vehicles or selling parts of those vehicles.

Current law also requires a person who owns or operates a point source of water pollution to obtain from the Department of Natural Resources (DNR) a permit to discharge storm water and a person who recovers ozone-depleting refrigerants to obtain from ~~DNR~~ a permit for safe recovery of the refrigerants.

This bill requires every applicant for a new or renewed motor vehicle salvage dealer license to provide to DOT a copy of a permit issued by DNR relating to storm water discharge and to refrigerant recovery. The bill also requires every applicant for a new or renewed motor vehicle salvage dealer license to provide a letter from the county executive or county administrator in the county where the applicant's

the Department of  
Agriculture,  
Trade and  
Consumer Protection  
(DATCP)

if  
required  
by  
DNR

a copy of a permit, if required by DATCP, issued by  
DATCP relating



## Hurley, Peggy

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**From:** Stoebig, Tom J DATCP  
**Sent:** Monday, November 10, 2003 1:45 PM  
**To:** Hurley, Peggy  
**Subject:** LRB 2010/2 - Licensing of motor vehicle salvage dealers

Peggy:

This bill draft, among other things, requires applicants for a new or renewed motor vehicle salvage dealer license issued by DOT to provide a copy of their DNR stormwater discharge permit and a copy of their DATCP mobile air conditioning registration issued under s. 100.45, Stats.

Generally, we do not license motor vehicle salvage operators under s. 100.45, Stats., for the purposes of refrigerant recovery compliance. Instead, this task is performed by DNR under s. 285.59, Stats. Under this statutory authority, DNR adopted Chapter NR 488, Wis. Adm. Code, to license and regulate salvage operators to ensure proper recovery of refrigerants used in both mobile and stationary air conditioning and refrigeration systems.

Section 100.45, Stats. relates to licensing and regulating entities (public and private) which are engaged in the repair and servicing of mobile air conditioning and trailer refrigeration systems. We have rules under Chapter ATCP 136, Wis. Adm. Code, that specify repair and service requirements, technician training requirements, equipment standards, etc.

The only situation where we would license a motor vehicle salvage operation is if that salvage operator was also engaged in vehicle repair and service work associated with motor vehicle air conditioning systems.

I do believe that you have incorporated the wrong statutory cross reference in LRB 2010/2. Instead of referring to s. 100.45, Stats., in Section 2 of the bill draft, you will want to refer to DNR's refrigerant recovery requirements for salvagers under s. 285.59, Stats.

Call me at 608-224-4944 if you have any questions or need further information.

## Hurley, Peggy

---

**From:** Redell, Carol  
**Sent:** Monday, November 10, 2003 1:15 PM  
**To:** Hurley, Peggy  
**Subject:** RE: auto salvage bill - LRB 2010

I'll send it over right away. Thanks a lot, Peggy.

-----Original Message-----

**From:** Hurley, Peggy  
**Sent:** Monday, November 10, 2003 1:07 PM  
**To:** Rep.Ainsworth  
**Subject:** RE: auto salvage bill - LRB 2010

Carol,

I need the jacket back before I can redraft. Thanks!

Peggy J. Hurley  
Legislative Reference Bureau  
100 North Hamilton Street  
Madison, Wisconsin 53701-2037  
608 266 8906

-----Original Message-----

**From:** Rep.Ainsworth  
**Sent:** Monday, November 10, 2003 12:18 PM  
**To:** Hurley, Peggy  
**Subject:** FW: auto salvage bill - LRB 2010

Peggy -- The DNR has suggested specific revisions (outlined below) to the Auto Salvage Bill draft. Our office, along with Senator Cowles' office would like to have these revisions incorporated into the draft and would also like to know if a revised draft could be ready for circulation later this week?

Thanks, Peggy

Carol/Rep. Ainsworth's Office

----- Forwarded Message

**From:** "Stuart, Todd" <Todd.Stuart@legis.state.wi.us>  
**Date:** Mon, 10 Nov 2003 11:59:38 -0600  
**To:** "'mcintosh@broydrick.com'" <mcintosh@broydrick.com>  
**Subject:** auto salvage bill

Forbes:

Sorry to take so long responding. My boss wanted me to run it past DNR. I think he'll be OK with this bill, but wanted to show you what the DNR had suggested. Let me know what you think:

-----Original Message-----

**From:** Rasmussen, Russell A. (DNR)  
**Sent:** Friday, November 07, 2003 12:16 PM  
**To:** Kluesner, Elizabeth M  
**Subject:** RE: Salvage Dealers

