

1 requires a written signature may be submitted by ~~transforming the document into~~
2 as an electronic format, but only with the consent of the governmental unit that is
3 to receive the document record, and if submitted as an electronic record may
4 incorporate an electronic signature.

5 ***-3380/P5.23*** SECTION 172. 137.06 of the statutes is repealed.

6 ***-3380/P5.24*** SECTION 173. 137.11 to 137.24 of the statutes are created to
7 read:

8 **137.11 Definitions.** In this subchapter:

9 (1) “Agreement” means the bargain of the parties in fact, as found in their
10 language or inferred from other circumstances and from rules, regulations, and
11 procedures given the effect of agreements under laws otherwise applicable to a
12 particular transaction.

13 (2) “Automated transaction” means a transaction conducted or performed, in
14 whole or in part, by electronic means or by the use of electronic records, in which the
15 acts or records of one or both parties are not reviewed by an individual in the ordinary
16 course in forming a contract, performing under an existing contract, or fulfilling an
17 obligation required by the transaction.

18 (3) “Computer program” means a set of statements or instructions to be used
19 directly or indirectly in an information processing system in order to bring about a
20 certain result.

21 (4) “Contract” means the total legal obligation resulting from the parties’
22 agreement as affected by this subchapter and other applicable law.

23 (5) “Electronic” means relating to technology having electrical, digital,
24 magnetic, wireless, optical, electromagnetic, or similar capabilities.

1 (6) “Electronic agent” means a computer program or an electronic or other
2 automated means used independently to initiate an action or respond to electronic
3 records or performances in whole or in part, without review or action by an
4 individual.

5 (7) “Electronic record” means a record that is created, generated, sent,
6 communicated, received, or stored by electronic means.

7 (8) “Electronic signature” means an electronic sound, symbol, or process
8 attached to or logically associated with a record and executed or adopted by a person
9 with the intent to sign the record.

10 (9) “Governmental unit” means:

11 (a) An agency, department, board, commission, office, authority, institution, or
12 instrumentality of the federal government or of a state or of a political subdivision
13 of a state or special purpose district within a state, regardless of the branch or
14 branches of government in which it is located.

15 (b) A political subdivision of a state or special purpose district within a state.

16 (c) An association or society to which appropriations are made by law.

17 (d) Any body within one or more of the entities specified in pars. (a) to (c) that
18 is created or authorized to be created by the constitution, by law, or by action of one
19 or more of the entities specified in pars. (a) to (c).

20 (e) Any combination of any of the entities specified in pars. (a) to (d).

21 (10) “Information” means data, text, images, sounds, codes, computer
22 programs, software, databases, or the like.

23 (11) “Information processing system” means an electronic system for creating,
24 generating, sending, receiving, storing, displaying, or processing information.

1 (12) “Record” means information that is inscribed on a tangible medium or that
2 is stored in an electronic or other medium and is retrievable in perceivable form.

3 (13) “Security procedure” means a procedure employed for the purpose of
4 verifying that an electronic signature, record, or performance is that of a specific
5 person or for detecting changes or errors in the information in an electronic record.
6 The term includes a procedure that requires the use of algorithms or other codes,
7 identifying words or numbers, encryption, callback, or other acknowledgment
8 procedures.

9 (14) “State” means a state of the United States, the District of Columbia,
10 Puerto Rico, the U.S. Virgin Islands, or any territory or insular possession subject
11 to the jurisdiction of the United States. The term includes an Indian tribe or band,
12 or Alaskan native village, which is recognized by federal law or formally
13 acknowledged by a state.

14 (15) “Transaction” means an action or set of actions occurring between 2 or
15 more persons relating to the conduct of business, commercial, or governmental
16 affairs.

17 **137.115 Relation to federal law.** For the purpose of satisfying 15 USC 7002
18 (a) (2) (B) as that statute relates to this subchapter, this state acknowledges the
19 existence of the Electronic Signatures in Global and National Commerce Act, 15 USC
20 7001 to 7031.

21 **137.12 Application.** (1) Except as otherwise provided in subs. (2) and (2m)
22 and except in s. 137.25, this subchapter applies to electronic records and electronic
23 signatures relating to a transaction.

24 (2) Except as otherwise provided in sub. (3), this subchapter does not apply to
25 a transaction to the extent it is governed by:

1 (a) Any law governing the execution of wills or the creation of testamentary
2 trusts; or

3 (b) Chapters 401 and 403 to 410, other than ss. 401.107 and 401.206.

4 **(2m)** This subchapter does not apply to any of the following records or any
5 transaction evidenced by any of the following records:

6 (a) Records governed by any law relating to adoption, divorce, or other matters
7 of family law.

8 (b) Notices provided by a court.

9 (c) Court orders or judgements.

10 (d) Official court documents, including, but not limited to, briefs, pleadings,
11 affidavits, memorandum decisions, and other writings, required to be executed in
12 connection with court proceedings.

13 (e) Records required by law to accompany any transportation or handling of
14 hazardous materials, pesticides, or other toxic or dangerous materials.

15 (f) Notices of cancelation or termination of utility services, including heat,
16 water, basic local telecommunications services, and power.

17 (g) Notices of default, acceleration, repossession, foreclosure, or eviction, or the
18 right to cure, under a credit agreement secured by, or a rental agreement for, a
19 primary residence of an individual.

20 (h) Notices of the cancellation or termination of health insurance or benefits
21 or life insurance benefits other than annuities.

22 (i) Notices of the recall of a product, or the material failure of a product, that
23 risks endangering health or safety.

1 (3) This subchapter applies to an electronic record or electronic signature
2 otherwise excluded from the application of this subchapter under sub. (2) to the
3 extent it is governed by a law other than those specified in sub. (2).

4 (4) A transaction subject to this subchapter is also subject to other applicable
5 substantive law.

6 (5) This subchapter applies to the state of Wisconsin, unless otherwise
7 expressly provided.

8 **137.13 Use of electronic records and electronic signatures; variation**
9 **by agreement.** (1) This subchapter does not require a record or signature to be
10 created, generated, sent, communicated, received, stored, or otherwise processed or
11 used by electronic means or in electronic form.

12 (2) This subchapter applies only to transactions between parties each of which
13 has agreed to conduct transactions by electronic means. Whether the parties agree
14 to conduct a transaction by electronic means is determined from the context and
15 surrounding circumstances, including the parties' conduct.

16 (3) A party that agrees to conduct a transaction by electronic means may refuse
17 to conduct other transactions by electronic means. The right granted by this
18 subsection may not be waived by agreement.

19 (4) Except as otherwise provided in this subchapter, the effect of any provision
20 of this subchapter may be varied by agreement. Use of the words "unless otherwise
21 agreed," or words of similar import, in this subchapter shall not be interpreted to
22 preclude other provisions of this subchapter from being varied by agreement.

23 (5) Whether an electronic record or electronic signature has legal consequences
24 is determined by this subchapter and other applicable law.

25 **137.14 Construction.** This subchapter shall be construed and applied:

1 (1) To facilitate electronic transactions consistent with other applicable law;

2 (2) To be consistent with reasonable practices concerning electronic
3 transactions and with the continued expansion of those practices; and

4 (3) To effectuate its general purpose to make uniform the law with respect to
5 the subject of this subchapter among states enacting laws substantially similar to
6 the Uniform Electronic Transactions Act as approved and recommended by the
7 National Conference of Commissioners on Uniform State Laws in 1999.

8 **137.15 Legal recognition of electronic records, electronic signatures,**
9 **and electronic contracts.** (1) A record or signature may not be denied legal effect
10 or enforceability solely because it is in electronic form.

11 (2) A contract may not be denied legal effect or enforceability solely because an
12 electronic record was used in its formation.

13 (3) If a law requires a record to be in writing, an electronic record satisfies that
14 requirement in that law.

15 (4) If a law requires a signature, an electronic signature satisfies that
16 requirement in that law.

17 **137.16 Provision of information in writing; presentation of records.**

18 (1) If parties have agreed to conduct a transaction by electronic means and a law
19 requires a person to provide, send, or deliver information in writing to another
20 person, a party may satisfy the requirement with respect to that transaction if the
21 information is provided, sent, or delivered, as the case may be, in an electronic record
22 capable of retention by the recipient at the time of receipt. An electronic record is not
23 capable of retention by the recipient if the sender or its information processing
24 system inhibits the ability of the recipient to print or store the electronic record.

1 (2) If a law other than this subchapter requires a record to be posted or
2 displayed in a certain manner, to be sent, communicated, or transmitted by a
3 specified method, or to contain information that is formatted in a certain manner,
4 then:

5 (a) The record shall be posted or displayed in the manner specified in the other
6 law.

7 (b) Except as otherwise provided in sub. (4) (b), the record shall be sent,
8 communicated, or transmitted by the method specified in the other law.

9 (c) The record shall contain the information formatted in the manner specified
10 in the other law.

11 (3) If a sender inhibits the ability of a recipient to store or print an electronic
12 record, the electronic record is not enforceable against the recipient.

13 (4) The requirements of this section may not be varied by agreement, but:

14 (a) To the extent a law other than this subchapter requires information to be
15 provided, sent, or delivered in writing but permits that requirement to be varied by
16 agreement, the requirement under sub. (1) that the information be in the form of an
17 electronic record capable of retention may also be varied by agreement; and

18 (b) A requirement under a law other than this subchapter to send,
19 communicate, or transmit a record by 1st class or regular mail or with postage
20 prepaid may be varied by agreement to the extent permitted by the other law.

21 **137.17 Attribution and effect of electronic records and electronic**
22 **signatures.** (1) An electronic record or electronic signature is attributable to a
23 person if the electronic record or electronic signature was created by the act of the
24 person. The act of the person may be shown in any manner, including a showing of

1 the efficacy of any security procedure applied to determine the person to which the
2 electronic record or electronic signature was attributable.

