

In addition, the bill specifies that it does not preclude a governmental unit of this state from specifying additional requirements for the retention of any document of another governmental unit subject to its jurisdiction. It is unclear how this provision relates to other provisions of the bill which provide that an electronic document satisfies any retention requirement as long as specified requirements relating to accuracy and accessibility are also satisfied. It is also unclear whether this provision grants rule-making authority or merely references any authority that may exist currently. This provision is narrower than a corresponding provision included in the version of UETA recommended for enactment in all of the states in that the corresponding provision is not specifically limited in its application to documents of governmental units.

#### *Evidence*

Under this bill, a document or signature may not be excluded as evidence solely because it is in electronic form. This provision confirms the treatment of electronic documents and signatures under current law.

#### *Automated transactions*

This bill validates contracts formed in automated transactions by the interaction of automated agents of the parties or by the interaction of one party's automated agent and an individual. Under current law, it is possible to argue that an automated transaction may not result in an enforceable contract because, at the time of the transaction, either or both of the parties lack an expression of human intent to form the contract.

#### *Time and location of electronic sending and receipt*

Under this bill, an electronic document is sent when the electronic document a) is addressed or otherwise properly directed to an information processing system that the intended recipient has designated or uses for the purpose of receiving electronic documents or information of the type sent and from which the recipient is able to retrieve the electronic document; b) is in a form capable of being processed by that information processing system; and c) enters an information processing system outside of the control of the sender or enters a region of the information processing system used or designated by the recipient that is under the recipient's control. An electronic document is received when the electronic document enters and is in a form capable of being processed by an information processing system that the recipient has designated or uses for the purpose of receiving electronic documents or information of the type sent and from which the recipient is able to retrieve the electronic document. The bill permits the parties to a transaction to agree to alter the effect of these provisions with respect to the transaction. Under the bill, an electronic document may be received even if no individual is aware of its receipt. Furthermore, under the bill, an electronic acknowledgment of receipt from the information processing system used or designated by the recipient establishes that the electronic document was received but does not establish that the information sent is the same as the information received.

These provisions may be interpreted to alter laws under which the date of receipt of a public record submitted for filing is the date on which a paper copy is received or postmarked, so that the date of electronic filing constitutes the date of

receipt instead. However, as noted earlier, this bill specifically states that it applies only to transactions between parties each of which has agreed to conduct transactions by electronic means. Although the definition of “transaction” may be interpreted broadly to include a typical governmental action like the filing of a document, the prefatory note and comments to UETA imply that a narrower interpretation is intended which covers only the actions of the government as a market participant. If the narrower interpretation applies, then these provisions will likely have no effect upon the filing of most public records.

Under this bill, an electronic document is deemed to be sent from the sender’s place of business that has the closest relationship to the underlying transaction and to be received at the recipient’s place of business that has the closest relationship to the underlying transaction. If the sender or recipient does not have a place of business, the electronic document is deemed to be sent or received from the sender’s or recipient’s residence. The bill also permits a sender to expressly provide in an electronic document that the document is deemed to be sent from a different location. The bill also permits the parties to a transaction to agree to alter the effect of these provisions on the transaction. To the extent that an electronic document may constitute a sale, with the seller receiving payment electronically, these provisions may be interpreted to permit a seller to argue that a sale occurred in a jurisdiction where the seller is not subject to a tax that would otherwise be imposed under Wisconsin law. However, the official comments imply that this interpretation is not intended.

In addition, under the bill, if a person is aware that an electronic document purportedly sent or purportedly received in compliance with these provisions was not actually sent or received, the legal effect of the sending or receipt is determined by other applicable law. Although the official comments are silent on the meaning of this provision, it is likely intended to give a court direction as to what law to apply to determine the legal effect when there is a *failure* to send or receive an electronic document in the manner provided under the bill.

#### *Transferable records*

This bill expands current law with regard to transactions involving the use of transferable records (electronic versions of certain documents under the ~~Uniform Commercial Code~~). Although current law under E-sign only permits the use of transferrable records in transactions secured by real property, this bill permits the use of transferable records in any transaction in which a promissory note or document of title under the ~~Uniform Commercial Code~~ may be used. Under this bill, an electronic document qualifies as a transferable record only if the issuer of the electronic document expressly agrees that the electronic document is a transferable record.

#### **SALES TAX EXEMPTION FOR TEMPORARY HELP SERVICES**

Under this bill, no part of the charge for services provided by a temporary help company is subject to the sales tax, if the client for whom the services are provided controls the means of performing the services and is responsible for the satisfactory completion of the services. Under current law, a temporary help company is,

generally, any entity that contracts with a client to supply individuals to perform services for the client on a temporary basis.

This bill will be referred to the Joint Survey Committee on Tax Exemptions for a detailed analysis, which will be printed as an appendix to this bill.

For further information see the *state and local* 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:*

**\*-3380/P5.1\* SECTION 1.** 16.957 (2) (b) 1. (intro.) of the statutes is amended to read:

16.957 (2) (b) 1. (intro.) Subject to subd. 2. and the rules promulgated under sub. (2m), after holding a hearing, establish programs for awarding grants from the appropriation under s. 20.505 (3) (s) for each of the following:

**\*-3380/P5.2\* SECTION 2.** 16.957 (2) (c) 2. of the statutes is amended to read:  
16.957 (2) (c) 2. Requirements and procedures for applications for grants awarded under programs established under par. (a) or (b) 1. The rules for grants awarded under programs established under par. (b) 1. may not be inconsistent with the rules promulgated by the commission under sub. (2m).

**\*-3380/P5.3\* SECTION 3.** 16.957 (2m) of the statutes is created to read:  
16.957 (2m) ENERGY CONSERVATION AND EFFICIENCY GRANTS. The commission shall promulgate rules that provide that a proposal for providing energy conservation or efficiency services is not eligible for a grant under sub. (2) (b) unless the applicant demonstrates that, no later than a reasonable period of time, as determined by the commission, after the applicant begins to implement the proposal, the economic value of the benefits resulting from the proposal will be equal to the amount of the grant. The rules shall also specify annual energy savings targets that

*L.P.S. Suppress All Atty. Members.*

1 a such proposal must be designed to achieve in order for the proposal to be eligible  
2 for a grant under sub. (2) (b).

3 **\*-3380/P5.4\* SECTION 4.** 16.957 (3) (b) of the statutes is amended to read:

4 16.957 (3) (b) The department shall, on the basis of competitive bids, contract  
5 with one or more nonstock, nonprofit corporations organized under ch. 181 to  
6 administer the programs established under sub. (2) (b) 1., including soliciting  
7 proposals, processing grant applications, selecting, based on criteria specified in  
8 rules promulgated under sub. (2) (c) 2m. and the standards established in the rules  
9 promulgated under sub. (2m), proposals for the department to make awards and  
10 distributing grants to recipients.

11 **\*-3426/1.1\* SECTION 5.** 19.52 (3) of the statutes is amended to read:

12 19.52 (3) Chapters 901 to 911 apply to the admission of evidence at the hearing.  
13 The board hearing examiner shall not find a violation of this subchapter or subch.  
14 III of ch. 13 except upon clear and convincing evidence admitted at the hearing.

15 **\*-3426/1.2\* SECTION 6.** 19.52 (4) of the statutes is repealed.

16 **\*-3380/P5.5\* SECTION 7.** 25.96 of the statutes is amended to read:

17 **25.96 Utility public benefits fund.** There is established a separate  
18 nonlapsible trust fund designated as the utility public benefits fund, consisting of  
19 deposits by the public service commission under s. 196.374 (3) and (3m), public  
20 benefits fees received under s. 16.957 (4) (a) and (5) (c) and (d) and contributions  
21 received under s. 16.957 (2) (c) 4. and (d) 2.

22 **\*-3599/P3.1\* SECTION 8.** 29.601 (5) (a) of the statutes is amended to read:

23 29.601 (5) (a) This section does not apply to any activities carried out under the  
24 direction and supervision of the department of transportation in connection with the

1 construction, reconstruction, maintenance and repair of highways and bridges in  
2 accordance with s. ~~30.12 (4)~~ 30.2022.

3 **\*-3599/P3.2\* SECTION 9.** 30.01 (1am) of the statutes is created to read:

4 30.01 (1am) “Area of special natural resource interest” means any of the  
5 following:

6 (a) A state natural area designated or dedicated under ss. 23.27 to 23.29.

7 (b) A surface water identified by the department as an outstanding or  
8 exceptional resource water under s. 281.15.

9 (c) An area that possesses significant scientific value, as identified by the  
10 department.

11 **\*-3599/P3.3\* SECTION 10.** 30.01 (1p) of the statutes is amended to read:

12 30.01 (1p) “Fishing raft” means any raft, float or structure, including a raft or  
13 float with a superstructure and including a structure located or extending below or  
14 beyond the ordinary high-water mark of a water, which is designed to be used or is  
15 normally used for fishing, which is not normally used as a means of transportation  
16 on water and which is normally retained in place by means of a permanent or  
17 semipermanent attachment to the shore or to the bed of the waterway. “Fishing raft”  
18 does not include a boathouse or fixed houseboat regulated under s. 30.121 nor a  
19 wharf or pier regulated under ~~s.~~ ss. 30.12 and 30.13.

20 **\*-3599/P3.4\* SECTION 11.** 30.01 (6b) of the statutes is repealed.

21 **\*-3599/P3.5\* SECTION 12.** 30.015 of the statutes is renumbered 30.208 (2) and  
22 amended to read:

23 30.208 (2) ~~TIME LIMITS FOR ISSUING PERMIT DETERMINATIONS~~ PROCEDURE FOR  
24 COMPLETING APPLICATIONS. In issuing individual permits or entering contracts under  
25 this ~~chapter~~ subchapter, the department shall initially determine whether a

1 complete application for the permit or contract has been submitted and, no later than  
2 ~~60~~ 30 days after the application is submitted, notify the applicant in writing about  
3 the initial determination of completeness. If the department determines that the  
4 application is incomplete, the notice shall state the reason for the determination and  
5 the specific items of information necessary to make the application complete. An  
6 applicant may supplement and resubmit an application that the department has  
7 determined to be incomplete. There is no limit on the number of times that an  
8 applicant may resubmit an application that the department has determined to be  
9 incomplete under this section. The department may not demand items of  
10 information that are not specified in the notice as a condition for determining  
11 whether the application is complete unless both the department and the applicant  
12 agree or unless the applicant makes material additions or alterations to the activity  
13 or project for which the application has been submitted. The rules promulgated  
14 under s. 299.05 apply only to applications for individual permits or contracts under  
15 this subchapter that the department has determined to be complete.