Hi Elizabeth: It looks good except that all of our stormwater coverage for these facilities is handled through a general permit. It would not be efficient to require each facility to submit a copy of the same large bulky permit to DOT. It would be more appropriate to require submittal of the letter granting coverage to the facility under the general permit that we issue. With that in mind, I suggest the following change:

Section 1. 218.21 (2)(eg) of the statutes is created to read:

218.21 (2)(eg) A copy of a permit correspondence on department of natural resources letterhead conveying permit coverage issued to the applicant under s. 283.33, or a statement from the department of natural resources that the applicant is not required to have a permit under s. 283.33.

Let me know if you need anything further.

Russ Rasmussen

Runoff Management Section Chief  
WI Department of Natural Resources  
(608) 267-7651  
Russell.Rasmussen@dnr.state.wi.us

Todd C. Stuart  
Office of State Senator Rob Cowles  
608.266.0484 Office  
608.267.0304 Fax  
todd.stuart@legis.state.wi.us

----- End of Forwarded Message



3  
mr

### 2003 ASSEMBLY BILL

by 11-15-03  
11-11-03

1 AN ACT to amend 218.21 (2m) (a); and to create 218.21 (2) (eg), 218.21 (2) (em)  
2 and 218.21 (2) (er) of the statutes; relating to: the licensing of motor vehicle  
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#### Analysis by the Legislative Reference Bureau

Under current law, all motor vehicle salvage dealers must be licensed by the Department of Transportation (DOT). A motor vehicle salvage dealer is a person who purchases and resells motor vehicles for wrecking, processing, scrapping, recycling, or dismantling purposes or who conducts the business of wrecking, processing, scrapping, recycling, or dismantling motor vehicles or selling parts of those vehicles.

Current law also requires a person who owns or operates a point source of water pollution to obtain from the Department of Natural Resources (DNR) a permit to discharge storm water and a person who recovers ozone-depleting refrigerants to obtain from the Department of Agriculture, Trade and Consumer Protection (DATCP) a permit for safe recovery of the refrigerants.

This bill requires every applicant for a new or renewed motor vehicle salvage dealer license to provide to DOT a copy of a permit, if required by DNR, issued by DNR relating to storm water discharge and a copy of a permit, if required by DATCP, issued by DATCP relating to refrigerant recovery. The bill also requires every applicant for a new or renewed motor vehicle salvage dealer license to provide a letter from the county executive or county administrator in the county where the applicant's business is to be conducted that states that the applicant's business complies with county ordinances relating to storm water discharge and refrigerant

motor vehicle salvage dealer

DNR

DNR

has been

proof that

has been

DNR

proof that

**ASSEMBLY BILL**

recovery, or that the county does not certify compliance, or that the county has no related ordinances.

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

Correspondence on department of natural resources letterhead conveying permit coverage

1 SECTION 1. 218.21 (2) (eg) of the statutes is created to read:

2 218.21 (2) (eg) A copy of a permit issued to the applicant under s. 283.33, or a  
3 statement from the department of natural resources that the applicant is not  
4 required to have a permit under s. 283.33.

5 SECTION 2. 218.21 (2) (em) of the statutes is created to read:

6 218.21 (2) (em) A copy of a permit issued to the applicant under ~~s. 100.43~~ or a  
7 statement from the department of agriculture, trade and consumer protection that  
8 the applicant is not required to have a permit under ~~s. 100.43~~.

rules promulgated by the department of natural resources pursuant to S. 285.59

natural resources

9 SECTION 3. 218.21 (2) (er) of the statutes is created to read:

10 218.21 (2) (er) A letter on county letterhead, signed by the county executive or  
11 county administrator in the county where the applicant's business is to be conducted,  
12 that states that the applicant's business complies with county ordinances relating to  
13 storm water discharge and refrigerant recovery, or that the county does not certify  
14 compliance with county ordinances relating to storm water discharge and  
15 refrigerant recovery, or that the county has no ordinance relating to storm water  
16 discharge or refrigerant recovery.

17 SECTION 4. 218.21 (2m) (a) of the statutes is amended to read:

18 218.21 (2m) (a) The department shall deny an application for the issuance or  
19 renewal of a license if any information required under sub. (2) (ag) or (am) is not

**ASSEMBLY BILL**

1 included in the application or if a document required under sub. (2) (eg) to (er) is not  
2 included with the application.

3 (END)