3 (2) The effect of an electronic record or electronic signature that is attributed
4 to a person under sub. (1) is determined from the context and surrounding
5 circumstances at the time of its creation, execution, or adoption, including the
6 parties' agreement, if any, and otherwise as provided by law.

7 **137.18 Effect of change or error.** (1) If a change or error in an electronic
8 record occurs in a transmission between parties to a transaction, then:

9 (a) If the parties have agreed to use a security procedure to detect changes or
10 errors and one party has conformed to the procedure, but the other party has not, and
11 the nonconforming party would have detected the change or error had that party also
12 conformed, the conforming party may avoid the effect of the changed or erroneous
13 electronic record.

14 (b) In an automated transaction involving an individual, the individual may
15 avoid the effect of an electronic record that resulted from an error made by the
16 individual in dealing with the electronic agent of another person if the electronic
17 agent did not provide an opportunity for the prevention or correction of the error and,
18 at the time the individual learns of the error, the individual:

19 1. Promptly notifies the other person of the error and that the individual did
20 not intend to be bound by the electronic record received by the other person;

21 2. Takes reasonable steps, including steps that conform to the other person's
22 reasonable instructions, to return to the other person or, if instructed by the other
23 person, to destroy the consideration received, if any, as a result of the erroneous
24 electronic record; and

1 3. Has not used or received any benefit or value from the consideration, if any,
2 received from the other person.

3 (2) If neither sub. (1) (a) nor (b) applies, the change or error has the effect
4 provided by other law, including the law of mistake, and the parties' contract, if any.

5 (3) Subsections (1) (b) and (2) may not be varied by agreement.

6 **137.19 Notarization and acknowledgement.** If a law requires a signature
7 or record to be notarized, acknowledged, verified, or made under oath, the
8 requirement is satisfied if, consistent with any applicable rules promulgated under
9 s. 137.01 (4) (a), the electronic signature of the person authorized to administer the
10 oath or to make the notarization, acknowledgment, or verification, together with all
11 other information required to be included by other applicable law, is attached to or
12 logically associated with the signature or record.

13 **137.20 Retention of electronic records; originals.** (1) Except as provided
14 in sub. (6), if a law requires that a record be retained, the requirement is satisfied
15 by retaining the information set forth in the record as an electronic record which:

16 (a) Accurately reflects the information set forth in the record after it was first
17 generated in its final form as an electronic record or otherwise; and

18 (b) Remains accessible for later reference.

19 (2) A requirement to retain a record in accordance with sub. (1) does not apply
20 to any information the sole purpose of which is to enable the record to be sent,
21 communicated, or received.

22 (3) A person may comply with sub. (1) by using the services of another person
23 if the requirements of that subsection are satisfied.

24 (4) Except as provided in sub. (6), if a law requires a record to be presented or
25 retained in its original form, or provides consequences if the record is not presented

1 or retained in its original form, a person may comply with that law by using an
2 electronic record that is retained in accordance with sub. (1).

3 (5) Except as provided in sub. (6), if a law requires retention of a check, that
4 requirement is satisfied by retention of an electronic record containing the
5 information on the front and back of the check in accordance with sub. (1).

6 (6) (a) Except as provided in par. (b), a record retained as an electronic record
7 in accordance with sub. (1) satisfies a law requiring a person to retain a record for
8 evidentiary, audit, or like purposes, unless a law enacted after the effective date of
9 this paragraph [revisor inserts date], specifically prohibits the use of an electronic
10 record for the specified purpose.

11 (b) A governmental unit that has custody of a record is also further subject to
12 the retention requirements for public records of state agencies and the records of the
13 University of Wisconsin Hospitals and Clinics Authority established under ss. 16.61
14 and 16.611 and the retention requirements for documents of local governmental
15 units established under s. 16.612.

16 (7) The public records board may promulgate rules prescribing standards
17 consistent with this subchapter for retention of records by state agencies, the
18 University of Wisconsin Hospitals and Clinics Authority and local governmental
19 units.

20 (8) This section does not preclude the public records board, the department of
21 ~~electronic government~~, ^{Administration} or any other governmental unit of this state from specifying
22 additional requirements for the retention of any record of another governmental unit
23 subject to its jurisdiction.

24 **137.21 Admissibility in evidence.** In a proceeding, a record or signature
25 may not be excluded as evidence solely because it is in electronic form.

1 **137.22 Automated transactions.** In an automated transaction:

2 (1) A contract may be formed by the interaction of electronic agents of the
3 parties, even if no individual was aware of or reviewed the electronic agent's actions
4 or the resulting terms and agreements.

5 (2) A contract may be formed by the interaction of an electronic agent and an
6 individual, acting on the individual's own behalf or for another person, including by
7 an interaction in which the individual performs actions that the individual is free to
8 refuse to perform and which the individual knows or has reason to know will cause
9 the electronic agent to complete the transaction or performance.

10 (3) The terms of a contract under sub. (1) or (2) are governed by the substantive
11 law applicable to the contract.

12 **137.23 Time and place of sending and receipt.** (1) Unless otherwise
13 agreed between the sender and the recipient, an electronic record is sent when it:

14 (a) Is addressed properly or otherwise directed properly to an information
15 processing system that the recipient has designated or uses for the purpose of
16 receiving electronic records or information of the type sent and from which the
17 recipient is able to retrieve the electronic record;

18 (b) Is in a form capable of being processed by that system; and

19 (c) Enters an information processing system outside the control of the sender
20 or of a person that sent the electronic record on behalf of the sender or enters a region
21 of the information processing system designated or used by the recipient which is
22 under the control of the recipient.

23 (2) Unless otherwise agreed between a sender and the recipient, an electronic
24 record is received when:

1 (a) It enters an information processing system that the recipient has
2 designated or uses for the purpose of receiving electronic records or information of
3 the type sent and from which the recipient is able to retrieve the electronic record;
4 and

5 (b) It is in a form capable of being processed by that system.

6 (3) Subsection (2) applies even if the place where the information processing
7 system is located is different from the place where the electronic record is deemed
8 to be received under sub. (4).

9 (4) Unless otherwise expressly provided in the electronic record or agreed
10 between the sender and the recipient, an electronic record is deemed to be sent from
11 the sender's place of business and to be received at the recipient's place of business.
12 For purposes of this subsection:

13 (a) If the sender or recipient has more than one place of business, the place of
14 business of that person is the place having the closest relationship to the underlying
15 transaction.

16 (b) If the sender or the recipient does not have a place of business, the place of
17 business is the sender's or recipient's residence, as the case may be.

18 (5) An electronic record is received under sub. (2) even if no individual is aware
19 of its receipt.

20 (6) Receipt of an electronic acknowledgment from an information processing
21 system described in sub. (2) establishes that a record was received but, by itself, does
22 not establish that the content sent corresponds to the content received.

23 (7) If a person is aware that an electronic record purportedly sent under sub.
24 (1), or purportedly received under sub. (2), was not actually sent or received, the legal
25 effect of the sending or receipt is determined by other applicable law. Except to the

1 extent permitted by the other law, the requirements of this subsection may not be
2 varied by agreement.

3 **137.24 Transferable records.** (1) In this section, “transferable record”
4 means an electronic record that would be a note under ch. 403 or a document under
5 ch. 407 if the electronic record were in writing.

6 (1m) An electronic record qualifies as a transferable record under this section
7 only if the issuer of the electronic record expressly has agreed that the electronic
8 record is a transferable record.

9 (2) A person has control of a transferable record if a system employed for
10 evidencing the transfer of interests in the transferable record reliably establishes
11 that person as the person to which the transferable record was issued or transferred.

12 (3) A system satisfies the requirements of sub. (2), and a person is deemed to
13 have control of a transferable record, if the transferable record is created, stored, and
14 assigned in such a manner that:

15 (a) A single authoritative copy of the transferable record exists which is unique,
16 identifiable, and, except as otherwise provided in pars. (d) to (f), unalterable;

17 (b) The authoritative copy identifies the person asserting control as the person
18 to which the transferable record was issued or, if the authoritative copy indicates
19 that the transferable record has been transferred, the person to which the
20 transferable record was most recently transferred;

21 (c) The authoritative copy is communicated to and maintained by the person
22 asserting control or its designated custodian;

23 (d) Copies or revisions that add or change an identified assignee of the
24 authoritative copy can be made only with the consent of the person asserting control;

1 (e) Each copy of the authoritative copy and any copy of a copy is readily
2 identifiable as a copy that is not the authoritative copy; and

3 (f) Any revision of the authoritative copy is readily identifiable as authorized
4 or unauthorized.

5 (4) Except as otherwise agreed, a person having control of a transferable record
6 is the holder, as defined in s. 401.201 (20), of the transferable record and has the same
7 rights and defenses as a holder of an equivalent record or writing under chs. 401 to
8 411, including, if the applicable statutory requirements under s. 403.302 (1),
9 407.501, or 409.308 are satisfied, the rights and defenses of a holder in due course,
10 a holder to which a negotiable record of title has been duly negotiated, or a purchaser,
11 respectively. Delivery, possession, and endorsement are not required to obtain or
12 exercise any of the rights under this subsection.

13 (5) Except as otherwise agreed, an obligor under a transferable record has the
14 same rights and defenses as an equivalent obligor under equivalent records or
15 writings under chs. 401 to 411.

16 (6) If requested by a person against which enforcement is sought, the person
17 seeking to enforce the transferable record shall provide reasonable proof that the
18 person is in control of the transferable record. Proof may include access to the
19 authoritative copy of the transferable record and related business records sufficient
20 to review the terms of the transferable record and to establish the identity of the
21 person having control of the transferable record.