16 ~~\*-3599/P3.6\*~~ SECTION 13. 30.02 of the statutes is repealed. ✓

17 ~~\*-3426/1.3\*~~ SECTION 14. 30.02 (3) of the statutes is amended to read: ↙

18 30.02 (3) Upon receipt of a complete permit application ~~or a request for a~~  
19 ~~determination under s. 236.16 (3) (d), the department shall either schedule a public~~  
20 ~~hearing to be held within 60 days after receipt of the application or request or provide~~  
21 ~~notice stating that it will proceed on the application or request without a public~~  
22 ~~hearing if, within 30 days after the publication of the notice, no substantive written~~  
23 ~~objection to issuance of the permit is received or no request for a hearing concerning~~  
24 ~~the determination under s. 236.16 (3) (d) is received from a person who may be~~  
25 ~~aggrieved by issuance of the permit or determination. The notice shall be provided~~

1 to the clerk of each municipality in which the project is located and to any other  
2 person required by law to receive notice. The department may provide notice to other  
3 persons as it deems appropriate who may be aggrieved by the issuance of the permit  
4 or determination. The department shall provide a copy of the notice to the applicant,  
5 who shall publish it as a class 1 notice under ch. 985 in a newspaper designated by  
6 the department that is likely to give notice in the area affected. The applicant shall  
7 file proof of publication with the department.

8 \*~~3599/P3.7~~\* SECTION 15. 30.07 of the statutes is renumbered 30.2095, and  
9 30.2095 (1) (a), as renumbered, is amended to read:

10 30.2095 (1) (a) Except as provided in par. (b), every permit or contract issued  
11 under ss. 30.01 to 30.29 for which a time limit is not provided by s. 30.20 (2) is void  
12 unless the activity or project is completed within 3 years after the permit or contract  
13 was issued.

14 \*~~3599/P3.8~~\* SECTION 16. 30.10 (4) (a) of the statutes is amended to read:

15 30.10 (4) (a) This section does not impair the powers granted by law under s.  
16 ~~30.123~~ 30.1235 or by other law to municipalities to construct highway bridges,  
17 arches, or culverts over streams.

18 \*~~3599/P3.9~~\* SECTION 17. 30.11 (4) of the statutes is amended to read:

19 30.11 (4) RIPARIAN RIGHTS PRESERVED. Establishment of a bulkhead line shall  
20 not abridge the riparian rights of riparian ~~proprietors~~ owners. Riparian ~~proprietors~~  
21 owners may place solid structures or fill up to such line.

22 \*~~3599/P3.10~~\* SECTION 18. 30.12 (title) of the statutes is amended to read:

23 30.12 (title) **Structures and deposits in navigable waters prohibited;**  
24 **exceptions; penalty.**

1           \*~~-3599/P3.11~~\* \*~~-0131/P7.59~~\* SECTION 19. 30.12 (1) (intro.) of the statutes is  
2           renumbered 30.12 (1d) and amended to read:

3           30.12 (1d) ~~GENERAL PROHIBITION~~ PERMITS REQUIRED. (intro.) ~~Except as provided~~  
4           ~~under subs. (4) and (4m), unless a~~ Unless an individual or general permit has been  
5           ~~granted by the department pursuant to statute or issued under this section or~~  
6           ~~authorization has been granted by the legislature has otherwise authorized~~  
7           ~~structures or deposits in navigable waters, it is unlawful, no person may do any of~~  
8           ~~the following:~~

9           \*~~-3599/P3.12~~\* \*~~-0131/P7.60~~\* SECTION 20. 30.12 (1) (a) of the statutes is  
10          renumbered 30.12 (1d) (a) and amended to read:

11          30.12 (1d) (a) ~~To deposit~~ Deposit any material or ~~to~~ place any structure upon  
12          the bed of any navigable water where no bulkhead line has been established; ~~or,~~

13          \*~~-3599/P3.13~~\* \*~~-0131/P7.61~~\* SECTION 21. 30.12 (1) (b) of the statutes is  
14          renumbered 30.12 (1d) (b) and amended to read:

15          30.12 (1d) (b) ~~To deposit~~ Deposit any material or ~~to~~ place any structure upon  
16          the bed of any navigable water beyond a lawfully established bulkhead line.

17          \*~~-3599/P3.14~~\* SECTION 22. 30.12 (1b) of the statutes is created to read:

18          30.12 (1b) DEFINITION. In this section, “structure” includes a vessel for  
19          commercial storage and its anchoring device.

20          \*~~-3599/P3.15~~\* SECTION 23. 30.12 (1g) (intro.), (a), (b) and (e) to (j) of the  
21          statutes are created to read:

22          30.12 (1g) EXEMPTIONS. (intro.) A riparian owner is exempt from the permit  
23          requirements under this section for the placement of a structure or the deposit of  
24          material if the structure or material is located in an area other than an area of special



1 natural resource interest, does not interfere with the rights of other riparian owners,  
2 and is any of the following:

3 (a) A deposit of sand, gravel, or stone that totals less than 2 cubic yards in any  
4 5-year period.

5 (b) A structure, other than a pier or a wharf, that is placed on a seasonal basis  
6 and that is less than 200 square feet in size and less than 38 inches in height.

7 (e) A boat shelter, boat hoist, or boat lift that is placed on a seasonal basis  
8 adjacent to the riparian owner's pier or wharf or to the shoreline on the riparian  
9 owner's property.

10 (f) A pier that is no more than 6 feet wide, that extends no further than to a point  
11 where the water is 3 feet at its maximum depth, or to the point where there is  
12 adequate depth for mooring a boat or using a boat hoist or boat lift, whichever is  
13 closer to the shoreline, and which has no more than 2 boat slips for the first 50 feet  
14 of riparian owner's shoreline footage and no more than one additional boat slip for  
15 each additional 50 feet of the riparian owner's shoreline.

16 (g) A wharf that extends no more than 30 feet.

17 (h) An intake or outfall structure that is authorized by a storm water discharge  
18 permit approved by the department under ch. 283 or a facility plan approved by the  
19 department under s. 281.41.

20 (i) Riprap in an amount not to exceed 75 linear feet and if the riprap is located  
21 outside an area where riprap has been previously placed.

22 (j) Riprap in an amount not to exceed 300 linear feet and if the riprap is located  
23 within an area where riprap has been previously placed.

24 **\*-3599/P3.16\*** SECTION 24. 30.12 (2) of the statutes is repealed.

1           \***-3599/P3.17\*** SECTION 25. 30.12 (3) (title) of the statutes is repealed and  
2 recreated to read:

3           30.12 (3) (title) GENERAL PERMITS.

4           \***-3599/P3.18\*** SECTION 26. 30.12 (3) (a) (intro.) of the statutes is repealed and  
5 recreated to read:

6           30.12 (3) (a) (intro.) The department shall issue statewide general permits  
7 under s. 30.206 that authorize riparian owners to do all of the following:

8           \***-3599/P3.19\*** SECTION 27. 30.12 (3) (a) 2. of the statutes is renumbered 30.12  
9 (1g) (c) and amended to read:

10          30.12 (1g) (c) ~~Place a~~ A fish crib, spawning reef, wing deflector, or similar  
11 device that is placed on the bed of navigable waters for the purpose of improving fish  
12 habitat.

13          \***-3599/P3.20\*** SECTION 28. 30.12 (3) (a) 2m. of the statutes is renumbered  
14 30.12 (1g) (d) and amended to read:

15          30.12 (1g) (d) ~~Place a~~ A bird nesting platform, ~~a~~ wood duck house, or similar  
16 structure that is placed on the bed of a navigable water for the purpose of improving  
17 wildlife habitat.

18          \***-3599/P3.21\*** SECTION 29. 30.12 (3) (a) 6. of the statutes is amended to read:

19          30.12 (3) (a) 6. Place a permanent boat shelter adjacent to the owner's property  
20 for the purpose of storing or protecting watercraft and associated materials, except  
21 that no general permit may be granted issued for a permanent boat shelter which is  
22 constructed after May 3, 1988, if the property on which the permanent boat shelter  
23 is to be located also contains a boathouse within 75 feet of the ordinary high-water  
24 mark or if there is a boathouse over navigable waters adjacent to the owner's  
25 property.

1           \***-3599/P3.22\*** \***-0131/P7.65\*** SECTION 30. 30.12 (3) (a) 9. of the statutes is  
2 created to read:

3           30.12 (3) (a) 9. Place an intake or outfall structure that is less than 6 feet from  
4 the water side of the ordinary high-water mark and that is less than 25 percent of  
5 the width of the channel in which it is placed.

6           \***-3599/P3.23\*** SECTION 31. 30.12 (3) (a) 10. of the statutes is created to read:

7           30.12 (3) (a) 10. Place a pier to replace a pier that has been in existence at least  
8 10 years before the effective date of this subdivision .... [revisor inserts date], does  
9 not exceed 10 feet in width, and does not exceed 500 square feet in area.

10          \***-3599/P3.24\*** SECTION 32. 30.12 (3) (a) 11. of the statutes is created to read:

11          30.12 (3) (a) 11. Place a pier that does not exceed 500 square feet in area in a  
12 lake that is 500 acres or more in area.

13          \***-3599/P3.25\*** SECTION 33. 30.12 (3) (a) 12. of the statutes is created to read:

14          30.12 (3) (a) 12. Place a vessel for commercial storage on Lake Michigan or Lake  
15 Superior or in any tributary of Lake Michigan or Lake Superior that is determined  
16 to be navigable by the federal government.

17          \***-3599/P3.26\*** SECTION 34. 30.12 (3) (b) of the statutes is repealed.

18          \***-3599/P3.27\*** SECTION 35. 30.12 (3) (bn) of the statutes is repealed.

19          \***-3599/P3.28\*** \***-0131/P7.70\*** SECTION 36. 30.12 (3) (br) of the statutes is  
20 created to read:

21          30.12 (3) (br) The department may promulgate rules that specify structures or  
22 deposits, in addition to those listed in par. (a), that may be authorized by statewide  
23 general permits.

24          \***-3599/P3.29\*** SECTION 37. 30.12 (3) (bt) (intro.) of the statutes is renumbered  
25 30.2023 (intro.) and amended to read:

1           **30.2023 Seawalls; Wolf River and Fox River basins.** (intro.) A riparian  
2 owner is exempt from the permit requirements under sub. (2) and this subsection s.  
3 30.12 for a structure that is placed on the bed of a navigable water in the Wolf River  
4 and Fox River basin area, as described in s. 30.207 (1), and that extends beyond the  
5 ordinary high-water mark, if the following conditions apply:

6           \***-3599/P3.30\* SECTION 38.** 30.12 (3) (bt) 1. to 9. of the statutes are renumbered  
7 30.2023 (1) to (9).

8           \***-3599/P3.31\* SECTION 39.** 30.12 (3) (bv) of the statutes is created to read:  
9           30.12 (3) (bv) Notwithstanding s. 30.07 (1), the department shall issue the first  
10 statewide general permit issued under par. (a) 12. for an initial term of not less than  
11 5 years and nor more than 10 years and shall renew the permit for terms of not less  
12 than 5 years nor more than 10 years.