22 *-3380/P5.25* SECTION 174. 137.25 (2) of the statutes is created to read:

23 137.25 (2) The department of ~~electronic government~~ ^{Administration} shall promulgate rules
24 concerning the use of electronic records and electronic signatures by governmental
25 units, which shall govern the use of electronic records or signatures by governmental

1 units, unless otherwise provided by law. The rules shall include standards regarding
2 the receipt of electronic records or electronic signatures that promote consistency
3 and interoperability with other standards adopted by other governmental units of
4 this state and other states and the federal government and nongovernmental
5 persons interacting with governmental units of this state. The standards may
6 include alternative provisions if warranted to meet particular applications.

7 ***-3380/P5.26* SECTION 175.** 146.82 (2) (a) (intro.) of the statutes is amended
8 to read:

9 146.82 (2) (a) (intro.) ~~Notwithstanding~~ It is not a violation of sub. (1), to release
10 patient health care records ~~shall be released upon request~~ without informed consent
11 in the following circumstances:

12 ***-3380/P5.27* SECTION 176.** 146.82 (2) (a) 22. of the statutes is created to read:

13 146.82 (2) (a) 22. For purposes of health care operations, as defined in 45 CFR
14 164.501, and as authorized under 45 CFR 164, subpart E.

15 ***-3380/P5.28* SECTION 177.** 196.03 (7) of the statutes is created to read:

16 196.03 (7) In determining a reasonably adequate public utility gas or electric
17 service or a reasonable and just charge for such service, the commission shall
18 consider costs incurred by the public utility for economic development activities that
19 support and promote customer service load retention and load growth in determining
20 what is reasonable and just, reasonably adequate, convenient and necessary, or in
21 the public interest.

22 ***-3380/P5.29* SECTION 178.** 196.195 (5m) of the statutes is created to read:

23 196.195 (5m) TIME LIMITATION ON COMMISSION ACTION. (a) No later than 120 days
24 after the filing of a petition under sub. (2) (a), the commission shall complete the
25 proceedings under subs. (2), (3), and (4), and, if appropriate, enter an order under

1 sub. (5). If the commission fails to complete the proceedings and, if appropriate, enter
2 an order before that deadline, the petition is considered to be granted without
3 condition by the commission and any provisions of law under sub. (5) that are
4 specified in the petition are considered to be suspended by the commission.

5 (b) No later than 120 days after the commission provides notice of its own
6 motion under sub. (2) (a), the commission shall complete the proceedings under subs.
7 (2), (3), and (4), and, if appropriate, enter an order under sub. (5). If the commission
8 fails to complete the proceedings and, if appropriate, enter an order before that
9 deadline, the motion is considered to be granted without condition by the commission
10 and any provisions of law under sub. (5) that are specified in the motion are
11 considered to be suspended by the commission.

12 ***-3380/P5.30* SECTION 179.** 196.195 (10) of the statutes is amended to read:

13 196.195 (10) REVOCATION OF DEREGULATION. If necessary to protect the public
14 interest, the commission, at any time by order, may revoke its order to suspend the
15 applicability of any provision of law suspended under sub. (5). This subsection does
16 not apply to any provision of law that is considered to be suspended under sub. (5m).

17 ***-3426/1.4* SECTION 180.** 196.24 (3) of the statutes is amended to read:

18 196.24 (3) The commission may conduct any number of investigations
19 contemporaneously through different agents, and may delegate to any agent the
20 authority to take testimony bearing upon any investigation or at any hearing. The
21 decision of the commission shall comply with s. 227.46 and shall be based upon its
22 records and upon the evidence before it, except that, ~~notwithstanding s. 227.46 (4),~~
23 a decision maker may hear a case or read or review the record of a case if the record
24 includes a synopsis or summary of the testimony and other evidence presented at the
25 hearing that is prepared by the commission staff. Parties shall have an opportunity

1 to demonstrate to a decision maker that a synopsis or summary prepared under this
2 subsection is not sufficiently complete or accurate to fairly reflect the relevant and
3 material testimony or other evidence presented at a hearing.

4 ***-3380/P5.31* SECTION 181.** 196.374 (3) of the statutes is amended to read:

5 196.374 (3) In 2000, 2001 and 2002, the commission shall require each utility
6 to spend a decreasing portion of the amount determined under sub. (2) on programs
7 specified in sub. (2) and contribute the remaining portion of the amount to the
8 commission for deposit in the fund. ~~In~~ Except as provided in sub. (3m), in each year
9 after 2002, each utility shall contribute the entire amount determined under sub. (2)
10 to the commission for deposit in the fund. The commission shall ensure in
11 rate-making orders that a utility recovers from its ratepayers the amounts spent on
12 programs or contributed to the fund under this subsection or retained under sub.
13 (3m). The commission shall allow each utility the option of continuing to use, until
14 January 1, 2002, the moneys that it has recovered under s. 196.374 (3), 1997 stats.,
15 to administer the programs that it has funded under s. 196.374 (1), 1997 stats. The
16 commission may allow each utility to spend additional moneys on the programs
17 specified in sub. (2) if the utility otherwise complies with the requirements of this
18 section and s. 16.957 (4).

19 ***-3380/P5.32* SECTION 182.** 196.374 (3m) of the statutes is created to read:

20 196.374 (3m) (a) In each fiscal year, the commission may allow a utility to
21 retain a portion of the amount determined under sub. (2) instead of contributing the
22 entire amount to the commission, if the commission determines that the portion is
23 used by the utility for energy conservation programs for industrial, commercial, and
24 agricultural customers in the utility's service area and that the programs comply
25 with rules promulgated by the commission. The rules shall specify annual energy

1 savings targets that the programs must be designed to achieve. The rules shall also
2 require a utility to demonstrate that, no later than a reasonable period of time, as
3 determined by the commission, after the utility implements a program, the economic
4 value of the benefits resulting from the program will be equal to the portion that the
5 utility is allowed to retain under this paragraph.

6 ***-3380/P5.33* SECTION 183.** 196.491 (1) (d) of the statutes is amended to read:

7 196.491 (1) (d) “Electric utility” means any public utility, as defined in s.
8 196.01, which is involved in the generation, distribution and sale of electric energy,
9 and any corporation, company, individual or association, and any cooperative
10 association, which owns or operates, or plans within the next 3 7 years to construct,
11 own or operate, facilities in the state.

12 ***-3380/P5.34* SECTION 184.** 196.491 (2) (a) 3. of the statutes is amended to
13 read:

14 196.491 (2) (a) 3. Identify and describe large electric generating facilities on
15 which an electric utility plans to commence construction within 3 7 years.

16 ***-3380/P5.35* SECTION 185.** 196.491 (2) (a) 3m. of the statutes is amended to
17 read:

18 196.491 (2) (a) 3m. Identify and describe high-voltage transmission lines on
19 which an electric utility plans to commence construction within 3 7 years.

20 ***-3380/P5.36* SECTION 186.** 196.491 (2) (g) of the statutes is amended to read:

21 196.491 (2) (g) No sooner than 30 and no later than 90 days after copies of the
22 draft are issued under par. (b), the commission shall hold a hearing on the draft
23 which may not be a hearing under s. 227.42 or 227.44. The hearing shall be held in
24 an administrative district, established by executive order 22, issued
25 August 24, 1970, which the commission determines will be significantly affected by

1 facilities on which an electric utility plans to commence construction within 3 7
2 years. The commission may thereafter adjourn the hearing to other locations or may
3 conduct the hearing by interactive video conference or other electronic method.
4 Notice of such hearing shall be given by class 1 notice, under ch. 985, published in
5 the official state newspaper and such other regional papers of general circulation as
6 may be designated by the commission. At such hearing the commission shall briefly
7 describe the strategic energy assessment and give all interested persons an
8 opportunity, subject to reasonable limitations on the presentation of repetitious
9 material, to express their views on any aspect of the strategic energy assessment.
10 A record of the hearing shall be made and considered by the commission as comments
11 on the strategic energy assessment under par. (e).

12 *~~3380/P5.37~~* SECTION 187. 196.491 (3) (a) 3. a. of the statutes is amended to
13 read:

14 196.491 (3) (a) 3. a. At least 60 days before a person files an application for a
15 large electric generating facility under subd. 1., the person shall provide the
16 department with an engineering plan showing the location of the facility, a
17 description of the facility, including the major components of the facility that have
18 a significant air, water or solid waste pollution potential, and a description of the
19 anticipated effects of the facility on air and water quality. Within 30 days after a
20 person provides an engineering plan, the department shall provide the person with
21 a listing of each department permit or approval which, on the basis of the information
22 contained in the engineering plan, appears to be required for the construction or
23 operation of the large electric generating facility.

24 *~~3380/P5.38~~* SECTION 188. 196.491 (3) (e) of the statutes is amended to read:

1 196.491 (3) (e) If the application does not meet the criteria under par. (d), the
2 commission shall reject the application or approve the application with such
3 modifications as are necessary for an affirmative finding under par. (d). The
4 commission may not issue a certificate of public convenience and necessity for a large
5 electric generating facility until the department has issued all permits and
6 approvals identified in the listing specified in par. (a) 3. a. that are required prior to
7 construction.

8 ***-3380/P5.39*** SECTION 189. 196.491 (3) (g) 1. of the statutes is renumbered
9 196.491 (3) (g).

10 ***-3380/P5.40*** SECTION 190. 196.491 (3) (g) 1m. of the statutes is repealed.

11 ***-3380/P5.41*** SECTION 191. 221.0901 (3) (a) 1. of the statutes is amended to
12 read:

13 221.0901 (3) (a) 1. Merge or consolidate with an in-state bank holding company
14 or in-state bank.

15 ***-3380/P5.42*** SECTION 192. 221.0901 (8) (a) and (b) of the statutes are
16 amended to read:

17 221.0901 (8) (a) Except as provided in pars. (b) and (c), the division may not
18 approve an application ~~by an out-of-state bank holding company~~ under sub. (3) (a),
19 other than an application by an in-state bank holding company or in-state bank,
20 unless the in-state bank to be acquired, or all in-state bank subsidiaries of the
21 in-state bank holding company to be acquired, have as of the proposed date of
22 acquisition been in existence and in continuous operation for at least 5 years.

23 (b) The Except as otherwise provided in this paragraph, the division may
24 approve an application under sub. (3) (a) for an acquisition of an in-state bank
25 holding company that owns one or more in-state banks that have been in existence

1 for less than 5 years, if the ~~out-of-state bank holding company~~ applicant divests
2 itself of those in-state banks within 2 years after the date of acquisition of the
3 in-state bank holding company by the ~~out-of-state bank holding company~~
4 applicant. This paragraph does not apply if the applicant is an in-state bank holding
5 company or in-state bank.

6 ***-3380/P5.43*** SECTION 193. 224.30 (2) of the statutes is repealed.

7 ***-3426/1.5*** SECTION 194. 227.135 (1) (e) and (f) of the statutes are created to
8 read:

9 227.135 (1) (e) A summary of any existing or anticipated federal program that
10 is intended to address the activities to be regulated by the rule and an analysis of the
11 need for the rule if a federal program exists.

12 (f) An assessment of whether the rule is inconsistent, duplicative, or more
13 stringent than the regulations under any federal program summarized in par. (e).

14 ***-3426/1.6*** SECTION 195. 227.137 of the statutes is created to read:

15 **227.137 Economic impact reports of guidelines, policies, and rules. (1)**

16 After an agency publishes a statement of the scope of a proposed rule under s.
17 227.135, and before the agency submits the proposed rule to the legislative council
18 for review under s. 227.15, a municipality, an association that represents a farm,
19 labor, business, or professional group, or 5 or more persons having an interest in the
20 proposed rule may petition the agency to prepare an economic impact report of the
21 proposed rule. If the agency determines that the petitioner may be economically
22 affected by the proposed rule, the agency shall prepare an economic impact report
23 before submitting the proposed rule to the legislative council under s. 227.15.

24 (2) A municipality, an association that represents a farm, labor, business, or
25 professional group, or 5 or more persons affected by an existing or proposed agency

1 guideline or policy, including agency comments and policies in response to federal
2 regulations, may petition the agency to prepare an economic impact report for that
3 existing or proposed agency guideline or policy. If the agency determines that the
4 petitioner may be economically affected by the proposed or existing guideline or
5 policy, the agency shall prepare an economic impact report.

6 (3) An economic impact report shall contain information on the effect of the
7 proposed rule or existing or proposed guideline or policy on specific businesses,
8 business sectors, and the state's economy. When preparing the report, the agency
9 shall solicit information and advice from the department of commerce and
10 governmental units, associations, businesses, and individuals that may be affected
11 by the proposed rule or existing or proposed guideline or policy. The agency may
12 request information that is reasonably necessary for the preparation of an economic
13 impact report from other state agencies, governmental units, associations,
14 businesses, and individuals, but no one is required to respond to that request. The
15 economic impact report shall include all of the following:

16 (a) An analysis and quantification of the problem, including any risks to public
17 health or the environment, that the guideline, policy, or rule is intending to address.

18 (b) An analysis and quantification of the economic impact of the guideline,
19 policy, or rule, including direct, indirect, and consequential costs reasonably
20 expected to be incurred by the state, governmental units, associations, businesses,
21 and affected individuals.

22 (c) An analysis of the guideline's, policy's, or rule's impact on the state's
23 economy, including how the guideline, policy, or rule affects the state's economic
24 development policies.

1 (d) An analysis of benefits of the guideline, policy, or rule, including how the
2 guideline, policy, or rule reduces the risks and addresses the problems that the
3 guideline, policy, or rule is intended to address.

4 (e) An analysis that compares the benefits to the costs of the guideline, policy,
5 or rule.

6 (f) An analysis of existing or anticipated federal programs that are intended to
7 address the risks and problems the agency is intending to address with the guideline,
8 policy, or rule, including a determination of whether the guideline, policy, or rule and
9 related administrative requirements are consistent with and not duplicative of those
10 existing or anticipated federal programs.

11 (g) An analysis of regulatory alternatives to the guideline, policy, or rule,
12 including the alternative of no regulation, and a determination of whether the
13 guideline, policy, or rule addresses the identified risks and problems the agency is
14 intending to address in the most cost-efficient manner.

15 (h) A comparison of the costs of the guideline, policy, or rule borne by Wisconsin
16 businesses to costs borne by similar businesses located in Indiana, Missouri, and
17 adjacent states.

18 (4) The agency shall submit the economic impact report to the legislative
19 council staff, to the department of administration, and to the petitioner.

20 (5) This section does not apply to emergency rules promulgated under s.
21 227.24.

22 *~~3426/1.7~~* **SECTION 196.** 227.138 of the statutes is created to read:

23 **227.138 Department of administration review of proposed rules. (1)**

24 In this section:

25 (a) “Department” means the department of administration.

1 (b) “Economic impact report” means a report prepared under s. 227.137.

2 (c) “Guideline or policy” includes any agency comments or policies in response
3 to federal regulations.

4 (2) If the department receives an economic impact report under s. 227.137 (4)
5 regarding a proposed rule, the department shall review the proposed rule and issue
6 a report. A municipality, an association that represents a farm, labor, business, or
7 professional group, or 5 or more persons having an interest in a proposed rule may
8 petition the department to review the proposed rule. If the department determines
9 that the petitioner may be economically affected by the proposed rule, the
10 department shall review the proposed rule and issue a report. The department shall
11 notify the agency that a report will be prepared and that the agency shall not submit
12 a proposed rule to the legislative council for review under s. 227.15 (1) until the
13 agency receives a copy of the department’s report. The report shall include all of the
14 following findings:

15 (a) If an economic impact report was prepared as required under s. 227.137 (1),
16 that the report and the analysis required under s. 227.137 (3) are supported by
17 related documentation contained in the economic impact report.

18 (b) That the agency has clear statutory authority to promulgate the proposed
19 rule.

20 (c) That the proposed rule, including any administrative requirements, is
21 consistent with and not duplicative of other state rules or federal regulations.

22 (d) That the proposed rule is consistent with the governor’s positions and
23 priorities, including those related to economic development.

1 (e) That the agency used data, studies, and other sources of information in
2 developing the proposed rule that is complete, accurate, and derived from accepted
3 scientific methodologies.

4 (3) Before issuing a report under sub. (2), the department may return a
5 proposed rule to the agency for further consideration and revision with a written
6 explanation of why the proposed rule is returned. If the agency head disagrees with
7 the department's reasons for returning the proposed rule, the agency head shall so
8 notify the department in writing. The department secretary shall approve the
9 proposed rule when the agency has adequately addressed the issues raised during
10 the department's review of the rule. The department shall submit a statement to the
11 governor indicating the department's approval of the proposed rule, the
12 correspondence between the agency and the department related to the proposed rule,
13 and a copy of its report regarding the proposed rule.

14 (4) If the department receives an economic impact report under s. 227.137 (4)
15 regarding a proposed or existing guideline or policy, the department shall review the
16 guideline or policy and issue a report. A municipality, an association that represents
17 a farm, labor, business, or professional group, or 5 or more persons having an interest
18 in a proposed or existing guideline or policy may petition the department to review
19 the guideline or policy. If the department determines that the petitioner may be
20 economically affected by the guideline or policy, the department shall review the
21 guideline or policy and issue a report. The department shall notify the agency that
22 a report will be prepared. The report shall include findings consistent with those
23 under sub. (2) and include the following findings:

1 (a) If an economic impact report was prepared as required under s. 227.137 (4),
2 that the report and the analysis required under s. 227.137 (3) are supported by
3 related documentation contained in the economic impact report.

4 (b) That the guideline or policy is consistent with and does not exceed the
5 agency's statutory authority.

6 (c) That the guideline or policy is consistent with the governor's positions and
7 priorities, including those related to economic development.

8 (d) That the guideline or policy is of the type that is not required to be
9 promulgated as a rule.

10 (5) Before issuing a report under sub. (4), the department may prohibit an
11 agency from implementing a proposed guideline or policy until the department
12 secretary determines that the proposed guideline or policy meets the criteria under
13 sub. (4) (a) to (d).

14 ***-3426/1.8* SECTION 197.** 227.14 (2) (a) of the statutes is amended to read:

15 227.14 (2) (a) An agency shall prepare in plain language an analysis of each
16 proposed rule, which shall be printed with the proposed rule when it is published or
17 distributed. The analysis shall include a all of the following:

18 1. A reference to each statute that the proposed rule interprets, each statute
19 that authorizes its promulgation, each related statute or related rule ~~and a~~.

20 2. A brief summary of the proposed rule.

21 ***-3426/1.9* SECTION 198.** 227.14 (2) (a) 3. of the statutes is created to read:

22 227.14 (2) (a) 3. A summary of the relevant legal interpretations and policy
23 considerations underlying the proposed rule.

24 ***-3426/1.10* SECTION 199.** 227.14 (2) (a) 4. of the statutes is created to read:

1 227.14 (2) (a) 4. A summary of existing and anticipated federal regulatory
2 programs intended to address similar matters.

3 *~~3426/1.11~~* **SECTION 200.** 227.14 (2) (a) 5. of the statutes is created to read:

4 227.14 (2) (a) 5. A summary of the factual data, studies, and other sources of
5 information on which the proposed rule is based, the methodology used to obtain and
6 analyze the data, studies, and other sources of information, how the data, studies,
7 and other sources of information support the regulatory approach chosen for the rule,
8 and how the data, studies, and other sources of information support any required
9 agency's findings.

10 *~~3426/1.12~~* **SECTION 201.** 227.14 (2) (a) 6. of the statutes is created to read:

11 227.14 (2) (a) 6. Any analysis and supporting documentation used when the
12 agency considered the rule's effect on small businesses under s. 227.114 or used when
13 preparing an economic impact report under s. 227.137 (3).