13           \***-3599/P3.32\* SECTION 40.** 30.12 (3) (c) of the statutes is amended to read:  
14           30.12 (3) (c) The department may ~~promulgate rules deemed necessary to carry~~  
15 ~~out the purposes of~~ impose conditions on general permits issued under par. (a) 6,  
16 ~~including rules to establish minimum standards to govern the architectural features~~  
17 of boat shelters and the number of boat shelters that may be constructed adjacent  
18 to a parcel of land. ~~The rules~~ conditions may not govern the aesthetic features or color  
19 of boat shelters. ~~The standards~~ conditions shall be designed to assure ensure the  
20 structural soundness and durability of ~~a boat shelter~~ boat shelters. A municipality  
21 may enact ordinances ~~not inconsistent~~ that are consistent with this section ~~or with~~  
22 ~~rules promulgated under this section regulating paragraph and with any conditions~~  
23 imposed on general permits issued to regulate the architectural features of boat  
24 shelters that are under the jurisdiction of the municipality.

25           \***-3599/P3.33\* SECTION 41.** 30.12 (3) (d) of the statutes is repealed.

1           \***-3599/P3.34\*** SECTION 42. 30.12 (3m) of the statutes is created to read:

2           30.12 (3m) INDIVIDUAL PERMITS. (a) For a structure or deposit that is not exempt  
3 under sub. (1g) and that is not subject to a general permit under sub. (3), a riparian  
4 owner may apply to the department for the individual permit that is required under  
5 sub. (1d) in order to place the structure for the owner's use or to deposit the material.

6           (b) The notice and hearing provisions of s. 30.208 (3) to (5) shall apply to an  
7 application under par. (a).

8           (c) The department shall issue an individual permit to a riparian owner for a  
9 structure or a deposit pursuant to an application under par. (a) if the department  
10 finds that all of the following apply:

11           1. The structure or deposit will not materially obstruct navigation.

12           2. The structure or deposit will not be detrimental to the public interest.

13           3. The structure or deposit will not materially reduce the flood flow capacity  
14 of a stream.

15           \***-3599/P3.35\*** SECTION 43. 30.12 (4) (title) of the statutes is repealed.

16           \***-3599/P3.36\*** \***-0131/P7.77\*** SECTION 44. 30.12 (4) (a) of the statutes is  
17 renumbered 30.2022 (1) and amended to read:

18           30.2022 (1) Activities affecting waters of the state, as defined in s. 281.01 (18),  
19 that are carried out under the direction and supervision of the department of  
20 transportation in connection with highway, bridge, or other transportation project  
21 design, location, construction, reconstruction, maintenance, and repair are not  
22 subject to the prohibitions or permit or approval requirements specified under ~~this~~  
23 ~~section~~ or s. 29.601, 30.11, 30.12, 30.123, 30.19, 30.195, 30.20, 59.692, 61.351, 62.231,  
24 or 87.30 or chs. 281 to 285 or 289 to 299, except s. 281.48. However, at the earliest  
25 practical time prior to the commencement of these activities, the department of

1 transportation shall notify the department of the location, nature, and extent of the  
2 proposed work that may affect the waters of the state.

3 \***-3599/P3.37\*** \***-0131/P7.78\*** SECTION 45. 30.12 (4) (b) of the statutes is  
4 renumbered 30.2022 (2) and amended to read:

5 30.2022 (2) The exemption under ~~par. (a)~~ sub. (1) does not apply unless the  
6 activity is accomplished in accordance with interdepartmental liaison procedures  
7 established by the department and the department of transportation for the purpose  
8 of minimizing the adverse environmental impact, if any, of the activity.

9 \***-3599/P3.38\*** \***-0131/P7.79\*** SECTION 46. 30.12 (4) (c) of the statutes is  
10 renumbered 30.2022 (3) and amended to read:

11 30.2022 (3) If the department determines that there is reasonable cause to  
12 believe that an activity being carried out under this ~~subsection~~ section is not in  
13 compliance with the environmental protection requirements developed through  
14 interdepartmental liaison procedures, it shall notify the department of  
15 transportation. If the secretary and the secretary of transportation are unable to  
16 agree upon the methods or time schedules to be used to correct the alleged  
17 noncompliance, the secretary, notwithstanding the exemption provided in this  
18 ~~subsection~~ section, may proceed with enforcement actions as the secretary deems  
19 appropriate.

20 \***-3599/P3.39\*** \***-0131/P7.80\*** SECTION 47. 30.12 (4) (d) of the statutes is  
21 renumbered 30.2022 (4).

22 \***-3599/P3.40\*** \***-0131/P7.81\*** SECTION 48. 30.12 (4) (e) of the statutes is  
23 renumbered 30.2022 (5) and amended to read:

1           30.2022 (5) Except as may be required otherwise under s. 1.11, no public notice  
2 or hearing is required in connection with any interdepartmental consultation and  
3 cooperation under this ~~subsection~~ section.

4           \*~~-3599/P3.41~~\* \*~~-0131/P7.82~~\* SECTION 49. 30.12 (4) (f) of the statutes is  
5 renumbered 30.2022 (6) and amended to read:

6           30.2022 (6) This ~~subsection~~ section does not apply to activities in the Lower  
7 Wisconsin State Riverway, as defined in s. 30.40 (15).

8           \*~~-3599/P3.42~~\* SECTION 50. 30.12 (4m) (title) of the statutes is repealed.

9           \*~~-3599/P3.43~~\* \*~~-0131/P7.83~~\* SECTION 51. 30.12 (4m) of the statutes is  
10 renumbered 30.12 (1m), and 30.12 (1m) (c) (intro.), as renumbered, is amended to  
11 read:

12           30.12 (1m) (c) (intro.) ~~Subsection (1) does not apply to a~~ A structure or deposit  
13 that the drainage board for the Duck Creek Drainage District places in a drain that  
14 the board operates in the Duck Creek Drainage District is exempt from the permit  
15 requirements under this section if either of the following applies:

16           \*~~-3599/P3.44~~\* SECTION 52. 30.12 (5) of the statutes is repealed.

17           \*~~-3599/P3.45~~\* SECTION 53. 30.121 (3w) of the statutes is created to read:

18           30.121 (3w) EXCEPTION; COMMERCIAL BOATHOUSES. Notwithstanding subs. (2)  
19 and (3), a person may construct, repair, or maintain a boathouse if all of the following  
20 apply:

21           (a) The boathouse is used exclusively for commercial purposes and does not  
22 contain any living quarters.

23           (b) The boathouse is located on land zoned exclusively for commercial or  
24 industrial purposes or the boathouse is located on a brownfield, as defined in s.  
25 560.13 (1) (a), or in a blighted area, as defined in s. 66.1331 (3) (a).

1 (c) The boathouse is located within a harbor that is being operated as a  
2 commercial enterprise or is located on a river that is a tributary of Lake Michigan  
3 or Lake Superior.

4 (d) The person has been issued any applicable individual permits under this  
5 subchapter and is in compliance with any applicable general permitting  
6 requirements under this subchapter.

7 ~~\*-3599/P3.46\*~~ SECTION 54. 30.123 (title) of the statutes is repealed and  
8 recreated to read:

9 **30.123 (title) Bridges and culverts.**

10 ~~\*-3599/P3.47\*~~ ~~\*-0131/P7.91\*~~ SECTION 55. 30.123 (1) of the statutes is  
11 renumbered 30.1235 and amended to read:

12 **30.1235 Municipal bridge construction.** Municipalities which construct or  
13 reconstruct highway bridges shall not be required to obtain permits under ~~this~~  
14 ~~section or s. 30.10 or s. 30.12 or 30.123~~ for such that construction or reconstruction.  
15 All municipal highway bridges shall be constructed or reconstructed in accordance  
16 with standards developed under s. 84.01 (23).

17 ~~\*-3599/P3.48\*~~ SECTION 56. 30.123 (2) of the statutes is amended to read:

18 30.123 (2) PERMITS REQUIRED. ~~Except as provided in sub. (1) and s. 30.12 (4)~~  
19 Unless an individual or general permit has been issued under this section or  
20 authorization has been granted by the legislature, no person may construct or  
21 maintain a bridge or culvert in, on, or over navigable waters ~~unless a permit has been~~  
22 ~~issued by the department under this section.~~ ~~The application for a permit shall~~  
23 ~~contain the applicant's name and address, the proposed location of the bridge, a cross~~  
24 ~~section and plan view of the navigable waters and adjacent uplands, a description~~  
25 ~~of materials to be used in construction of the bridge, plans for the proposed bridge,~~



1 ~~evidence of permission to construct the bridge from the riparian owners and any~~  
2 ~~other information required by the department.~~

3 **\*-3599/P3.49\*** SECTION 57. 30.123 (3) of the statutes is repealed.

4 **\*-3599/P3.50\*** **\*-0131/P7.94\*** SECTION 58. 30.123 (4) of the statutes is  
5 renumbered 30.123 (8) (c) and amended to read:

6 30.123 (8) (c) ~~The department shall review the plans for the proposed bridge~~  
7 ~~to determine whether the proposed bridge will be an obstruction to navigation or will~~  
8 ~~adversely affect the flood flow capacity of the stream. The department shall grant~~  
9 ~~the issue an individual permit if the proposed pursuant to an application under par.~~  
10 ~~(a) if the department finds that the bridge or culvert will not materially obstruct~~  
11 ~~navigation, will not materially reduce the effective flood flow capacity of a stream or~~  
12 ~~be, and will not be detrimental to the public interest.~~

13 **\*-3599/P3.51\*** **\*-0131/P7.95\*** SECTION 59. 30.123 (5) of the statutes is  
14 repealed.

15 **\*-3599/P3.52\*** **\*-0131/P7.96\*** SECTION 60. 30.123 (6) of the statutes is created  
16 to read:

17 30.123 (6) EXEMPTIONS. Subsection (2) does not apply to any of the following:

18 (a) The construction and maintenance of highway bridges to which s. 30.1235  
19 applies.

20 (b) The construction and maintenance of bridges by the department of  
21 transportation in accordance with s. 30.2022.

22 (c) The construction and maintenance of culverts that have an inside diameter  
23 that does not exceed 48 inches and that are part of private roads or private driveways.

24 **\*-3599/P3.53\*** SECTION 61. 30.123 (7) of the statutes is created to read:

1           30.123 (7) GENERAL PERMITS. (a) The department shall issue statewide general  
2 permits under s. 30.206 that authorize any person to do all of the following:

3           1. Construct and maintain a bridge that will cross a navigable water that is less  
4 than 35 feet wide.

5           2. Construct and maintain a culvert that has an inside diameter that does not  
6 exceed 60 inches.

7           (b) The department may promulgate rules that specify bridges or culverts, in  
8 addition to those listed in par. (a), that may be authorized by statewide general  
9 permits.

10           \***-3599/P3.54\*** SECTION 62. 30.123 (8) of the statutes is created to read:

11           30.123 (8) INDIVIDUAL PERMITS. (a) For the construction and maintenance of a  
12 bridge or culvert that is not exempt under sub. (6) and that is not subject to a general  
13 permit under sub. (7), a person may apply to the department for the individual  
14 permit that is required under sub. (2) in order to construct or maintain a bridge or  
15 culvert.