14 *~~3426/1.13~~* **SECTION 202.** 227.14 (4) (b) 3. of the statutes is created to read:

15 227.14 (4) (b) 3. For rules that the agency determines may have a significant
16 fiscal effect on the private sector, the anticipated costs that will be incurred by the
17 private sector in complying with the rule.

18 *~~3426/1.14~~* **SECTION 203.** 227.185 of the statutes is created to read:

19 **227.185 Approval by governor.** After a proposed rule is in final draft form
20 and approved by the department of administration under s. 227.138 (3), the agency
21 shall submit the rule to the governor. The governor may approve, modify, or reject
22 the proposed rule. If the governor approves a proposed rule, the governor shall
23 provide the agency with a written notice of that approval. No proposed rule may be
24 submitted to the legislature for review under s. 227.19 (2) or filed with the office of

1 secretary of state or revisor unless the governor has approved the proposed rule in
2 writing. This section does not apply to emergency rules promulgated under s. 227.24.

3 ***-3426/1.15* SECTION 204.** 227.19 (2) of the statutes is amended to read:

4 227.19 (2) NOTIFICATION OF LEGISLATURE. An agency shall submit a notice to the
5 presiding officer of each house of the legislature when a proposed rule is in final draft
6 form and approved by the governor. The notice shall be submitted in triplicate and
7 shall be accompanied by a report in the form specified under sub. (3). A notice
8 received under this subsection on or after September 1 of an even-numbered year
9 shall be considered received on the first day of the next regular session of the
10 legislature. Each presiding officer shall, within 7 working days following the day on
11 which the notice and report are received, refer them to one committee, which may
12 be either a standing committee or a joint legislative committee created by law, except
13 the joint committee for review of administrative rules. The agency shall submit to
14 the revisor for publication in the register a statement that a proposed rule has been
15 submitted to the presiding officer of each house of the legislature. Each presiding
16 officer shall enter a similar statement in the journal of his or her house.

17 ***-3426/1.16* SECTION 205.** 227.19 (3) (intro.) of the statutes is amended to
18 read:

19 227.19 (3) FORM OF REPORT. (intro.) The report required under sub. (2) shall be
20 in writing and shall include the proposed rule in the form specified in s. 227.14 (1),
21 the material specified in s. 227.14 (2) to (4), a copy of any economic impact report
22 prepared by the agency under s. 227.137, a copy of the report prepared by the
23 department of administration under s. 227.138, a copy of the written approval of the
24 governor under s. 227.185, a copy of any recommendations of the legislative council
25 staff, and an analysis. The analysis shall include:

1 ***-3426/1.17*** SECTION 206. 227.19 (3) (a) of the statutes is amended to read:

2 227.19 (3) (a) A detailed statement explaining the need for basis and purpose
3 of the proposed rule, including how the proposed rule advances relevant statutory
4 goals or purposes.

5 ***-3426/1.18*** SECTION 207. 227.19 (3) (am) of the statutes is created to read:

6 227.19 (3) (am) An analysis of policy alternatives to the proposed rule,
7 including reliance on federal regulatory programs, and an explanation for the
8 rejection of those alternatives.

9 ***-3426/1.19*** SECTION 208. 227.19 (3) (b) of the statutes is amended to read:

10 227.19 (3) (b) An A summary of public comments to the proposed rule and the
11 agency's response to those comments, and an explanation of any modification made
12 in the proposed rule as a result of public comments or testimony received at a public
13 hearing.

14 ***-3426/1.20*** SECTION 209. 227.19 (3) (cm) of the statutes is created to read:

15 227.19 (3) (cm) Any changes to the analysis prepared under s. 227.14 (2) or the
16 fiscal estimate prepared under s. 227.14 (4).

17 ***-3426/1.21*** SECTION 210. 227.40 (4m) of the statutes is created to read:

18 227.40 (4m) (a) In any proceeding under this section for judicial review of a
19 rule, the court shall conduct the review without a jury. The review shall be confined
20 to a substantial inquiry of the agency record, as necessarily and appropriately
21 supplemented by evidence presented to the court. The agency record includes the
22 economic impact report and documentation required under s. 227.137 (3), the
23 analysis and documentation required under ss. 227.14 (2) and 227.19 (3), and public
24 comments on the rule.

1 (b) The court shall treat separately disputed issues of agency procedure,
2 interpretations of law, and determinations of fact or policy within the agency's
3 exercise of delegated discretion.

4 (c) When reviewing whether a rule is invalid as promulgated for failure to
5 comply with statutory rule-making procedures under this chapter, the court shall
6 determine the adequacy of the factual basis to support the rule and the related
7 reasoning employed by the agency to reach its conclusions. When determining the
8 adequacy of the factual basis to support the rule, the court shall consider relevant
9 comments on and alternatives to the rule's approach offered by affected parties
10 during the rule-making process. Based on this review, the court shall find the rule
11 invalid if the agency's decision-making process was arbitrary and capricious.

12 (d) The court shall find a rule invalid if it determines that the adequacy of the
13 rule-making process or that the validity of the regulatory approach was impaired by
14 a material error in agency procedure or a failure of the agency to follow prescribed
15 procedure.

16 (e) When an agency's statutory authority to promulgate a rule is predicated on
17 the rule being comparable to relevant federal programs or standards, including
18 requirements that the rule be similar to, consistent with, or no more restrictive than
19 federal programs or standards, the court shall conduct a de novo review of the agency
20 record to determine if the agency determination that the rule was comparable to the
21 federal program or standards was supported by substantial evidence.

22 (f) When an agency's statutory authority to promulgate a rule exceeding
23 relevant federal programs or standards is predicated on the agency making a finding
24 of need, including a need to protect human health or the environment, the court shall

1 review the agency's record to determine if the agency's findings were supported by
2 substantial evidence.

3 (g) If a court finds that the agency's analysis and determinations under s.
4 227.137 (3) are arbitrary and capricious, the court shall find the rule invalid as
5 without compliance with statutory rule-making procedures set forth in this chapter.

6 ***-3426/1.22* SECTION 211.** 227.43 (1g) of the statutes is created to read:

7 227.43 (1g) The administrator of the division of hearings and appeals shall
8 randomly assign hearing examiners to preside over any hearing under this section.

9 ***-3426/1.23* SECTION 212.** 227.44 (2) (d) of the statutes is created to read:

10 227.44 (2) (d) The name and title of the person who will conduct the hearing.

11 ***-3426/1.24* SECTION 213.** 227.445 of the statutes is created to read:

12 **227.445 Substitution of hearing examiner.** (1) A person requesting a
13 hearing before a hearing examiner may file a written request for a substitution of a
14 new hearing examiner for the hearing examiner assigned to the matter. The written
15 request shall be filed not later than 10 days after receipt of the notice under s. 227.44.

16 (2) No person may file more than one such written request in any one hearing.

17 (3) Upon receipt of the written request, the original hearing examiner shall
18 have no further jurisdiction in the matter except to determine if the request was
19 made timely and in proper form. If the hearing examiner fails to make a
20 determination as to allowing the substitution within 7 days, the hearing examiner
21 shall refer the matter to the administrator of the division of hearings and appeals for
22 the determination and reassignment of the hearing as necessary. If the written
23 request is determined to be proper, the matter shall be transferred to another
24 hearing examiner. Upon transfer, the hearing examiner shall transmit to the new
25 hearing examiner all the papers in the matter.

1 *~~3426/1.25~~* SECTION 214. 227.45 (7) (intro.) of the statutes is renumbered
2 227.45 (7) and amended to read:

3 227.45 (7) In any class 2 proceeding, each party shall have the right, prior to
4 the date set for hearing, to take and preserve evidence as provided in ch. 804. Upon
5 motion by a party or by the person from whom discovery is sought in any class 2
6 proceeding, and for good cause shown, the hearing examiner may make any order in
7 accordance with s. 804.01 which justice requires to protect a party or person from
8 annoyance, embarrassment, oppression, or undue burden or expense. ~~In any class
9 1 or class 3 proceeding, an agency may by rule permit the taking and preservation
10 of evidence, but in every such proceeding the taking and preservation of evidence
11 shall be permitted with respect to a witness:~~

12 *~~3426/1.26~~* SECTION 215. 227.45 (7) (a) to (d) of the statutes are repealed.

13 *~~3426/1.27~~* SECTION 216. 227.46 (1) (intro.) of the statutes is amended to
14 read:

15 227.46 (1) (intro.) Except as provided under s. 227.43 (1), an agency may
16 designate an official of the agency or an employee on its staff or borrowed from
17 another agency under s. 20.901 or 230.047 as a hearing examiner to preside over any
18 contested case. In hearings under s. 19.52, a reserve judge shall be appointed. A
19 hearing examiner does not have authority to address or make decisions regarding
20 possible constitutional issues. Subject to rules of the agency, examiners presiding at
21 hearings may:

22 *~~3426/1.28~~* SECTION 217. 227.46 (1) (h) of the statutes is amended to read:

23 227.46 (1) (h) ~~Make or recommend~~ findings of fact, conclusions of law, and
24 decisions to the extent permitted by law.

25 *~~3426/1.29~~* SECTION 218. 227.46 (2) of the statutes is repealed.

1 ***-3426/1.30*** SECTION 219. 227.46 (2m) of the statutes is repealed.

2 ***-3426/1.31*** SECTION 220. 227.46 (3) of the statutes is repealed.

3 ***-3426/1.32*** SECTION 221. 227.46 (4) of the statutes is repealed.