16           (b) The notice and hearing provisions of s. 30.208 (3) to (5) shall apply to an  
17 application under par. (a).

18           \***-3599/P3.55\*** SECTION 63. 30.13 (1) of the statutes is repealed.

19           \***-3599/P3.56\*** SECTION 64. 30.13 (1m) (intro.) of the statutes is amended to  
20 read:

21           30.13 (1m) SWIMMING RAFTS ALLOWED WITHOUT PERMIT UNDER CERTAIN  
22 CIRCUMSTANCES. (intro.) A riparian ~~proprietor~~ owner may place a swimming raft in  
23 a navigable waterway for swimming and diving purposes without obtaining a permit  
24 under s. 30.12 if all of the following conditions are met:

25           \***-3599/P3.57\*** SECTION 65. 30.13 (1m) (b) of the statutes is amended to read:

1           30.13 (1m) (b) The swimming raft does not interfere with rights of other  
2 riparian proprietors owners.

3           \***-3599/P3.58\*** SECTION 66. 30.13 (2) of the statutes is repealed.

4           \***-3599/P3.59\*** SECTION 67. 30.13 (4) (a) of the statutes is amended to read:

5           30.13 (4) (a) *Interferes with public rights*. A wharf or pier which interferes with  
6 public rights in navigable waters constitutes an unlawful obstruction of navigable  
7 waters unless ~~a permit is issued for the wharf or pier is authorized under a permit~~  
8 issued under s. 30.12 or unless other authorization for the wharf or pier is expressly  
9 provided.

10          \***-3599/P3.60\*** SECTION 68. 30.13 (4) (b) of the statutes is amended to read:

11          30.13 (4) (b) *Interferes with riparian rights*. A wharf or pier which interferes  
12 with rights of other riparian proprietors owners constitutes an unlawful obstruction  
13 of navigable waters unless ~~a permit is issued for the wharf or pier is authorized~~  
14 under a permit issued under s. 30.12 or unless other authorization for the wharf or  
15 pier is expressly provided.

16          \***-3599/P3.61\*** SECTION 69. 30.13 (4) (d) of the statutes is repealed.

17          \***-3599/P3.62\*** SECTION 70. 30.131 (1) (intro.) of the statutes is amended to  
18 read:

19          30.131 (1) (intro.) Notwithstanding s. 30.133, a wharf or pier of the type which  
20 does not require a permit under ss. 30.12 (1) (1d) and 30.13 that abuts riparian land  
21 and that is placed in a navigable water by a person other than the owner of the  
22 riparian land may not be considered to be an unlawful structure on the grounds that  
23 it is not placed and maintained by the owner if all of the following requirements are  
24 met:

25          \***-3599/P3.63\*** SECTION 71. 30.135 (1) (title) of the statutes is repealed.

1           \***-3599/P3.64\*** SECTION 72. 30.135 (1) (a) (intro.) of the statutes is renumbered  
2 30.135 (1) (intro.) and amended to read:

3           30.135 (1) (intro.) A riparian proprietor ~~may place~~ owner placing a water ski  
4 platform or water ski jump in a navigable waterway ~~without obtaining a~~ is exempt  
5 from the permit requirements under this chapter if all of the following requirements  
6 are met:

7           \***-3599/P3.65\*** SECTION 73. 30.135 (1) (a) 1. of the statutes is renumbered  
8 30.135 (1) (a).

9           \***-3599/P3.66\*** SECTION 74. 30.135 (1) (a) 2. of the statutes is renumbered  
10 30.135 (1) (b) and amended to read:

11           30.135 (1) (b) The platform or jump does not interfere with rights of other  
12 riparian proprietors owners.

13           \***-3599/P3.67\*** SECTION 75. 30.135 (1) (a) 3. of the statutes is renumbered  
14 30.135 (1) (c).

15           \***-3599/P3.68\*** SECTION 76. 30.135 (1) (b) of the statutes is renumbered 30.135  
16 (2) and amended to read:

17           30.135 (2) If the department determines that any of the requirements under  
18 ~~par. (a) sub. (1)~~ are not met, the riparian owner shall submit ~~a permit~~ an application  
19 for an individual permit to the department. The notice and hearing provisions under  
20 s. 30.208 (3) to (5) apply to the application.

21           \***-3599/P3.69\*** SECTION 77. 30.135 (2), (3) and (4) of the statutes are repealed.

22           \***-3599/P3.70\*** SECTION 78. 30.18 (2) (a) (intro.) of the statutes is amended to  
23 read:

1           30.18 (2) (a) *Streams.* (intro.) No person may divert water from a stream in  
2 this state without ~~a~~ an individual permit under this section if the diversion meets  
3 either of the following conditions:

4           \***-3599/P3.71\*** SECTION 79. 30.18 (2) (b) of the statutes is amended to read:

5           30.18 (2) (b) *Streams or lakes.* No person, except a person required to obtain  
6 an approval under s. 281.41, may divert water from any lake or stream in this state  
7 without ~~a~~ individual permit under this section if the diversion will result in a water  
8 loss averaging 2,000,000 gallons per day in any 30-day period above the person's  
9 authorized base level of water loss.

10          \***-3599/P3.72\*** SECTION 80. 30.18 (4) (a) of the statutes is amended to read:

11          30.18 (4) (a) Upon receipt of a complete application, the department shall  
12 follow the notice and hearing procedures under s. ~~30.02 (3) and (4)~~ 30.208 (3) to (5).  
13 In addition to ~~the notice requirements~~ providing notice as required under s. ~~30.02 (3)~~  
14 ~~and (4)~~ 30.208 (3) to (5), the department shall mail a copy of the notice to every person  
15 upon whose land any part of the canal or any other structure will be located, to the  
16 clerk of the next town downstream, to the clerk of any village or city in which the lake  
17 or stream is located and which is adjacent to any municipality in which the diversion  
18 will take place and to each person specified in s. 281.35 (5) (b) or (6) (f), if applicable.

19          \***-3599/P3.73\*** SECTION 81. 30.18 (6) (b) of the statutes is amended to read:

20          30.18 (6) (b) *Use of water.* A person issued a permit under this section for the  
21 purpose of irrigation or agriculture may use the water on any land contiguous to the  
22 permittee's riparian land, but may not withdraw more water than it did before  
23 August 1, 1957, without applying to the department for a modification of the permit.

24          \***-3599/P3.74\*** SECTION 82. 30.18 (9) of the statutes is repealed.

1           \*~~-3599/P3.75~~\* \*~~-0131/P7.165~~\* SECTION 83. 30.19 (1) (intro.) of the statutes  
2 is renumbered 30.19 (1g) (intro.) and amended to read:

3           30.19 (1g) PERMITS REQUIRED. (intro.) Unless ~~a~~ an individual or general permit  
4 has been ~~granted by the department issued under this section~~ or authorization has  
5 been granted by the legislature, ~~it is unlawful~~ no person may do any of the following:

6           \*~~-3599/P3.76~~\* \*~~-0131/P7.166~~\* SECTION 84. 30.19 (1) (a) of the statutes is  
7 renumbered 30.19 (1g) (a) and amended to read:

8           30.19 (1g) (a) ~~To construct~~ Construct, dredge, or enlarge any artificial  
9 ~~waterway, canal, channel, ditch, lagoon, pond, lake or similar waterway where the~~  
10 ~~purpose is ultimate connection with an existing navigable stream, lake or other~~  
11 ~~navigable waters, or where~~ water body that connects with a navigable waterway.

12           (am) Construct, dredge, or enlarge any part of the an artificial waterway water  
13 body that is located within 500 feet of the ordinary high-water mark of an existing  
14 ~~navigable stream, lake or other navigable waters~~ waterway.

15           \*~~-3599/P3.77~~\* \*~~-0131/P7.167~~\* SECTION 85. 30.19 (1) (b) of the statutes is  
16 repealed.

17           \*~~-3599/P3.78~~\* \*~~-0131/P7.168~~\* SECTION 86. 30.19 (1) (c) of the statutes is  
18 renumbered 30.19 (1g) (c) and amended to read:

19           30.19 (1g) (c) ~~To grade or otherwise~~ Grade or remove top soil topsoil from the  
20 bank of any navigable ~~stream, lake or other body of navigable water~~ waterway where  
21 the area exposed by ~~such~~ the grading or removal will exceed 10,000 square feet.

22           \*~~-3599/P3.79~~\* \*~~-0131/P7.169~~\* SECTION 87. 30.19 (1b) of the statutes is  
23 created to read:

1           30.19 (1b) DEFINITION. In the section, “artificial water body” means a proposed  
2 or existing body of water that does not have a history of being a lake or stream or of  
3 being part of a lake or stream.

4           \*~~-3599/P3.80~~\* \*~~-0131/P7.170~~\* SECTION 88. 30.19 (1m) (intro.) of the statutes  
5 is amended to read:

6           30.19 (1m) ~~EXCEPTION~~ EXEMPTIONS. (intro.) ~~Subsection (1) does not apply to A~~  
7 person is exempt from the permit requirements under this section for any of the  
8 following:

9           \*~~-3599/P3.81~~\* \*~~-0131/P7.171~~\* SECTION 89. 30.19 (1m) (a) of the statutes is  
10 amended to read:

11           30.19 (1m) (a) The construction ~~and~~ or repair of any public highways ~~highway~~.

12           \*~~-3599/P3.82~~\* \*~~-0131/P7.172~~\* SECTION 90. 30.19 (1m) (b) of the statutes is  
13 amended to read:

14           30.19 (1m) (b) Any agricultural uses use of land.

15           \*~~-3599/P3.83~~\* SECTION 91. 30.19 (1m) (c) of the statutes is amended to read:

16           30.19 (1m) (c) ~~Any~~ An activity that affects a navigable inland lake that is  
17 located wholly or partly in any county having a population of 750,000 or more.

18           \*~~-3599/P3.84~~\* SECTION 92. 30.19 (1m) (cm) of the statutes is created to read:

19           30.19 (1m) (cm) Any activity that affects a portion of Lake Michigan or of Lake  
20 Superior that is located within a county having a population of 750,000 or more.

21           \*~~-3599/P3.85~~\* SECTION 93. 30.19 (1m) (d) of the statutes is amended to read:

22           30.19 (1m) (d) ~~Those portions~~ Any activity that affects a portion of a navigable  
23 streams, Lake Michigan or Lake Superior stream that is located within any a county  
24 having a population of 750,000 or more.

1           \***-3599/P3.86\*** \***-0131/P7.174\*** **SECTION 94.** 30.19 (1m) (e) of the statutes is  
2 amended to read:

3           30.19 (1m) (e) Any work required to maintain the original dimensions of an  
4 enlargement of ~~a waterway authorized~~ an artificial water body done pursuant to a  
5 permit or legislative authorization under sub. (1) ~~(a) or (b)~~ (1g) (a) or (am).

6           \***-3599/P3.87\*** **SECTION 95.** 30.19 (1m) (g) of the statutes is created to read:

7           30.19 (1m) (g) The construction, dredging, or enlargement of any artificial  
8 water body that is within 500 feet of the ordinary high-water mark of a navigable  
9 waterway, if the artificial water body does not have a surface connection to any  
10 navigable waterway other than an overflow device and if the construction, dredging,  
11 or enlargement is authorized by a storm water discharge permit approved by the  
12 department under ch. 283 or a facility plan approved or authorized by the  
13 department under s. 281.41.

14           \***-3599/P3.88\*** **SECTION 96.** 30.19 (1m) (h) of the statutes is created to read:

15           30.19 (1m) (h) Grading or removal of topsoil from the bank of a navigable  
16 waterway that is not located in an area of special natural resource interest and where  
17 the area exposed by the grading or removal will exceed 10,000 square feet, if any of  
18 the following applies:

19           1. The grading or removal is authorized by a storm water discharge permit  
20 approved by the department under ch. 283.

21           2. The grading or removal is authorized under an ordinance under s. 59.692,  
22 61.351, or 62.231.

23           3. The grading or removal is authorized by an erosion control plan pursuant  
24 to s. 101.653.

25           \***-3599/P3.89\*** **SECTION 97.** 30.19 (2) of the statutes is repealed.



1           \***-3599/P3.90\*** SECTION 98. 30.19 (3) of the statutes is repealed.

2           \***-3599/P3.91\*** SECTION 99. 30.19 (3r) of the statutes is created to read:

3           30.19 (3r) GENERAL PERMITS. (a) The department shall issue statewide general  
4 permits under s. 30.206 that authorize persons to do all of the following:

5           1. Engage in an activity specified in sub. (1g) (a) or (am) that is not exempt  
6 under sub. (1m) if the construction, dredging, or enlargement is authorized by a  
7 storm water discharge permit approved by the department under ch. 283 or a facility  
8 plan approved by the department under s. 281.41.

9           2. Engage in an activity specified in sub. (1g) (a) or (am) if the construction,  
10 dredging, or enlargement is designed to enhance wildlife habitat or wetlands, as  
11 defined in s. 23.32 (1), or if the construction, dredging, or enlargement affects a body  
12 of water that is less than one acre in area.

13           3. Engage in an activity specified in sub. (1g) (c) that is not exempt under sub.  
14 (1m) (h) if the area exposed by the grading or removal will exceed 10,000 square feet.

15           (b) The department may promulgate rules that specify other types of activities,  
16 in addition to those listed in par. (a), that may be authorized by statewide general  
17 permits.

18           \***-3599/P3.92\*** SECTION 100. 30.19 (4) (title) of the statutes is amended to read:

19           30.19 (4) (title) ~~ISSUANCE OF PERMIT~~ INDIVIDUAL PERMITS.

20           \***-3599/P3.93\*** \***-0131/P7.183\*** SECTION 101. 30.19 (4) of the statutes is  
21 renumbered 30.19 (4) (c) (intro.) and amended to read:

22           30.19 (4) (c) (intro.) ~~If the~~ The department finds that the project will not injure  
23 public rights or interest, including fish and game habitat, that the project shall issue  
24 an individual permit pursuant to an application under par. (a) if the department  
25 finds that all of the following apply:

1           2. The activity will not cause environmental pollution, as defined in s. 299.01  
2           (4), ~~that any.~~

3           3. Any enlargement connected to a navigable waterways ~~conforms to the~~  
4           ~~requirement of~~ waterway complies with all of the laws for the relating to platting of  
5           ~~land and for sanitation and that no.~~

6           4. No material injury will result to the rights of any riparian owners ~~on any~~  
7           ~~body of water affected will result, the department shall issue a permit authorizing~~  
8           ~~the enlargement of the affected waterways of real property that abuts any water body~~  
9           that is affected by the activity.

10           \*~~-3599/P3.94~~\* SECTION 102. 30.19 (4) (a) of the statutes is created to read:

11           30.19 (4) (a) For activities that are not exempt under sub. (1m) and that are  
12           not subject to a general permit under sub. (3r), a person may apply to the department  
13           for an individual permit in order to engage in an activity for which a permit is  
14           required under sub. (1g).

15           \*~~-3599/P3.95~~\* SECTION 103. 30.19 (4) (b) of the statutes is created to read:

16           30.19 (4) (b) The notice and hearing provisions of s. 30.208 (3) to (5) apply to  
17           an application under par. (a).

18           \*~~-3599/P3.96~~\* \*~~-0131/P7.184~~\* SECTION 104. 30.19 (4) (c) 1. of the statutes is  
19           created to read:

20           30.19 (4) (c) 1. The activity will not be detrimental to the public interest.

21           \*~~-3599/P3.97~~\* \*~~-0131/P7.185~~\* SECTION 105. 30.19 (5) of the statutes is  
22           amended to read:

23           30.19 (5) ~~CONDITIONS OF PERMIT~~ REQUIREMENT FOR PUBLIC ACCESS. ~~The A~~ permit  
24           issued under this section to construct an artificial water body and to connect it to a  
25           navigable waterway shall provide that all require that the artificial waterways

1 ~~constructed under this section which are connected to navigable waterways shall be~~  
2 ~~water body be a public waterways. The department may impose such further~~  
3 ~~conditions in the permit as it finds reasonably necessary to protect public health,~~  
4 ~~safety, welfare, rights and interest and to protect private rights and property~~  
5 ~~waterway.~~

6 \*~~-3599/P3.98~~\* \*~~-0131/P7.186~~\* SECTION 106. 30.195 (1) of the statutes is  
7 amended to read:

8 30.195 (1) PERMIT REQUIRED. No Unless a permit has been issued under this  
9 section or authorization has been granted by the legislature, no person may change  
10 the course of or straighten a navigable stream without a permit issued under this  
11 section or without otherwise being expressly authorized by statute to do so.

12 \*~~-3599/P3.99~~\* SECTION 107. 30.195 (1m) of the statutes is created to read:

13 30.195 (1m) GENERAL PERMITS. (a) The department shall issue statewide  
14 general permits under s. 30.206 that authorize riparian owners to change the course  
15 of or straighten a navigable stream under the following circumstances:

16 1. The change or straightening involves a relocation of less than a total of 500  
17 feet in stream length.

18 2. The change or straightening involves a relocation of a stream with an  
19 average flow of less than 2 cubic feet per second.

20 (b) The department may promulgate rules that specify other circumstances, in  
21 addition to those listed in par. (a), that may be authorized by statewide general  
22 permits.

23 \*~~-3599/P3.100~~\* SECTION 108. 30.195 (2) of the statutes is repealed and  
24 recreated to read:

1           30.195 (2) INDIVIDUAL PERMITS. (a) For activities that are not subject to a  
2 general permit under sub. (1m), a riparian owner may apply to the department for  
3 an individual permit in order to engage in activities for which a permit is required  
4 under sub. (1).

5           (b) The notice and hearing provisions of s. 30.208 (3) to (5) apply to an  
6 application under par. (a).

7           \*~~3599/P3.101~~\* SECTION 109. 30.195 (3) (title) of the statutes is repealed.

8           \*~~3599/P3.102~~\* \*~~0131/P7.188~~\* SECTION 110. 30.195 (3) of the statutes is  
9 renumbered 30.195 (2) (c) and amended to read:

10           30.195 (2) (c) ~~Upon application therefor, the~~ The department shall ~~grant a~~  
11 issue an individual permit to the ~~applied for under this section to a riparian owner~~  
12 if the department determines that all of the following apply:

13           1. The applicant is the owner of any land to change the course of or straighten  
14 a upon which the change in course or straightening of the navigable stream on such  
15 land, if such will occur.

16           2. The proposed change of course or straightening of the navigable stream will  
17 improve the economic or aesthetic value of the owner's applicant's land and will,

18           3. The proposed change of course or straightening of the navigable stream will  
19 not adversely affect the flood flow capacity of the stream or otherwise be detrimental  
20 to public rights or the public interest.

21           4. The proposed change of course or straightening of the navigable stream will  
22 not be detrimental to the rights of other riparians riparian owners located on the  
23 stream. If the department finds that the rights of such riparians will be adversely  
24 affected, it may grant the permit only with their consent. Such permit may be  
25 granted on the department's own motion after its own investigation or after public

1 ~~hearing and after giving prior notice of such investigation or hearing~~ or all of these  
2 riparian owners have consented to the issuance of the permit.

3 **\*-3599/P3.103\* SECTION 111.** 30.195 (4) of the statutes is repealed.

4 **\*-3599/P3.104\* SECTION 112.** 30.195 (7) of the statutes is repealed.

5 **\*-3599/P3.105\* SECTION 113.** 30.196 (intro.) of the statutes is amended to  
6 read:

7 **30.196 Enclosure of navigable waters; issuance of permits to**  
8 **municipalities.** (intro.) A municipality may enclose navigable waters by directing,  
9 placing or restricting navigable waters into an enclosed drain, conduit, storm sewer  
10 or similar structure if the department grants the municipality ~~a~~ an individual  
11 permit. The department may grant this permit to a municipality after following the  
12 notice and hearing requirements under s. ~~30.02 (3) and (4)~~ 30.208 (3) to (5) if it finds  
13 that granting the permit:

14 **\*-3599/P3.106\* SECTION 114.** 30.20 (1) (title) of the statutes is repealed and  
15 recreated to read:

16 30.20 (1) (title) PERMITS OR CONTRACTS REQUIRED.

17 **\*-3599/P3.107\* \*-0131/P7.192\* SECTION 115.** 30.20 (1) (a) of the statutes is  
18 amended to read:

19 30.20 (1) (a) ~~No~~ Unless a contract has been entered into with the department  
20 under sub. (2) (a) or (b) or authorization has been granted by the legislature, no  
21 person may remove any material from the bed of ~~any~~ a natural navigable lake or from  
22 the bed of any outlying waters ~~of this state without first obtaining a contract as~~  
23 ~~provided in sub. (2).~~

24 **\*-3599/P3.108\* \*-0131/P7.193\* SECTION 116.** 30.20 (1) (b) of the statutes is  
25 amended to read:

1           30.20 (1) (b) ~~Except as provided under pars. (e) and (d),~~ Unless an individual  
2 or general permit has been issued by the department under this section or  
3 authorization has been granted by the legislature, no person may remove any  
4 material from the bed of any lake or navigable stream that is not mentioned  
5 described under par. (a) without first obtaining a permit from the department under  
6 sub. (2) (e).

7           \***-3599/P3.109\*** SECTION 117. 30.20 (1) (c) 1. and 2. of the statutes are  
8 consolidated, renumbered 30.20 (1g) (a) 1. and amended to read:

9           30.20 (1g) (a) 1. ~~Except as provided under subd. 2., a person may remove A~~  
10 removal of material from the bed of a farm drainage ditch which was not a navigable  
11 stream before ditching. 2. The department may require a permit under sub. (2) (e)  
12 for a removal under subd. 1. only if it is exempt from the individual and general  
13 permit requirements under this section unless the department finds that the  
14 proposed removal may have a long-term adverse effect on cold-water fishery  
15 resources or may destroy fish spawning beds or nursery areas.