4 ***-3426/1.33*** SECTION 222. 227.46 (6) of the statutes is amended to read:

5 227.46 (6) The functions of persons presiding at a hearing or participating in
6 ~~proposed or~~ final decisions shall be performed in an impartial manner. A hearing
7 examiner or agency official may at any time disqualify himself or herself. In class
8 2 and 3 proceedings, on the filing in good faith of a timely and sufficient affidavit of
9 personal bias or other disqualification of a hearing examiner or official, the agency
10 or hearing examiner shall determine the matter as part of the record and decision
11 in the case.

12 ***-3426/1.34*** SECTION 223. 227.47 (1) of the statutes is amended to read:

13 227.47 (1) Except as provided in sub. (2), every ~~proposed or~~ final decision of an
14 agency or hearing examiner following a hearing and every final decision of an agency
15 shall be in writing accompanied by findings of fact and conclusions of law. The
16 findings of fact shall consist of a concise and separate statement of the ultimate
17 conclusions upon each material issue of fact without recital of evidence. Every
18 ~~proposed or~~ final decision shall include a list of the names and addresses of all
19 persons who appeared before the agency in the proceeding who are considered
20 parties for purposes of review under s. 227.53. The agency shall by rule establish a
21 procedure for determination of parties.

22 ***-3426/1.35*** SECTION 224. 227.483 of the statutes is created to read:

23 **227.483 Costs upon frivolous claims.** (1) If a hearing examiner finds, at
24 any time during the proceeding, that an administrative hearing commenced or
25 continued by a petitioner or a claim or defense used by a party is frivolous, the

1 hearing examiner shall award the successful party his or her costs, as determined
2 under s. 814.04, and reasonable attorney fees.

3 (2) If the costs and fees awarded under sub. (1) are awarded against the party
4 other than a public agency, those costs may be assessed fully against either the party
5 or the attorney representing the party or may be assessed so that the party and the
6 attorney each pay a portion of the costs and fees.

7 (3) To find a petition for a hearing or a claim or defense to be frivolous under
8 sub. (1), the hearing examiner must find at least one of the following:

9 (a) That the petition, claim, or defense was commenced, used, or continued in
10 bad faith, solely for purposes of harassing or maliciously injuring another.

11 (b) That the party or the party's attorney knew, or should have known, that the
12 petition, claim, or defense was without any reasonable basis in law or equity and
13 could not be supported by a good faith argument for an extension, modification, or
14 reversal of existing law.

15 ***-3426/1.36* SECTION 225.** 227.485 (5) of the statutes is amended to read:

16 227.485 (5) If the hearing examiner awards costs under sub. (3), he or she shall
17 determine the costs under this subsection, except as modified under sub. (4). The
18 decision on the merits of the case shall be placed in a ~~proposed~~ decision and
19 submitted under ss. 227.47 and 227.48. The prevailing party shall submit, within
20 30 days after service of the ~~proposed~~ decision, to the hearing examiner and to the
21 state agency which is the losing party an itemized application for fees and other
22 expenses, including an itemized statement from any attorney or expert witness
23 representing or appearing on behalf of the party stating the actual time expended
24 and the rate at which fees and other expenses were computed. The state agency
25 which is the losing party has 15 working days from the date of receipt of the

1 application to respond in writing to the hearing examiner. The hearing examiner
2 shall determine the amount of costs using the criteria specified in s. 814.245 (5) and
3 include an order for payment of costs in the final decision.

4 ***-3426/1.37* SECTION 226.** 227.53 (1) (a) 3. of the statutes is amended to read:

5 227.53 (1) (a) 3. If the petitioner is a resident, the proceedings shall be held in
6 the circuit court for the county where the petitioner resides, except that if the
7 petitioner is an agency, the proceedings shall be in the circuit court for the county
8 where the respondent resides and except as provided in ss. 73.0301 (2) (b) 2., 77.59
9 (6) (b), 182.70 (6), and 182.71 (5) (g). ~~The proceedings shall be in the circuit court for~~
10 ~~Dane County if~~ If the petitioner is a nonresident, the proceedings shall be held in the
11 county where the property affected by the decision is located or, if no property is
12 affected, in the county where the dispute arose. If all parties stipulate and the court
13 to which the parties desire to transfer the proceedings agrees, the proceedings may
14 be held in the county designated by the parties. If 2 or more petitions for review of
15 the same decision are filed in different counties, the circuit judge for the county in
16 which a petition for review of the decision was first filed shall determine the venue
17 for judicial review of the decision, and shall order transfer or consolidation where
18 appropriate.

19 ***-3426/1.38* SECTION 227.** 227.57 (11) of the statutes is created to read:

20 227.57 (11) If the decision of the hearing examiner is inconsistent with the
21 position taken at the hearing by the agency, the court shall give no deference to the
22 examiner's decision when conducting its review.

23 ***-3599/P3.147* SECTION 228.** 236.16 (3) (d) (intro.) of the statutes is amended
24 to read:

1 236.16 (3) (d) (intro.) All of the owners of all of the land adjacent to a public
2 access established under par. (a) to an inland lake, as defined in s. 30.92 (1) (bk), may
3 petition the city, village, town or county that owns the public access to construct
4 shoreline erosion control measures. Subject to par. (e), the city, village, town or
5 county shall construct the requested shoreline erosion control measures or request
6 the department of natural resources to determine the need for shoreline erosion
7 control measures. Upon receipt of a request under this paragraph from a city, village,
8 town or county, the department of natural resources shall follow the notice and
9 hearing procedures in s. ~~30.02 (3) and (4)~~ 30.208 (3) to (5). Subject to par. (e), the city,
10 village, town or county shall construct shoreline erosion control measures as
11 required by the department of natural resources if the department of natural
12 resources determines all of the following:

13 *~~3380/P5.44~~* **SECTION 229.** 241.02 (3) of the statutes is created to read:

14 241.02 (3) (a) In this subsection:

15 1. “Affiliate” of a bank, savings bank, or savings and loan association means
16 a business entity that controls, is controlled by, or is under common control with the
17 bank, savings bank, or savings and loan association.

18 2. “Financial institution” means a bank, savings bank, or savings and loan
19 association organized under the laws of this state, another state, or the United States
20 and any affiliate of such a bank, savings bank, or savings and loan association.

21 (b) Except as provided in par. (d), no action may be commenced against a
22 financial institution on or in connection with any of the following promises or
23 commitments of the financial institution unless the promise or commitment is in
24 writing, sets forth relevant terms and conditions, and is signed by the financial
25 institution:

1 1. A promise or commitment to lend money, grant or extend credit, or make any
2 other financial accommodation.

3 2. A promise or commitment to renew, extend, modify, or permit a delay in
4 repayment or performance of a loan, extension of credit, or other financial
5 accommodation.

6 (c) Except as provided in par. (d), a promise or commitment by a financial
7 institution described in par. (b) may not be enforced under the doctrine of promissory
8 estoppel.

9 (d) Paragraphs (b) and (c) do not apply to credit transactions that are subject
10 to chs. 421 to 427.

11 ***-3599/P3.148*** SECTION 230. 281.22 (2) (c) of the statutes is amended to read:
12 281.22 (2) (c) If more than one fee under this section or s. 30.28 (2) (a) or 31.39
13 (2) (a) is applicable to a project, the department shall charge only the highest fee of
14 those that are applicable.

15 ***-3455/P2.1*** SECTION 231. 285.01 (12m) of the statutes is created to read:
16 285.01 (12m) “Certified contractor” means a contractor that is certified under
17 s. 285.755.

18 ***-3455/P2.2*** SECTION 232. 285.11 (6) (intro.) of the statutes is renumbered
19 285.11 (6) and amended to read:

20 285.11 (6) Prepare and develop one or more comprehensive plans for the
21 prevention, abatement and control of air pollution in this state. The department
22 thereafter shall be responsible for the revision and implementation of the plans. The
23 ~~rules or control strategies submitted to the federal environmental protection agency~~
24 ~~under the federal clean air act for control of atmospheric ozone shall conform with~~
25 ~~the federal clean air act unless, based on the recommendation of the natural~~

1 ~~resources board or the head of the department, as defined in s. 15.01 (8), of any other~~
2 ~~department, as defined in s. 15.01 (5), that promulgates a rule or establishes a control~~
3 ~~strategy, the governor determines that measures beyond those required by the~~
4 ~~federal clean air act meet any of the following criteria:~~

5 *~~3455/P2.3~~ SECTION 233. 285.11 (6) (a) and (b) of the statutes are repealed.

6 *~~3455/P2.4~~ SECTION 234. 285.11 (9) of the statutes is amended to read:

7 285.11 (9) Prepare and adopt minimum standards for the emission of mercury
8 compounds or metallic mercury into the air, consistent with s. 285.27 (2) (b).

9 *~~3455/P2.5~~ SECTION 235. 285.11 (17) of the statutes is repealed and
10 recreated to read:

11 285.11 (17) Promulgate rules that incorporate changes made by regulations of
12 the federal environmental protection agency governing review of modifications of
13 major sources under 42 USC 7470 to 7515, including regulations that were published
14 in the Federal Register on December 31, 2002, and October 27, 2003. The
15 department may not include in the rules any requirements that are inconsistent with
16 or more stringent than the federal regulations. To the extent possible, the
17 department shall incorporate similar changes for minor sources if the changes
18 reduce administrative requirements for minor sources. The department shall
19 submit in proposed form rules required under this subsection to the legislative
20 council staff under s. 227.15 (1) no later than the first day of the 7th month after the
21 regulations making the changes on which the rules are based take effect.

22 *~~3455/P2.6~~ SECTION 236. 285.14 of the statutes is created to read:

23 285.14 State implementation plans. (1) CONTENT. The department may
24 only include in a state implementation plan under 42 USC 7410 rules or
25 requirements that are necessary to obtain approval of the plan by the federal

1 environmental protection agency, including requirements that are necessary in
2 order to comply with the percentage reductions specified in 42 USC 7511a (b) (1) (A)
3 or (c) (2) (B).

4 (2) REVIEW BY COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES. At least 90 days
5 before the department is required to submit a state implementation plan to the
6 federal environmental protection agency, the department shall prepare and submit
7 a report to the joint committee for review of administrative rules that describes the
8 proposed plan and contains all of the supporting documents that the department
9 intends to submit with the plan. If, within 30 days after the department submits the
10 report, the cochairpersons of the joint committee for review of administrative rules
11 do not return the report to the department with a written explanation of why the
12 committee is returning the report, the department may submit the plan. If, within
13 30 days after the department submits the report, the cochairpersons of the joint
14 committee for review of administrative rules return the report to the department
15 with a written explanation of why the committee is returning the report, the
16 department may not submit the plan until the committee agrees that the department
17 has adequately addressed the issues raised by the committee. If the secretary
18 disagrees with the committee's reasons for returning the report, the secretary shall
19 so notify the committee in writing. This subsection does not apply to a modification
20 to a state implementation plan relating to an individual source.

21 *~~3455/P2.7~~* SECTION 237. 285.17 (2) of the statutes is amended to read:

22 285.17 (2) The department may, by rule or in an operation permit, require the
23 owner or operator of an air contaminant source to monitor the emissions of the air
24 contaminant source or to monitor the ambient air in the vicinity of the air
25 contaminant source and to report the results of the monitoring to the department.

1 The department may specify methods for conducting the monitoring and for
2 analyzing the results of the monitoring. The department shall require the owner or
3 operator of a major source to report the results of any required monitoring of
4 emissions from the major source to the department no less often than every 6 months.

5 The department may not include a monitoring requirement in an operation permit
6 if the applicant demonstrates that the cost of compliance with the requirement would
7 exceed the cost of compliance with monitoring requirements imposed on similar air
8 contaminant sources by a state adjacent to this state or if the monitoring is not
9 needed to provide assurance of compliance with requirements that apply to the air
10 contaminant source, unless the monitoring is required under the federal clean air
11 act.

12 ***-3455/P2.8*** SECTION 238. 285.21 (1) (a) (title) of the statutes is repealed.

13 ***-3455/P2.9*** SECTION 239. 285.21 (1) (a) of the statutes is renumbered 285.21
14 (1) and amended to read:

15 285.21 (1) AMBIENT AIR QUALITY STANDARDS. If an ambient air quality standard
16 is promulgated under section 109 of the federal clean air act, the department shall
17 promulgate by rule a similar standard but this standard may not be more restrictive
18 than the federal standard ~~except as provided under sub. (4).~~

19 ***-3455/P2.10*** SECTION 240. 285.21 (1) (b) of the statutes is repealed.

20 ***-3455/P2.11*** SECTION 241. 285.21 (2) of the statutes is amended to read:

21 285.21 (2) AMBIENT AIR INCREMENT. The department shall promulgate by rule
22 ambient air increments for various air contaminants in attainment areas. The
23 ambient air increments shall be consistent with and not more restrictive, either in
24 terms of the concentration or the contaminants to which they apply, than ambient
25 air increments under the federal clean air act ~~except as provided under sub. (4).~~

1 ***-3455/P2.12*** SECTION 242. 285.21 (4) of the statutes is amended to read:

2 285.21 (4) IMPACT OF CHANGE IN FEDERAL STANDARDS. If the ambient air
3 increment or the ambient air quality standards in effect on April 30, 1980, under the
4 federal clean air act are ~~relaxed~~ modified, the department shall alter the
5 corresponding state standards ~~unless it finds that the relaxed standards would not~~
6 ~~provide adequate protection for public health and welfare~~ accordingly.

7 ***-3455/P2.13*** SECTION 243. 285.23 (1) of the statutes is amended to read:

8 285.23 (1) PROCEDURES AND CRITERIA. The department shall promulgate by rule
9 procedures and criteria to identify a nonattainment area and to reclassify a
10 nonattainment area as an attainment area. The department may not identify a
11 county as part of a nonattainment area if the the concentration of an air contaminant
12 in the atmosphere does not exceed an ambient air quality standard, unless the
13 department is required under the federal clean air act to identify the county as part
14 of a nonattainment area.

15 ***-3455/P2.14*** SECTION 244. 285.23 (5) of the statutes is created to read:

16 285.23 (5) PARTICULATE STANDARDS. The department may not identify an area
17 as a nonattainment area based on the concentration in the atmosphere of particulate
18 matter measured as total suspended particulates and shall redesignate as an
19 attainment area any area identified as a nonattainment area if the only basis on
20 which the area could be identified as a nonattainment area is the concentration in
21 the atmosphere of particulate matter measured as total suspended particulates.

22 ***-3455/P2.15*** SECTION 245. 285.23 (6) of the statutes is created to read:

23 285.23 (6) REPORT TO THE JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES.
24 Before the department issues documents under sub. (2) and at least 90 days before
25 the governor is required to make a submission on a nonattainment designation

1 under 42 USC 7407 (d) (1) (A), the department shall prepare and submit a report to
2 the joint committee for review of administrative rules that contains a description of
3 any area proposed to be identified as a nonattainment area and supporting
4 documentation. If the department has complied with sub. (4) and if, within 30 days
5 after the department submits the report, the cochairpersons of the joint committee
6 for review of administrative rules do not return the report to the department with
7 a written explanation of why the committee is returning the report, the department
8 may issue the documents under sub. (2) and the governor may make the submission.
9 If, within 30 days after the department submits the report, the cochairpersons of the
10 joint committee for review of administrative rules return the report to the
11 department with a written explanation of why the committee is returning the report,
12 the department may not issue the documents under sub. (2) and the governor may
13 not make the submission until the committee agrees that the department has
14 adequately addressed the issues raised by the committee.

15 ***-3455/P2.16*** SECTION 246. 285.27 (1) (a) of the statutes is amended to read:

16 285.27 (1) (a) *Similar to federal Federal standard*. If a standard of performance
17 for new stationary sources is promulgated under ~~section 111~~ of the federal clean air
18 act, the department shall promulgate by a rule a similar that incorporates that
19 emission standard but this standard and related administrative requirements. The
20 department may not be promulgate a rule under this paragraph that is more
21 restrictive in terms of emission limitations or otherwise more burdensome to persons
22 operating sources affected by the emission standard than the federal standard and
23 related requirements except as provided under sub. (4).

24 ***-3455/P2.17*** SECTION 247. 285.27 (2) (a) of the statutes is amended to read:

1 285.27 (2) (a) *Similar to federal Federal standard.* If an emission standard for
2 a hazardous air contaminant is promulgated under ~~section 112~~ of the federal clean
3 air act, the department shall promulgate by a rule a similar that incorporates that
4 emission standard but this standard and related administrative requirements. The
5 department may not be promulgate a rule under this paragraph that is more
6 restrictive in terms of emission limitations or otherwise more burdensome to persons
7 operating sources affected by the emission standard than the federal standard and
8 related requirements except as provided under sub. (4).

9 ***-3455/P2.18*** SECTION 248. 285.27 (2) (b) of the statutes is renumbered
10 285.27 (2) (b) (intro.) and amended to read:

11 285.27 (2) (b) *Standard to protect public health or welfare.* (intro.) If an
12 emission standard for a hazardous air contaminant is not promulgated under ~~section~~
13 ~~112~~ of the federal clean air act, the department may promulgate an emission
14 standard for the hazardous air contaminant if the department finds the standard is
15 needed to provide adequate protection for public health or welfare. The department
16 may not make a finding for a hazardous air contaminant unless the finding is
17 supported with written documentation that includes all of the following:

18 ***-3455/P2.19*** SECTION 249. 285.27 (2) (b) 1. to 3. of the statutes are created
19 to read:

20 285.27 (2) (b) 1. A public health risk assessment that characterizes the
21 stationary sources in this state that are known to emit the hazardous air
22 contaminant and the individuals who are potentially at risk from the emissions.

23 2. An analysis showing that identified individuals are subjected to inhalation
24 levels of the hazardous air contaminant that are above recognized environmental
25 health standards.

1 3. An evaluation of options for managing the risks caused by the hazardous air
2 contaminant considering risks, costs, economic impacts, feasibility, energy, safety,
3 and other relevant factors, and a finding that the chosen compliance alternative
4 reduces risks in the most cost-effective manner practicable.

5 ***-3455/P2.20*** SECTION 250. 285.27 (2) (d) of the statutes is created to read:

6 285.27 (2) (d) *Emissions regulated under federal law.* Emissions limitations
7 promulgated under par. (b) and related control requirements do not apply to
8 hazardous air contaminants emitted by emissions units, operations, or activities
9 that are regulated by an emission standard promulgated under the federal clean air
10 act, including a hazardous air contaminant that is regulated under the federal clean
11 air act by virtue of regulation of another substance as a surrogate for the hazardous
12 air contaminant or by virtue of regulation of a species or category of hazardous air
13 contaminants that includes the hazardous air contaminant.

14 ***-3455/P2.21*** SECTION 251. 285.27 (4) of the statutes is amended to read:

15 285.27 (4) IMPACT OF CHANGE IN FEDERAL STANDARDS. If the standards of
16 performance for new stationary sources or the emission standards for hazardous air
17 contaminants under the federal clean air act are relaxed, the department shall alter
18 the corresponding state standards unless it finds that the relaxed standards would
19 not provide adequate protection for public health and welfare. The department may
20 not make this finding for an emission standard for a hazardous air contaminant
21 unless the finding is supported with the written documentation required under sub.
22 (2) (b) 1. to 3. This subsection applies to state standards of performance for new
23 stationary sources and emission standards for hazardous air contaminants in effect
24 on April 30, 1980, if the relaxation in the corresponding federal standards occurs
25 after April 30, 1980.

1 ***-3455/P2.22* SECTION 252.** 285.60 (1) (a) 1. of the statutes is amended to read:

2 285.60 (1) (a) 1. Except as provided in sub. (2g), (3) (c), (5m), (6), (6m), or (6r),
3 no person may commence construction, reconstruction, replacement or modification
4 of a stationary source unless the person has a construction permit from the
5 department.

6 ***-3455/P2.23* SECTION 253.** 285.60 (1) (b) 1. of the statutes is amended to read:

7 285.60 (1) (b) 1. Except as provided in subd. 2., par. (a) 2., sub. (2g), (6), or (6m),
8 or s. 285.62 (8), no person may operate a new source or a modified source unless the
9 person has an operation permit under s. 285.62 from the department.

10 ***-3455/P2.24* SECTION 254.** 285.60 (2) (a) of the statutes is amended to read:

11 285.60 (2) (a) *Operation permit requirement.* Except as provided in sub. (6) or
12 (6m) or s. 285.62 (8), no person may operate an existing source after the operation
13 permit requirement date specified under s. 285.62 (11) (a) unless the person has an
14 operation permit under s. 285.62 from the department.

15 ***-3455/P2.25* SECTION 255.** 285.60 (2g) of the statutes is created to read:

16 285.60 (2g) REGISTRATION PERMITS. (a) *Rules.* Subject to sub. (8), the
17 department shall promulgate rules specifying a simplified process under which the
18 department issues a registration permit for a stationary source with low actual
19 emissions if the owner or operator provides to the department, on a form prescribed
20 by the department, sufficient information to show that the source qualifies for a
21 registration permit. In the rules, the department shall include criteria for
22 identifying categories of sources the owners or operators of which may elect to obtain
23 registration permits and general requirements applicable to sources that qualify for
24 registration permits.

1 (b) *Procedure*. The procedural requirements of ss. 285.61 (2) to (8) and 285.62
2 (2) to (7) do not apply to a registration permit under this subsection. Within 15 days
3 after receipt of the form prescribed by the department, the department shall provide
4 one of the following to an applicant for a registration permit:

5 1. Written notice of the department's determination that the source qualifies
6 for a registration permit and that the applicant may operate the source consistent
7 with the terms and conditions of the registration permit.

8 2. A written description of any information that is missing from the application
9 for a registration permit.

10 3. Written notice of the department's determination that the source does not
11 qualify for a registration permit, specifically describing the reasons for that
12 determination.

13 (c) *Exemption from requirement^① prior to construction*. A person is not required
14 to obtain a permit prior to construction, reconstruction, replacement, or modification
15 of a stationary source that qualifies for a registration permit under par. (a) unless
16 a construction permit is required under the federal clean air act.

17 *-3455/P2.26* SECTION 256. 285.60 (2m) of the statutes is repealed.

18 *-3455/P2.27* SECTION 257. 285.60 (3) of the statutes is repealed and
19 recreated to read:

20 285.60 (3) GENERAL PERMITS. (a) *Rules*. The department shall promulgate rules
21 for the issuance of general permits for similar stationary sources. In the rules, the
22 department shall specify criteria for identifying categories of sources for which the
23 department may issue general permits and general requirements applicable to
24 sources that qualify for general permits.

1 (b) *Procedure.* The procedural requirements of ss. 285.61 (2) to (8) and 285.62
2 (2) to (5) do not apply to the determination of whether a source is covered by a general
3 permit under this subsection. Within 15 days after receipt of an application for
4 coverage under a general permit, the department shall provide one of the following
5 to the applicant:

6 1. Written notice of the department's determination that the source qualifies
7 for coverage under the general permit and that the applicant may operate the source
8 consistent with the terms and conditions of the general permit.

9 2. A written description of any information that is missing from the application
10 for coverage under the general permit.

11 3. Written notice of the department's determination that the source does not
12 qualify for coverage under the general permit, specifically describing the reasons for
13 that determination.

14 (c) *Exemption from requirement for permit prior to construction.* A person is
15 not required to obtain a permit prior to construction, reconstruction, replacement or
16 modification of a stationary source that qualifies for coverage under a general permit
17 under par. (a) unless a construction permit is required under the federal clean air act.

18 ***-3455/P2.28* SECTION 258.** 285.60 (5m) of the statutes is created to read:

19 285.60 (5m) WAIVER OF CONSTRUCTION PERMIT REQUIREMENTS. Subject to sub. (8),
20 the department shall grant a waiver from the requirement to obtain a construction
21 permit prior to construction, reconstruction, replacement, or modification of a
22 stationary source upon a showing by the owner or operator of the stationary source
23 that obtaining the permit would cause undue hardship. The department shall act
24 on a waiver request within 15 days after it receives the request.

25 ***-3455/P2.29* SECTION 259.** 285.60 (6) of the statutes is amended to read:

1 285.60 (6) EXEMPTION BY RULE. ~~Notwithstanding the other provisions of this~~
2 section Subject to sub. (8), the department may shall, by rule, exempt types of
3 stationary minor sources from any the requirement of ~~this section to obtain a~~
4 construction permit and an operation permit if the potential emissions from the
5 sources do not present a significant hazard to public health, safety or welfare or to
6 the environment.

7 *~~-3455/P2.30~~* SECTION 260. 285.60 (6m) of the statutes is created to read:

8 285.60 (6m) SPECIFIC EXEMPTION. A person is not required to obtain a
9 construction permit or an operation permit for a source that is an agricultural
10 facility, as defined in s. 281.16 (1) (a), a livestock operation, as defined in s. 281.16
11 (1) (c), or an agricultural practice, as defined in s. 281.16 (1) (b), unless a permit is
12 required by the federal clean air act.

13 *~~-3455/P2.31~~* SECTION 261. 285.60 (6r) of the statutes is created to read:

14 285.60 (6r) EXEMPTION FROM CONSTRUCTION PERMIT REQUIREMENT. A person is not
15 required to obtain a construction permit for a source that is a component of a process,
16 of equipment, or of an activity that is otherwise covered by a preexisting operation
17 permit or a source that is a component of a process, of equipment, or of an activity
18 that is included in a completed application for an operation permit, unless a
19 construction permit is required under the federal clean air act.

20 *~~-3455/P2.32~~* SECTION 262. 285.60 (8) of the statutes is created to read:

21 285.60 (8) COMPLIANCE WITH FEDERAL LAW. The department may not promulgate
22 a rule or take any other action under this section that conflicts with the federal clean
23 air act.

24 *~~-3455/P2.33~~* SECTION 263. 285.60 (9) of the statutes is created to read:

1 285.60 (9) PETITIONS FOR REGISTRATION PERMITS, GENERAL PERMITS, AND
2 EXEMPTIONS. A person may petition the department to make a determination that a
3 type of stationary source meets the criteria for a registration permit under sub. (2g),
4 a general permit under sub. (3), or an exemption under sub. (6). The department
5 shall provide a written response to a petition within 30 days after receiving the
6 petition indicating whether the type of stationary source meets the applicable
7 criteria for a registration permit, a general permit, or an exemption. If the type of
8 source meets the applicable criteria, the department shall, within 365 days after
9 receiving the petition, issue the registration permit or general permit or, for an
10 exemption, shall submit to the legislative council staff under s. 227.15 (1) in proposed
11 form any necessary rules or take any other action that is necessary provide the
12 exemption.

13 ***-3455/P2.34*** SECTION 264. 285.60 (10) of the statutes is created to read:

14 285.60 (10) PERMIT STREAMLINING. The department shall continually assess
15 permit obligations imposed under this section and ss. 285.61 to 285.65 and
16 implement measures that are consistent with this chapter and the federal clean air
17 act to allow for timely installation and operation of equipment and processes and the
18 pursuit of related economic activity by lessening those obligations, including
19 consolidating the permits for sources at a facility into one permit, expanding
20 exemptions under sub. (6), and expanding the availability of registration permits
21 under sub. (2g), general permits under sub. (3), and construction permit waivers
22 under sub. (5m).

23 ***-3455/P2.35*** SECTION 265. 285.61 (1) of the statutes is amended to read:

24 285.61 (1) ~~APPLICANT NOTICE~~ APPLICATION REQUIRED. A person who is required
25 to obtain or who seeks a construction permit shall apply to the department or a

1 certified contractor for a permit to construct, reconstruct, replace or modify the
2 stationary source. If a person applies to a certified contractor under this subsection,
3 the person shall provide notice of that application to the department as prescribed
4 by the department.

5 ***-3455/P2.36*** SECTION 266. 285.61 (2) of the statutes is renumbered 285.61
6 (2) (a) and amended to read:

7 285.61 (2) (a) *Request for additional information.* Within 20 days after receipt
8 of the application the department or the certified contractor shall indicate provide
9 written notice to the applicant describing specifically all of the plans, specifications
10 and any other information necessary to determine if the proposed construction,
11 reconstruction, replacement or modification will meet the requirements of this
12 chapter and s. 299.15 and rules promulgated under this chapter and s. 299.15.

13 ***-3455/P2.37*** SECTION 267. 285.61 (2) (b) of the statutes is created to read:

14 285.61 (2) (b) *When application is considered to be complete.* For the purposes
15 of the time limits in sub. (3), an application is considered to be complete when the
16 applicant provides the information specified in the written notice under par. (a), or,
17 if the department or the certified contractor does not provide written notice to an
18 applicant within the time limit in par. (a), 20 days after receipt of the application.
19 This paragraph does not prevent the department or a certified contractor from
20 requesting additional information from an applicant after the time limit in par. (a).

21 ***-3455/P2.38*** SECTION 268. 285.61 (3) of the statutes is amended to read:

22 285.61 (3) ANALYSIS. The department or certified contractor shall prepare an
23 analysis regarding the effect of the proposed construction, reconstruction,
24 replacement or modification on ambient air quality and a preliminary determination
25 on the approvability of the construction permit application, within the following time