16           \***-3599/P3.110\*** SECTION 118. 30.20 (1) (c) 3. of the statutes is renumbered  
17 30.20 (1g) (a) 2.

18           \***-3599/P3.111\*** SECTION 119. 30.20 (1) (d) of the statutes is renumbered 30.20  
19 (1g) (c) and amended to read:

20           30.20 (1g) (c) ~~The A removal of material by the drainage board for the Duck~~  
21 Creek Drainage District may, without a permit under sub. (2) (e), remove material  
22 from a drain that the board operates in the Duck Creek Drainage District is exempt  
23 from the individual and general permit requirements under this section if the  
24 removal is required, under rules promulgated by the department of agriculture,  
25 trade and consumer protection, in order to conform the drain to specifications

1 imposed by the department of agriculture, trade and consumer protection after  
2 consulting with the department of natural resources.

3 \***-3599/P3.112\*** SECTION 120. 30.20 (1g) (title) and (b) of the statutes are  
4 created to read:

5 30.20 (1g) (title) EXEMPTIONS.

6 (b) A removal of material is exempt from the permit and contract requirements  
7 under this section if the material does not contain hazardous substances, the  
8 material will be placed in an upland area, the material is not being removed from an  
9 area of special natural resource interest, and if any of the following applies:

10 1. The removal will be from an area from which material has been previously  
11 removed, the removal is for maintenance purposes, and the material to be removed  
12 does not exceed 1,000 cubic yards.

13 2. The removal will be from an area from which no material has been previously  
14 removed and the material to be removed does not exceed 100 cubic yards.

15 \***-3599/P3.113\*** SECTION 121. 30.20 (1r) of the statutes is created to read:

16 30.20 (1r) GENERAL PERMITS. (a) The department shall issue statewide general  
17 permits under s. 30.206 that authorize any person to do all of the following:

18 1. Remove material from an area from which material has been previously  
19 removed, the removal is for maintenance purposes, and the material to be removed  
20 is 1,000 or more cubic yards.

21 2. Remove material from an area from which no material has been previously  
22 removed and the material to be removed is 100 or more cubic yards but less than  
23 1,000 cubic yards.

1 (b) The department may promulgate rules that specify other types of removals,  
2 in addition to those listed in par. (a), that may be authorized by statewide general  
3 permits.

4 \*~~3599/P3.114~~\* SECTION 122. 30.20 (2) (title) of the statutes is amended to  
5 read:

6 30.20 (2) (title) ~~CONTRACTS FOR REMOVAL AND INDIVIDUAL PERMITS.~~

7 \*~~3599/P3.115~~\* \*~~0131/P7.197~~\* SECTION 123. 30.20 (2) (a) and (b) of the  
8 statutes are amended to read:

9 30.20 (2) (a) The department, ~~whenever consistent with public rights,~~ may  
10 enter into ~~contracts~~ a contract on behalf of the state for the removal and lease or sale  
11 of any material from the bed of any navigable lake or of any of the outlying waters,  
12 ~~and for the lease or sale of the material. Every~~ if the contract is consistent with public  
13 rights. A person seeking to enter into such a contract shall apply to the department.  
14 Each contract entered into under this paragraph shall contain such any conditions  
15 ~~as may be~~ that the department determines are necessary for the protection of the  
16 public interest and the interests of the state and. Each contract entered into under  
17 this paragraph shall also fix the amount of compensation to be paid to the state for  
18 the material so to be removed, except that no the contract may not require that any  
19 compensation may be paid for the material if the contract is with a municipality as  
20 defined in s. 281.01 (6) and the material is to be used for a municipal purpose and  
21 not for resale. No if the material will not be resold. Each contract entered into under  
22 this paragraph may not run for a longer period more than 5 years.

23 (b) The department, ~~whenever consistent with public rights,~~ may enter into  
24 ~~contracts~~ a contract on behalf of the state for the removal and lease or sale of any  
25 mineral, ore and, or other material from beneath the bed of a navigable lakes and



1 ~~waters, where the waters would~~ water that the state may own if the contract will be  
2 consistent with public rights and if the navigable water will not be disturbed in the  
3 removal operation ~~and for the lease and sale of such mineral, material and ore and~~  
4 ~~provide the necessary regulations for all acts incident thereto. Every such.~~ A person  
5 seeking to enter into such a contract shall apply to the department. Each contract  
6 entered into under this paragraph shall contain such any conditions as may be that  
7 the department determines are necessary for the protection of the public interest and  
8 the interests interest of the state, and. Each contract entered into under this  
9 paragraph shall also fix the compensation to be paid to the state for the material,  
10 ~~mineral and ore so~~ mineral, ore, or other material to be removed. No Each contract  
11 entered into, pursuant to under this paragraph, shall may not run for a longer period  
12 more than 75 years. Should any doubt exist as to whether the state, in fact, owns  
13 such lake bed or stream bed such contract or lease shall be for such interests, if any,  
14 as the state may own. Title to the royalties to be paid when mining operations are  
15 begun shall be determined at such future time as royalties for ores so sold are paid  
16 or are due and payable.

17 **\*-3599/P3.116\* SECTION 124.** 30.20 (2) (bn) of the statutes is created to read:

18 30.20 (2) (bn) For a removal that is not exempt under sub. (1g) and that is not  
19 subject to a general permit under sub. (1r), a person may apply to the department  
20 for an individual permit that is required under sub. (1) (b) in order to remove material  
21 from the bed of any lake or stream not described under sub. (1) (a).

22 **\*-3599/P3.117\* SECTION 125.** 30.20 (2) (c) of the statutes is amended to read:

23 30.20 (2) (c) ~~A permit to remove material from the bed of any lake or stream~~  
24 ~~not included in sub. (1) (a) may be issued by the department if it~~ The department  
25 shall issue an individual permit pursuant to an application under par. (bn) if the

1 ~~department finds that the issuance of such a~~ the permit will be consistent with the  
2 ~~public interest in the water involved. A permit or contract issued under this~~  
3 ~~paragraph may be issued for up to 10 years if the applicant notifies the department~~  
4 ~~at least 30 days before removing any material~~ lake or stream.

5 \*~~3599/P3.118~~\* \*~~0131/P7.199~~\* **SECTION 126.** 30.20 (2) (d) of the statutes is  
6 created to read:

7 30.20 (2) (d) If an applicant for a permit under par. (bn) submits the application  
8 at least 30 days before the proposed date of the removal, the department may issue  
9 the permit for a period of up to 10 years.

10 \*~~3599/P3.119~~\* **SECTION 127.** 30.20 (2) (e) of the statutes is created to read:

11 30.20 (2) (e) The notice and hearing provisions of s. 30.208 (3) to (5) apply to  
12 an application for a permit or contract under this subsection.

13 \*~~3599/P3.120~~\* **SECTION 128.** 30.201 of the statutes is created to read:

14 **30.201 Financial assurance for nonmetallic mining.** (1) If the  
15 department requires that financial assurance be provided as a condition for a permit  
16 under s. 30.19, 30.195, or 30.20 or for a contract under s. 30.20 for nonmetallic  
17 mining and reclamation, the financial assurance may be a bond or alternative  
18 financial assurance. An alternative financial assurance may include cash or any of  
19 the following:

- 20 (a) A certificate of deposit.
- 21 (b) An irrevocable letter of credit.
- 22 (c) An irrevocable trust.
- 23 (d) An escrow account.
- 24 (e) A government security.
- 25 (f) Any other demonstration of financial responsibility.

1           (2) Any interest earned by the financial assurance shall be paid to the person  
2 operating the nonmetallic mining or reclamation project.

3           \***-3599/P3.121\*** \***-0131/P7.244\*** **SECTION 129.** 30.2022 (title) of the statutes  
4 is created to read:

5           **30.2022 (title) Activities of department of transportation.**

6           \***-3599/P3.122\*** **SECTION 130.** 30.2026 (2) (d) of the statutes is amended to  
7 read:

8           30.2026 (2) (d) The village of Belleville shall create any artificial barrier under  
9 this section in compliance with all state laws that relate to navigable bodies of water,  
10 except s. 30.12 (1) and (2).

11           \***-3599/P3.123\*** **SECTION 131.** 30.2026 (3) (a) of the statutes is amended to  
12 read:

13           30.2026 (3) (a) The village of Belleville shall maintain any artificial barrier  
14 created as authorized under sub. (1). If a landowner of more than 500 feet of Lake  
15 Belle View shoreline, a portion of which is located within 1,000 feet of any such  
16 artificial barrier, is dissatisfied with the manner in which the village of Belleville is  
17 maintaining the barrier, the owner may maintain the barrier in lieu of the village,  
18 upon approval of the department. The village or a landowner who maintains the  
19 barrier shall comply with all state laws that relate to navigable bodies of water,  
20 except s. 30.12 (1) and (2). The department may require the village of Belleville or  
21 the landowner to maintain the barrier in a structurally and functionally adequate  
22 condition.

23           \***-3599/P3.124\*** **SECTION 132.** 30.206 (1) (title) of the statutes is created to  
24 read:

25           30.206 (1) (title) **PROCEDURE FOR ISSUING GENERAL PERMITS.**

1           \***-3599/P3.125\*** SECTION 133. 30.206 (1) of the statutes is renumbered 30.206  
2 (1) (a) and amended to read:

3           30.206 (1) (a) ~~For activities which require a permit or approval under ss. 30.12~~  
4 ~~(3) (a) and 30.19 (1) (a), the department may issue a general permit authorizing a~~  
5 ~~class of activities, according to rules promulgated by the department. Before The~~  
6 department shall issue the statewide general permits required under ss. 30.12 (3)  
7 (a), 30.123 (7) (a), 30.19 (3r) (a), 30.195 (1m) (a), and 30.20 (1r) (a) within 540 days  
8 after the effective date of this paragraph .... [revisor inserts date]. General permits  
9 issued under s. 30.206, 2001 stats., shall remain valid until the date upon which the  
10 statewide general permits are issued under this paragraph. Vessels for commercial  
11 storage that, on the effective date of this paragraph .... [revisor inserts date], are in  
12 place on Lake Michigan or Lake Superior or on any tributary of Lake Michigan or  
13 Lake Superior determined to be navigable by the federal government shall be  
14 considered to be placed in compliance with s. 30.12 until the date upon which the  
15 statewide general permit is issued under s. 30.12 (3) (a) 12.

16           (b) Before issuing general permits, the department shall determine provide,  
17 after an environmental analysis and, notice and hearing under ss. 227.17 and  
18 227.18, that.

19           (c) To ensure that the cumulative adverse environmental impact of the class  
20 of activity activities authorized by a general permit is insignificant and that the  
21 issuance of the general permit will not injure public rights or interest interests, cause  
22 environmental pollution, as defined in s. 299.01 (4), or result in material injury to the  
23 rights of any riparian owner, the department may impose any of the following  
24 conditions on the permit:

1           \***-3599/P3.126\*** SECTION 134. 30.206 (1) (c) 1. to 3. of the statutes are created  
2 to read:

3           30.206 (1) (c) 1. Construction and design requirements that are consistent with  
4 the purpose of the activity authorized under the permit.

5           2. Location requirements that ensure that the activity will not materially  
6 interfere with navigation or have an adverse impact on the riparian property rights  
7 of adjacent riparian owners.

8           3. Restrictions to protect areas of special natural resource interest.

9           \***-3599/P3.127\*** SECTION 135. 30.206 (2) of the statutes is repealed.

10          \***-3599/P3.128\*** SECTION 136. 30.206 (3) (title) of the statutes is created to  
11 read:

12          30.206 (3) (title) PROCEDURES FOR CONDUCTING ACTIVITIES UNDER GENERAL  
13 PERMITS.

14          \***-3599/P3.129\*** SECTION 137. 30.206 (3) of the statutes is renumbered 30.206  
15 (3) (a) and amended to read:

16          30.206 (3) (a) A person wishing to proceed with an activity that may be  
17 authorized by a general permit shall apply to the department, with written  
18 notification of the person's wish to proceed, not less than 20 business 30 days before  
19 commencing the activity authorized by a general permit. The department may  
20 request additional information from the applicant notification shall provide  
21 information describing the activity in order to allow the department to determine  
22 whether the activity is within the scope of a authorized by the general permit and  
23 shall inform the applicant in writing of its determination within 10 business days  
24 after receipt of adequate information.

25          \***-3599/P3.130\*** SECTION 138. 30.206 (3) (c) of the statutes is created to read:

1           30.206 (3) (c) Upon completion of an activity that the department has  
2 authorized under a general permit, the applicant for the general permit shall provide  
3 to the department a statement certifying that the activity is in compliance with all  
4 of the conditions of the general permit and a photograph of the activity.

5           \***-3599/P3.131\*** SECTION 139. 30.206 (3m) of the statutes is repealed.

6           \***-3599/P3.132\*** SECTION 140. 30.206 (4) of the statutes is renumbered 30.206  
7 (3) (b) and amended to read:

8           30.206 (3) (b) ~~Upon receipt of the department's determination that the~~  
9 ~~proposed activity is authorized by a general permit, If within 30 days after a~~  
10 ~~notification under par. (a) is submitted to the department the department does not~~  
11 ~~require any additional information about the activity that is subject to the~~  
12 ~~notification and does not inform the applicant that an individual permit will be~~  
13 ~~required, the activity will be considered to be authorized by the general permit and~~  
14 the applicant may proceed without further notice, hearing, permit or approval if the  
15 activity is carried out in compliance with all of the conditions of the general permit.  
16 The department may require an individual permit only if it determines that the  
17 proposed activity is not authorized by the general permit.

18           \***-3599/P3.133\*** SECTION 141. 30.206 (5) (title) of the statutes is created to  
19 read:

20           30.206 (5) (title) FAILURE TO FOLLOW PROCEDURAL REQUIREMENTS.

21           \***-3599/P3.134\*** SECTION 142. 30.206 (6) of the statutes is amended to read:

22           30.206 (6) REQUEST FOR INDIVIDUAL PERMIT. A person proposing an activity for  
23 which a general permit has been issued may request an individual permit under the  
24 applicable provisions of this chapter subchapter or ch. 31 in lieu of seeking  
25 authorization under the general permit.

1           \***-3599/P3.135\*** SECTION 143. 30.206 (7) of the statutes is amended to read:  
2           30.206 (7) This section does not apply to an application for a general permit for  
3 the Wolf River and Fox River basin area or any area designated under s. 30.207 (1m)  
4 if the application for the general permit may be submitted under s. 30.207.

5           \***-3599/P3.136\*** SECTION 144. 30.207 (1) of the statutes is amended to read:  
6           30.207 (1) GEOGRAPHICAL AREA. For purposes of this section and s. ~~30.12 (3) (bt)~~  
7 30.2023, the Wolf River and Fox River basin area consists of all of Winnebago County;  
8 the portion and shoreline of Lake Poygan in Waushara County; the area south of  
9 STH 21 and east of STH 49 in Waushara County; that portion of Calumet County in  
10 the Lake Winnebago watershed; all of Fond du Lac County north of STH 23; that  
11 portion of Outagamie County south and east of USH 41; that portion of Waupaca  
12 County that includes the town of Mukwa, city of New London, town of Caledonia,  
13 town of Fremont; and the portion and shoreline of Partridge Lake and the Wolf River  
14 in the town of Weyauwega.

15           \***-3599/P3.137\*** SECTION 145. 30.207 (3) (d) 2. of the statutes is amended to  
16 read:

17           30.207 (3) (d) 2. Specify the department's plans for proceeding on the  
18 application. ~~The plans shall include a timetable for the notice and hearing required~~  
19 ~~under sub. (4).~~

20           \***-3599/P3.138\*** SECTION 146. 30.207 (4) (b) of the statutes is repealed.

21           \***-3599/P3.139\*** SECTION 147. 30.207 (5) of the statutes is repealed.

22           \***-3599/P3.140\*** SECTION 148. 30.208 of the statutes is created to read:

23           **30.208 Applications for individual permits and contracts; department**  
24 **determinations.** (1) APPLICATION REQUIRED. A person who seeks to obtain or modify  
25 an individual permit under this subchapter or to enter into a contract under s. 30.20

1 shall submit an application to the department. The application may contain a  
2 request for a public hearing on the application.

3 (3) NOTICE OF COMPLETE APPLICATION; REQUEST FOR PUBLIC HEARING; DECISION. (a)

4 Upon determination by the department that an application submitted under sub. (1)  
5 is complete, the department shall provide notice of complete application to interested  
6 and potentially interested members of the public, as determined by the department.  
7 The department shall provide the notice within 15 days after the determination that  
8 the application is complete. If the applicant has requested a public hearing as part  
9 of the submitted application, a notice of public hearing shall be part of the notice of  
10 complete application.

11 (b) If the notice of complete application does not contain a notice of public  
12 hearing, any person may request a public hearing in writing or the department may  
13 decide to hold a public hearing without a request being submitted if the department  
14 determines that there is a significant public interest in holding a hearing.

15 (c) A request for a public hearing under par. (b) must be submitted to the  
16 department or the department's decision to hold a public hearing must occur within  
17 30 days after the department completes providing the notice of complete application.  
18 The department shall provide notice of public hearing within 15 days after the  
19 request for public hearing is submitted or the department makes its determination.

20 (d) The department shall hold a public hearing within 30 days after the notice  
21 of hearing has been provided under par. (a) or (c).

22 (e) Within 30 days after the public hearing is held or, if no public hearing is held,  
23 within 30 days of the 30-day comment period under sub. (4) (a), the department shall  
24 render a decision, issuing, denying, or modifying the permit or approving the  
25 contract that is the subject of the application submitted under sub. (1).



1           (4) PUBLIC COMMENT. (a) The department shall provide a period for public  
2 comment after the department has provided a notice of complete application under  
3 sub. (3) (a), during which time any person may submit written comments with  
4 respect to the application for the permit or contract. The department shall retain all  
5 of the written comments submitted during this period and shall consider all of the  
6 comments in the formulation of the final decision on the application. The period for  
7 public comment shall end on the 30th day following the date on which the  
8 department completes providing the notice of complete application, except as  
9 provided in par. (b).

10           (b) If a public hearing is held, the period for public comment shall end on the  
11 10th day following the date on which the public hearing is completed.

12           (d) The department shall promulgate rules to establish procedures for the  
13 conduct of public hearings held under this subsection. Public hearings held under  
14 this subsection are not contested cases under s. 227.01 (3).

15           (5) NOTICE REQUIREMENTS. (a) The department shall, by rule, establish  
16 procedures for providing notices of complete applications and notices of public  
17 hearings to be provided under sub. (3), and notices of administrative hearings to be  
18 provided under s. 30.209 (1). The procedures shall require all of the following:

- 19           1. That the notice be published as a class 1 notice under ch. 985.
- 20           2. That the notice be mailed to any person or group upon request.

21           (b) The department shall, by rule, prescribe the form and content of notices of  
22 complete applications and notices of public hearings to be provided under sub. (3),  
23 and notices of administrative hearings to be provided under s. 30.209 (1). Each notice  
24 shall include all of the following information:

- 25           1. The name and address of each applicant or permit holder.

1           2. A brief description of each applicant's activity or project that requires the  
2 permit.

3           3. The name of the waterway in or for which the activity or project is planned.

4           4. For a notice of complete application and a notice of public hearing under sub.  
5 (3), a statement of the tentative determination to issue, modify, or deny a permit for  
6 the activity or project described in the application.

7           5. For a notice of complete application and a notice of public hearing under sub.  
8 (3), a brief description of the procedures for the formulation of final determinations,  
9 including a description of the comment period required under sub. (4).

10           (c) The department may delegate the department's requirement to provide  
11 notice under sub. (3) or s. 30.209 (1) by doing any of the following:

12           1. Requiring that the applicant for the permit or contract provide by  
13 publication, mailing, or other distribution or more of the notices.

14           2. That the applicant for the permit or contract pay for the publication, mailing,  
15 or any other distribution costs of providing one or more of the notices.

16           \***-3599/P3.141\*** SECTION 149. 30.209 of the statutes is created to read:

17           **30.209 Individual permits; administrative and judicial review. (1)**  
18 ADMINISTRATIVE REVIEW. (a) An applicant for or holder of an individual permit, or 5  
19 or more persons, may file a petition for administrative review of any of the following  
20 decisions given by the department:

21           1. The issuance, denial, or modification of any individual permit issued under  
22 this subchapter.

23           2. The imposition of, or failure to impose, a term or condition on any individual  
24 permit issued under this subchapter.

1 (b) A petition under this subsection shall be filed with the department within  
2 30 days after the date on which the department has given notice of its decision under  
3 par. (a) 1. or 2. The petition shall state the interest of each petitioner, the specific  
4 issue to be reviewed, and the reasons why an administrative hearing is warranted.

5 (c) Unless the department determines that there are no grounds supporting the  
6 position that an administrative hearing is warranted, the department shall provide  
7 a notice of the hearing at least 30 days before the date of the hearing to all of the  
8 following:

- 9 1. The applicant for or the holder of the permit.
- 10 2. Each petitioner, if other than the applicant or holder.
- 11 3. Any other persons required to receive notice under the rules promulgated  
12 under s. 30.208 (5).

13 (d) The notice under par. (c) shall be in compliance with all of the other  
14 applicable rules promulgated under s. 30.208 (5).

15 (e) The administrative hearing shall be conducted as a contested case hearing  
16 in accordance with the procedures under ch. 227.

17 (2) JUDICIAL REVIEW. (a) Any applicant for or holder of an individual permit or  
18 any other person who satisfies the requirements of s. 227.52 may commence an  
19 action in circuit court to review any of the decisions given by the department that are  
20 specified in sub. (1) (a) 1. and 2.

21 (b) An action filed under par. (a) by an applicant for or holder of an individual  
22 permit shall be in lieu of the applicant or holder seeking review under sub. (1).

23 (c) Any administrative review petitioned for under sub. (1) may be removed to  
24 the circuit court by the applicant for the permit, the holder of the permit, or the  
25 department. The review shall be commenced by filing a motion for removal together

1 with a copy of the petition filed under sub. (1). The motion must be filed within 30  
2 days after notice is provided under sub. (1) (c).

3 (d) An action or review commenced under this subsection shall be filed in the  
4 circuit court for the county in which the riparian property that is subject to a decision  
5 by the department, as specified in sub. (1) (a) 1. and 2., is located.

6 (e) A review under par. (c) or (d) shall include the examination of witnesses and  
7 the taking of evidence before the court.

8 **\*-3599/P3.142\* SECTION 150.** 30.28 (3) (b) of the statutes is amended to read:

9 30.28 (3) (b) This section does not apply to a permit issued under s. 30.12 (3)  
10 (a) ~~2., 2m. or 3.~~ or (c) or (d).

11 **\*-3599/P3.143\* SECTION 151.** 30.29 (3) (d) of the statutes is amended to read:

12 30.29 (3) (d) *Activities for which a permit is issued.* A person or agent of a person  
13 who is issued a permit by the department while the person or agent is engaged in  
14 activities related to the purpose for which the permit is issued as authorized under  
15 a general or individual permit issued under this subchapter or as authorized under  
16 a contract entered into under this subchapter.

17 **\*-3599/P3.144\* SECTION 152.** 30.298 (3) of the statutes is amended to read:

18 30.298 (3) Any person who violates a general permit under s. 30.206 shall  
19 forfeit not less than \$10 nor more than \$500 for the first offense and shall forfeit not  
20 less than \$50 nor more than \$500 upon conviction of the same offense a 2nd or  
21 subsequent time.

22 **\*-3599/P3.145\* SECTION 153.** 31.39 (2m) (c) of the statutes is amended to read:

23 31.39 (2m) (c) If more than one fee under sub. (2) (a) or s. 30.28 (2) ~~(a)~~ or 281.22  
24 is applicable to a project, the department shall charge only the highest fee of those  
25 that are applicable.

1           \***-3380/P5.6\*** SECTION 154. 66.0628 of the statutes is created to read:

2           **66.0628 Fees imposed by a political subdivision.** (1) In this section,  
3 “political subdivision” means a city, village, town, or county.

4           (2) Any fee that is imposed by a political subdivision shall bear a reasonable  
5 relationship to the service for which the fee is imposed.

6           (3) With regard to a fee that is first imposed, or an existing fee that is increased,  
7 on or after the effective date of this subsection .... [revisor inserts date], a political  
8 subdivision shall issue written findings that demonstrate that the fee meets the  
9 standard in sub. (2).

10          \***-3380/P5.7\*** SECTION 155. 66.1001 (2) (e) of the statutes is amended to read:

11          66.1001 (2) (e) *Agricultural, natural and cultural resources element.* A  
12 compilation of objectives, policies, goals, maps and programs for the conservation,  
13 and promotion of the effective management, of natural resources such as  
14 groundwater, forests, productive agricultural areas, environmentally sensitive  
15 areas, threatened and endangered species, stream corridors, surface water,  
16 floodplains, wetlands, wildlife habitat, metallic and nonmetallic mineral resources  
17 consistent with zoning limitations under s. 295.20 (2), parks, open spaces, historical  
18 and cultural resources, community design, recreational resources and other natural  
19 resources.

20          \***-3380/P5.8\*** SECTION 156. 66.1001 (4) (a) of the statutes is amended to read:

21          66.1001 (4) (a) The governing body of a local governmental unit shall adopt  
22 written procedures that are designed to foster public participation, including open  
23 discussion, communication programs, information services, and public meetings for  
24 which advance notice has been provided, in every stage of the preparation of a  
25 comprehensive plan. The written procedures shall provide for wide distribution of

1 proposed, alternative, or amended elements of a comprehensive plan and shall  
2 provide an opportunity for written comments on the plan to be submitted by  
3 members of the public to the governing body and for the governing body to respond  
4 to such written comments. The written procedures shall describe the methods the  
5 governing body of a local governmental unit will use to distribute proposed,  
6 alternative, or amended elements of a comprehensive plan to owners of property, or  
7 to persons who have a leasehold interest in property pursuant to which the persons  
8 may extract nonmetallic mineral resources in or on property, in which the allowable  
9 use or intensity of use, of the property, is changed by the comprehensive plan.

10 \***-3380/P5.9\*** SECTION 157. 66.1001 (4) (e) of the statutes is created to read:

11 66.1001 (4) (e) At least 30 days before the hearing described in par. (d) is held,  
12 a local governmental unit shall provide written notice to all owners of property, and  
13 all leaseholders who have an interest in property pursuant to which the persons may  
14 extract nonmetallic mineral resources, in which the allowable use or intensity of use,  
15 of the property, is changed by the comprehensive plan, including all of the following:

16 1. An operator who has obtained, or made application for, a permit that is  
17 described under s. 295.12 (3) (d).

18 2. A person who has registered a marketable nonmetallic mineral deposit  
19 under s. 295.20.

20 3. Any other person who the local governmental unit knows has a property  
21 interest in nonmetallic mineral resources in the jurisdiction.

22 \***-3380/P5.10\*** SECTION 158. 77.52 (2r) of the statutes is created to read:

23 77.52 (2r) No part of the charge for services provided by a temporary help  
24 company, as defined in s. 108.02 (24m), is subject to tax under sub. (2), if the client

1 for whom the services are provided controls the means of performing the services and  
2 is responsible for the satisfactory completion of the services.

3 **\*-3599/P3.146\* SECTION 159.** 84.18 (6) of the statutes is amended to read:

4 84.18 (6) EXECUTION AND CONTROL OF WORK. Subject to s. ~~30.12(4)~~ 30.2022 and  
5 the control exercised by the United States, the construction under this section of any  
6 local bridge project shall be wholly under the supervision and control of the  
7 department. The secretary shall make and execute all contracts and have complete  
8 supervision over all matters pertaining to such construction and shall have the  
9 power to suspend or discontinue proceedings or construction relative to any bridge  
10 project at any time in the event any county, city, village or town fails to pay the  
11 amount required of it for any project eligible for construction under this section, or  
12 if the secretary determines that sufficient funds to pay the state's part of the cost of  
13 such bridge project are not available. All moneys provided by counties, cities,  
14 villages and towns shall be deposited in the state treasury, when required by the  
15 secretary, and paid out on order of the secretary. Any of the moneys deposited for a  
16 project eligible for construction under this section which remain in the state treasury  
17 after the completion of the project shall be repaid to the respective county, city, village  
18 or town in proportion to the amount each deposited.

19 **\*-3380/P5.11\* SECTION 160.** 106.01 (9) of the statutes is amended to read:

20 106.01 (9) ~~The~~ Subject to s. 106.04, the department may investigate, fix  
21 reasonable classifications, ~~issue~~ promulgate rules ~~and,~~ issue general or special  
22 orders, ~~and,~~ hold hearings, make findings, and render orders upon its findings as  
23 ~~shall be necessary~~ to carry out the intent and purposes of this section. The  
24 investigations, classifications, hearings, findings, and orders shall be made as  
25 provided in s. 103.005. Except as provided in sub. (8), the penalties specified in s.

1 103.005 (12) apply to violations of this section. Orders issued under this subsection  
2 are subject to review under ch. 227.

3 **\*-3380/P5.12\* SECTION 161.** 106.025 (4) of the statutes is amended to read:

4 106.025 (4) In order that the apprentice may qualify at the end of  
5 apprenticeship as a skilled mechanic in the art of installing plumbing work, the  
6 department, subject to s. 106.04, may prescribe the level of supervision of an  
7 apprentice and the character of plumbing work that the apprentice may do during  
8 the 3rd year of the apprenticeship term. An apprentice in the 4th or 5th year of the  
9 apprenticeship term may install plumbing under the direction or supervision of a  
10 master or journeyman plumber without either the master or journeyman being  
11 physically present, provided that the master plumber in charge shall be responsible  
12 for the work.

13 **\*-3380/P5.13\* SECTION 162.** 106.04 of the statutes is created to read:

14 **106.04 Apprentice-to-journeyman job-site ratio regulation**  
15 **prohibited.** The department may not prescribe, whether by promulgating a rule,  
16 issuing a general or special order, or otherwise, the ratio of apprentices to  
17 journeymen that an employer may have at a job site.

18 **\*-3380/P5.14\* SECTION 163.** Chapter 137 (title) of the statutes is amended to  
19 read:

20 **CHAPTER 137**

21 **AUTHENTICATIONS AND ELECTRONIC**

22 **TRANSACTIONS AND RECORDS**

23 **\*-3380/P5.15\* SECTION 164.** Subchapter I (title) of chapter 137 [precedes  
24 137.01] of the statutes is amended to read:

25 **CHAPTER 137**



1 SUBCHAPTER I  
2 NOTARIES AND COMMISSIONERS  
3 OF DEEDS; ELECTRONIC AND  
4 NONELECTRONIC NOTARIZATION AND  
5 ACKNOWLEDGEMENT

6 \***-3380/P5.16\*** SECTION 165. 137.01 (3) (a) of the statutes is amended to read:

7 137.01 (3) (a) ~~Every~~ Except as authorized in sub. (4) (a) and s. 137.19, every  
8 notary public shall provide an engraved official seal which makes a distinct and  
9 legible impression or official rubber stamp which makes a distinct and legible  
10 imprint on paper. The impression of the seal or the imprint of the rubber stamp shall  
11 state only the following: “Notary Public,” “State of Wisconsin” and the name of the  
12 notary. But any notarial seal in use on August 1, 1959, shall be considered in  
13 compliance.

14 \***-3380/P5.17\*** SECTION 166. 137.01 (4) (a) of the statutes is amended to read:

15 137.01 (4) (a) Every official act of a notary public shall be attested by the notary  
16 public’s written signature or electronic signature, as defined in s. 137.04 (2) 137.11  
17 (8). The department of ~~electronic government~~ <sup>administration</sup> and the secretary of state shall jointly  
18 promulgate rules prescribing a method for attaching or associating an electronic  
19 signature and other required information with a signature or record under s. 137.19.  
20 The department of ~~electronic government~~ and the secretary of state shall jointly  
21 promulgate rules establishing requirements that a notary public must satisfy in  
22 order to use an electronic signature for any attestation other than an attestation  
23 under s. 137.19. All joint rules promulgated under this paragraph shall be numbered  
24 as rules of each agency in the Wisconsin Administrative Code.

25 \***-3380/P5.18\*** SECTION 167. 137.01 (4) (b) of the statutes is amended to read:

