

1 periods after the receipt of the plans, specifications and other information
2 application is considered to be complete under sub. (2) (b):

3 (a) *Major source construction permits.* For construction permits for major
4 sources, within ~~120~~ 60 days.

5 (b) *Minor source construction permits.* For construction permits for minor
6 sources, within ~~30~~ 15 days.

7 ***-3455/P2.39* SECTION 269.** 285.61 (4) (a) of the statutes is amended to read:

8 285.61 (4) (a) *Distribution and publicity.* The department shall distribute and
9 publicize the analysis and preliminary determination as soon as they are prepared
10 or, if the analysis and preliminary determination are prepared by a certified
11 contractor, as soon as the department receives them from the certified contractor.

12 ***-3455/P2.40* SECTION 270.** 285.61 (4) (b) 2. and 3. of the statutes are
13 amended to read:

14 285.61 (4) (b) 2. A copy of the department's or certified contractor's analysis and
15 preliminary determination; and

16 3. A copy or summary of other materials, if any, considered by the department
17 or the certified contractor in making its preliminary determination.

18 ***-3455/P2.41* SECTION 271.** 285.61 (5) (a) (intro.) of the statutes is amended
19 to read:

20 285.61 (5) (a) *Distribution of notice required.* (intro.) The department shall
21 distribute a notice of the proposed construction, reconstruction, replacement or
22 modification, a notice of the department's or certified contractor's analysis and
23 preliminary determination, a notice of the opportunity for public comment and a
24 notice of the opportunity to request a public hearing to all of the following:

25 ***-3455/P2.42* SECTION 272.** 285.61 (5) (c) of the statutes is amended to read:

1 285.61 (5) (c) *Newspaper notice.* The department shall publish a class 1 notice
2 under ch. 985 announcing the opportunity for written public comment and the
3 opportunity to request a public hearing on the analysis and preliminary
4 determination within 10 days after the analysis and preliminary determination are
5 prepared or, if the analysis and preliminary determination are prepared by a
6 certified contractor, within 10 days after the department receives them from the
7 certified contractor.

8 ***-3455/P2.43*** SECTION 273. 285.61 (7) (a) of the statutes is amended to read:

9 285.61 (7) (a) *Hearing permitted.* The department may hold a public hearing
10 on the construction permit application if requested by a person who may be directly
11 aggrieved by the issuance of the permit, any affected state or the U.S. environmental
12 protection agency within 30 days after the department gives notice under sub. (5) (c).
13 A request for a public hearing shall indicate the interest of the party filing the
14 request and the reasons why a hearing is warranted. The department shall hold the
15 public hearing within ~~60~~ 30 days after the deadline for requesting a hearing if it
16 deems that there is a significant public interest in holding a hearing.

17 ***-3455/P2.44*** SECTION 274. 285.61 (8) (a) of the statutes is renumbered
18 285.61 (8) (a) 1.

19 ***-3455/P2.45*** SECTION 275. 285.61 (8) (a) 2. of the statutes is created to read:
20 285.61 (8) (a) 2. Notwithstanding subd. 1. and s. 285.63, the department may
21 not modify a preliminary determination made by a certified contractor under sub. (3)
22 unless modification is necessary to comply with the federal clean air act or unless the
23 comments received under subs. (6) and (7) or consideration of the environmental
24 impact as required under s. 1.11 provide clear and convincing evidence that issuance
25 of the permit would cause material harm to public health, safety, or welfare.

1 ***-3455/P2.46*** SECTION 276. 285.61 (8) (b) of the statutes is amended to read:

2 285.61 (8) (b) *Time limits.* The department shall act on a construction permit
3 application within 60 days after the close of the public comment period or the public
4 hearing, whichever is later department gives notice under sub. (5) (c), unless
5 compliance with s. 1.11 requires a longer time. For a major source that is located in
6 an attainment area, the department shall complete its responsibilities under s. 1.11
7 within one year.

8 ***-3455/P2.47*** SECTION 277. 285.61 (10) of the statutes is created to read:

9 285.61 (10) EXTENSIONS. The department may extend any time limit applicable
10 to the department or a certified contractor under this section at the request of an
11 applicant.

12 ***-3455/P2.48*** SECTION 278. 285.61 (11) of the statutes is created to read:

13 285.61 (11) DELAY IN ISSUING PERMITS. Subject to sub. (10), if the department
14 fails to act on an application for a construction permit within the time limit in sub.
15 (8) (b), the department shall include in a report the reasons for the delay in acting
16 on the application, including the names of the department's employees responsible
17 for review of the application, and recommendations for how to avoid similar delays
18 in the future. The department shall make reports under this subsection available
19 to the public, place a prominent notice of the reports on the department's Internet
20 site, and submit the reports to the joint committee for the review of administrative
21 rules on a quarterly basis.

22 ***-3455/P2.49*** SECTION 279. 285.62 (1) of the statutes is amended to read:

23 285.62 (1) APPLICANT NOTICE APPLICATION REQUIRED. A person who is required
24 to obtain an operation permit for a stationary source shall apply to the department
25 or to a certified contractor for the permit on or before the operation permit

1 application date specified under sub. (11) (b). The department shall specify by rule
2 the content of applications under this subsection. If required by the federal clean air
3 act, the department or the certified contractor shall provide a copy of the complete
4 application to the federal environmental protection agency. ~~The department may not~~
5 ~~accept an application submitted to the department before November 15, 1992, as an~~
6 ~~application under this subsection.~~

7 ***-3455/P2.50*** SECTION 280. 285.62 (2) of the statutes is renumbered 285.62
8 (2) (a) and amended to read:

9 285.62 (2) (a) *Request for additional information.* Within 20 days after receipt
10 of the application the department or the certified contractor shall ~~indicate~~ provide
11 written notice to the applicant describing specifically any additional information
12 required under sub. (1) necessary to determine if the source, upon issuance of the
13 permit, will meet the requirements of this chapter and s. 299.15 and rules
14 promulgated under this chapter and s. 299.15.

15 ***-3455/P2.51*** SECTION 281. 285.62 (2) (b) of the statutes is created to read:

16 285.62 (2) (b) *When application is considered to be complete.* For the purposes
17 of the time limits in sub. (3), an application is considered to be complete when the
18 applicant provides the information specified in the written notice under par. (a), or,
19 if the department or the certified contractor does not provide written notice to an
20 applicant within the period under par. (a), 20 days after receipt of the application.
21 This paragraph does not prevent the department or a certified contractor from
22 requesting additional information from an applicant after the period under par. (a).

23 ***-3455/P2.52*** SECTION 282. 285.62 (3) (a) (intro.) of the statutes is amended
24 to read:

1 285.62 (3) (a) (intro.) The department or certified contractor shall review an
2 application for an operation permit. Upon completion of that review, the department
3 or certified contractor shall prepare a preliminary determination of whether it the
4 application may ~~approve the application~~ be approved and a public notice. The
5 department or certified contractor shall complete the preliminary determination and
6 the public notice within 60 days after an application for an operation permit for a
7 major source is considered to be complete under sub. (2) (b) and within 15 days after
8 an application for an operation permit for a minor source is considered to be complete
9 under sub. (2) (b). The public notice shall include all of the following:

10 ***-3455/P2.53*** SECTION 283. 285.62 (3) (c) of the statutes is amended to read:

11 285.62 (3) (c) The department shall publish the notice prepared under par. (a)
12 as a class 1 notice under ch. 985 in a newspaper published in the area that may be
13 affected by emissions from the stationary source within 10 days after the notice is
14 complete or, if the notice is prepared by a certified contractor, within 10 days after
15 the department receives it from the certified contractor.

16 ***-3455/P2.54*** SECTION 284. 285.62 (5) (a) of the statutes is amended to read:

17 285.62 (5) (a) *Hearing permitted.* The department may hold a public hearing
18 on an application for an operation permit for a stationary source if requested by any
19 state that received notice under sub. (3) (b) or any other person, if the person may
20 be directly aggrieved by the issuance of the permit, within 30 days after the
21 department gives notice under sub. (3) (c). A request for a public hearing shall
22 indicate the interest of the party filing the request and the reasons why a hearing
23 is warranted. The department shall hold the public hearing within 60 days after the
24 deadline for requesting a hearing if it determines that there is a significant public
25 interest in holding the hearing.

1 ***-3455/P2.55*** SECTION 285. 285.62 (6) (c) 1. of the statutes is amended to read:
2 285.62 (6) (c) 1. If the department receives an objection from the federal
3 environmental protection agency under this subsection, the department may not
4 issue the operation permit unless the department revises the proposed operation
5 permit as necessary to satisfy the objection.

6 ***-3455/P2.56*** SECTION 286. 285.62 (7) (b) of the statutes is amended to read:
7 285.62 (7) (b) The department shall approve or deny the operation permit
8 application for a new source or modified source. The department shall issue the
9 operation permit for a new source or modified source if the criteria established under
10 ss. 285.63 and 285.64 are met. The department shall issue an operation permit for
11 a new source or modified source or deny the application within ~~180~~ 30 days after the
12 permit applicant submits to the department the results of all equipment testing and
13 emission monitoring required under the construction permit.

14 ***-3455/P2.57*** SECTION 287. 285.62 (7) (bm) of the statutes is created to read:
15 285.62 (7) (bm) Notwithstanding pars. (a) and (b) and s. 285.63, but subject to
16 sub. (6) (c) 1., the department may not modify a preliminary determination made by
17 a certified contractor under sub. (3) (a) unless modification is necessary to comply
18 with the federal clean air act or unless the comments received under subs. (4) to (6)
19 or consideration of the environmental impact as required under s. 1.11 provide clear
20 and convincing evidence that issuance of the permit would cause material harm to
21 public health, safety, or welfare.

22 ***-3455/P2.58*** SECTION 288. 285.62 (8) of the statutes is renumbered 285.62
23 (8) (a).

24 ***-3455/P2.59*** SECTION 289. 285.62 (8) (b) of the statutes is created to read:

1 285.62 (8) (b) If a person submits an application for renewal of an operation
2 permit before the date that the operation permit expires, the stationary source may
3 not be required to discontinue operation and the person may not be prosecuted for
4 lack of an operation permit until the department acts under sub. (7), except that this
5 paragraph does not apply in a situation in which its application would contravene
6 the federal clean air act.

7 *~~3455/P2.60~~* SECTION 290. 285.62 (9) (b) of the statutes is repealed and
8 recreated to read:

9 285.62 (9) (b) Subject to sub. (12), if the department fails to act on an
10 application for an operation permit within the time limit under sub. (7) (b), the
11 department shall, include in a report the reasons for the delay in acting on the
12 application, including the names of the department's employees responsible for
13 review of the application, and recommendations for how to avoid delays in the future
14 in similar situations. The department shall make reports under this subsection
15 available to the public, place a prominent notice of the reports on the department's
16 Internet site, and submit the reports to the joint committee for the review of
17 administrative rules on a quarterly basis.

18 *~~3455/P2.61~~* SECTION 291. 285.62 (12) of the statutes is created to read:

19 285.62 (12) EXTENSIONS. The department may extend any time limit applicable
20 to the department or a certified contractor under this section at the request of an
21 applicant.

22 *~~3455/P2.62~~* SECTION 292. 285.63 (1) (d) of the statutes is amended to read:

23 285.63 (1) (d) *Source will not preclude construction or operation of other source.*
24 The stationary source will not degrade the air quality in an area sufficiently to
25 prevent the construction, reconstruction, replacement, modification or operation of

1 another stationary source if the department received plans, specifications and other
2 information under s. 285.61 (2) (a) for the other stationary source prior to
3 commencing its analysis under s. 285.61 (3) for the former stationary source. This
4 paragraph does not apply to an existing source required to have an operation permit.

5 ***-3455/P2.63* SECTION 293.** 285.63 (2) (d) of the statutes is repealed.

6 ***-3455/P2.64* SECTION 294.** 285.66 (2) of the statutes is renumbered 285.66
7 (2) (a).

8 ***-3455/P2.65* SECTION 295.** 285.66 (2) (b) of the statutes is created to read:
9 285.66 (2) (b) Notwithstanding par. (a), the department may not specify that
10 coverage under a general permit under s. 285.60 (3) expires except as follows:

11 1. The department may specify an expiration date for coverage under a general
12 permit at the request of an owner or operator.

13 2. The department may specify a term of 5 years or longer for coverage under
14 a general permit if the department finds that expiring coverage would significantly
15 improve the likelihood of continuing compliance with applicable requirements
16 compared to coverage that does not expire.

17 3. The department may specify a term of 5 years or less for coverage under a
18 general permit if required by the federal clean air act.

19 ***-3455/P2.66* SECTION 296.** 285.66 (3) (a) of the statutes is amended to read:
20 285.66 (3) (a) A permittee shall apply for renewal of an operation permit at
21 least ~~12~~ 6 months before the operation permit expires. The permittee shall include
22 any new or revised information needed to process the application for renewal.

23 ***-3455/P2.67* SECTION 297.** 285.69 (1) (a) of the statutes is amended to read:
24 285.69 (1) (a) *Application for permit.* Reviewing and acting upon any
25 application for a construction permit. The department shall specify lower fees for

1 persons who submit applications to certified contractors under s. 285.61(1) than for
2 those who submit applications to the department.

3 ***-3455/P2.68*** SECTION 298. 285.755 of the statutes is created to read:

4 **285.755 Certified contractors.** (1) RESPONSIBILITIES OF THE DEPARTMENT OF
5 ADMINISTRATION. (a) The department of administration shall certify private
6 contractors to review applications for air pollution control permits for the purposes
7 of determining under ss. 285.61 (2) and 285.62 (2) whether additional information
8 is needed from applicants and of making preliminary determinations under ss.
9 285.61 (3) and 285.62 (3).

10 (b) No later than the first day of the 7th month beginning after the effective date
11 of this paragraph [revisor inserts date], the department of administration, in
12 consultation with the department of natural resources, shall specify minimum
13 standards relating to staffing and professional expertise and other conditions
14 applicable to private contractors certified under this section.

15 (c) The department of administration shall maintain a directory containing the
16 name, address, and contact person for each certified contractor. The department of
17 administration shall update the directory every 3 months and shall provide the
18 directory to the department of natural resources and make it available to the public.

19 (2) REQUIREMENTS. The department of administration may not certify a
20 contractor under this section unless the contractor does all of the following:

21 (a) Submits an application on a form prescribed by the department of
22 administration in consultation with the department of natural resources.

23 (b) Meets the minimum standards relating to staffing and professional
24 expertise and other conditions that are specified under sub. (1) (b).

1 (c) Submits a signed statement agreeing to conduct the activities described in
2 sub. (1) (a) in accordance with applicable state and federal law.

3 ***-3455/P2.69* SECTION 299.** 285.81 (1) (intro.) of the statutes is amended to
4 read:

5 285.81 (1) PERMIT HOLDER; PERMIT APPLICANT; ORDER RECIPIENT. (intro.) Any
6 permit, part of a permit, order, decision or determination by the department under
7 ss. 285.39, 285.60 to 285.69 or 285.75 shall become effective unless the permit holder
8 or applicant or the order recipient seeks a hearing ~~on~~ challenging the action in the
9 following manner:

10 ***-3455/P2.70* SECTION 300.** 285.81 (1m) of the statutes is created to read:

11 285.81 (1m) EFFECT OF A CHALLENGE. If a permit holder or applicant seeks a
12 hearing challenging part of a permit under sub. (1), the remainder of the permit shall
13 become effective and the permit holder or applicant may begin the activity for which
14 the permit was issued.

15 ***-3426/1.39* SECTION 301.** 289.27 (5) of the statutes is amended to read:

16 289.27 (5) DETERMINATION OF NEED; DECISION BY HEARING EXAMINER. If a
17 contested case hearing is conducted under this section, the secretary shall issue any
18 decision concerning determination of need, ~~notwithstanding s. 227.46 (2) to (4).~~ The
19 secretary shall direct the hearing examiner to certify the record of the contested case
20 hearing to him or her without an intervening proposed decision. The secretary may
21 assign responsibility for reviewing this record and making recommendations
22 concerning the decision to any employee of the department.

23 ***-3380/P5.45* SECTION 302.** 295.13 (4) of the statutes is created to read:

24 295.13 (4) CREDITING OF FINANCIAL ASSURANCE. If a nonmetallic mining site is
25 subject to a county ordinance under sub. (1) or (2) and the city, village, or town in

1 which a nonmetallic mining site is located required the operator of the mining site
2 to provide financial assurance for nonmetallic mining reclamation of the nonmetallic
3 mining site, the county shall credit the value of the financial assurance provided to
4 the city, village, or town against the amount of financial assurance that the operator
5 is required to provide under the county ordinance.

6 ***-3599/P3.149* SECTION 303.** 299.05 (2) (a) of the statutes is amended to read:

7 299.05 (2) (a) Permits, contracts, and other approvals under ss. 30.10 to 30.205
8 and 30.21 to 30.27.

9 ***-3426/1.40* SECTION 304.** 448.02 (3) (b) of the statutes is amended to read:

10 448.02 (3) (b) After an investigation, if the board finds that there is probable
11 cause to believe that the person is guilty of unprofessional conduct or negligence in
12 treatment, the board shall hold a hearing on such conduct. The board may use any
13 information obtained by the board or the department under s. 655.17 (7) (b), as
14 created by 1985 Wisconsin Act 29, in an investigation or a disciplinary proceeding,
15 including a public disciplinary proceeding, conducted under this subsection and the
16 board may require a person holding a license, certificate or limited permit to undergo
17 and may consider the results of one or more physical, mental or professional
18 competency examinations if the board believes that the results of any such
19 examinations may be useful to the board in conducting its hearing. A unanimous
20 finding by a panel established under s. 655.02, 1983 stats., or a finding by a court that
21 a physician has acted negligently in treating a patient is conclusive evidence that the
22 physician is guilty of negligence in treatment. A finding that is not a unanimous
23 finding by a panel established under s. 655.02, 1983 stats., that a physician has acted
24 negligently in treating a patient is presumptive evidence that the physician is guilty
25 of negligence in treatment. A certified copy of the findings of fact, conclusions of law

SECTION 304

1 and order of the panel or the order of a court is presumptive evidence that the finding
2 of negligence in treatment was made. The board shall render a decision within 90
3 days after the date on which the hearing is held ~~or, if subsequent proceedings are~~
4 ~~conducted under s. 227.46 (2), within 90 days after the date on which those~~
5 ~~proceedings are completed.~~

6 ***-3426/1.41* SECTION 305.** 448.675 (1) (b) of the statutes is amended to read:

7 448.675 (1) (b) After an investigation, if the affiliated credentialing board finds
8 that there is probable cause to believe that the person is guilty of unprofessional
9 conduct or negligence in treatment, the affiliated credentialing board shall hold a
10 hearing on such conduct. The affiliated credentialing board may require a licensee
11 to undergo and may consider the results of a physical, mental or professional
12 competency examination if the affiliated credentialing board believes that the
13 results of the examination may be useful to the affiliated credentialing board in
14 conducting its hearing. A finding by a court that a podiatrist has acted negligently
15 in treating a patient is conclusive evidence that the podiatrist is guilty of negligence
16 in treatment. A certified copy of the order of a court is presumptive evidence that the
17 finding of negligence in treatment was made. The affiliated credentialing board
18 shall render a decision within 90 days after the date on which the hearing is held ~~or,~~
19 ~~if subsequent proceedings are conducted under s. 227.46 (2), within 90 days after the~~
20 ~~date on which those proceedings are completed.~~

21 ***-3380/P5.46* SECTION 306.** 452.05 (3) of the statutes is created to read:

22 452.05 (3) The department may, after consultation with the board, enter into
23 reciprocal agreements with officials of other states or territories of the United States
24 for licensing brokers and salespersons and grant licenses to applicants who are

1 licensed as brokers or salespersons in those states or territories according to the
2 terms of the reciprocal agreements.

3 ***-3380/P5.47* SECTION 307.** 452.09 (2) (a) of the statutes is amended to read:

4 452.09 (2) (a) ~~Each~~ Except as provided in a reciprocal agreement under s.
5 452.05 (3), each applicant for a salesperson's license shall submit to the department
6 evidence satisfactory to the department of successful completion of educational
7 programs approved for this purpose under s. 452.05 (1) (c). The department may
8 waive the requirement under this paragraph upon proof that the applicant has
9 received 10 academic credits in real estate or real estate related law courses from an
10 accredited institution of higher education.

11 ***-3380/P5.48* SECTION 308.** 452.09 (2) (c) (intro.) of the statutes is amended

12 to read:

13 452.09 (2) (c) (intro.) Except as provided in par. (d) or a reciprocal agreement
14 under s. 452.05 (3), each applicant for a broker's license shall do all of the following:

15 ***-3380/P5.49* SECTION 309.** 452.09 (3) (d) of the statutes is amended to read:

16 452.09 (3) (d) ~~The~~ Except as provided in a reciprocal agreement under s. 452.05
17 (3), the department may not grant a broker's license to an applicant who does not
18 hold a salesperson's license unless the applicant passes the salesperson's
19 examination and the broker's examination.

20 ***-3380/P5.50* SECTION 310.** 889.29 (1) of the statutes is amended to read:

21 889.29 (1) If any business, institution or member of a profession or calling in
22 the regular course of business or activity has kept or recorded any memorandum,
23 writing, entry, print, representation or combination thereof, of any act, transaction,
24 occurrence or event, and in the regular course of business has caused any or all of the
25 same to be recorded, copied or reproduced by any photographic, photostatic,

1 microfilm, microcard, miniature photographic, or other process which accurately
2 reproduces or forms a durable medium for so reproducing the original, or to be
3 recorded on an optical disk or in electronic format, the original may be destroyed in
4 the regular course of business, unless its preservation is required by law. Such
5 reproduction or optical disk record, when reduced to comprehensible format and
6 when satisfactorily identified, is as admissible in evidence as the original itself in any
7 judicial or administrative proceeding whether the original is in existence or not and
8 an enlargement or facsimile of such reproduction of a record or an enlarged copy of
9 a record generated from an original record stored in optical disk or electronic format
10 is likewise admissible in evidence if the original reproduction is in existence and
11 available for inspection under direction of court. The introduction of a reproduced
12 record, enlargement or facsimile, does not preclude admission of the original. This
13 subsection does not apply to records governed by s. 137.20.

14 ***-3380/P5.51*** SECTION 311. 910.01 (1) of the statutes is amended to read:

15 910.01 (1) WRITINGS AND RECORDINGS. “Writings” and “recordings” consist of
16 letters, words or numbers, or their equivalent, set down by handwriting, typewriting,
17 printing, photostating, photographing, magnetic impulse, mechanical or electronic
18 recording, or other form of data compilation or recording.

19 ***-3380/P5.52*** SECTION 312. 910.02 of the statutes is amended to read:

20 **910.02 Requirement of original.** To prove the content of a writing, recording
21 or photograph, the original writing, recording or photograph is required, except as
22 otherwise provided in chs. 901 to 911, in s. 137.21, or by other statute.

23 ***-3380/P5.53*** SECTION 313. 910.03 of the statutes is amended to read:

24 **910.03 Admissibility of duplicates.** A duplicate is admissible to the same
25 extent as an original unless (1) a genuine question is raised as to the authenticity of

1 the original or (2) in the circumstances it would be unfair to admit the duplicate in
2 lieu of the original. This section does not apply to records of transactions governed
3 by s. 137.21.

4 ***-3380/P5.54* SECTION 314. Nonstatutory provisions.**

5 (1) USE OF ELECTRONIC RECORDS AND ELECTRONIC SIGNATURES BY GOVERNMENTAL
6 UNITS; EMERGENCY RULES. Using the procedure under section 227.24 of the statutes,
7 the department of ~~electronic government~~ ^{Administration} may promulgate emergency rules under
8 section 137.25 (2) of the statutes, as created by this act, for the period before the
9 effective date of permanent rules initially promulgated under section 137.25 (2) of
10 the statutes, as created by this act, but not to exceed the period authorized under
11 section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a),
12 (2) (b), and (3) of the statutes, the department is not required to provide evidence that
13 promulgating a rule under this subsection as an emergency rule is necessary for the
14 preservation of the public peace, health, safety, or welfare and is not required to
15 provide a finding of emergency for a rule promulgated under this subsection.

16 (2) USE OF ELECTRONIC SIGNATURES BY NOTARIES PUBLIC; EMERGENCY RULES. Using
17 the procedure under section 227.24 of the statutes, the secretary of state and the
18 department of ~~electronic government~~ may promulgate emergency rules under
19 section 137.01 (4) (a) of the statutes, as affected by this act, for the period before the
20 effective date of permanent rules initially promulgated under section 137.01 (4) (a)
21 of the statutes, as affected by this act. Notwithstanding section 227.24 (1) (a), (2) (b),
22 and (3) of the statutes, the secretary of state and the department are not required to
23 provide evidence that promulgating a rule under this subsection as an emergency
24 rule is necessary for the preservation of the public peace, health, safety, or welfare

administration

July

1 and are not required to provide a finding of emergency for a rule promulgated under
2 this subsection.

3 (3) USE OF ELECTRONIC SIGNATURES BY NOTARIES PUBLIC; PERMANENT RULES. The
4 secretary of state and department of ~~electronic government~~ shall initially
5 promulgate permanent rules under section 137.01 (4) (a) of the statutes, as affected
6 by this act, to become effective no later than ~~January~~ 1, 2004.

7 (4) ENERGY CONSERVATION AND EFFICIENCY GRANTS; EMERGENCY RULES. Using the
8 procedure under section 227.24 of the statutes, the public service commission shall
9 promulgate as emergency rules the rules required under section 16.957 (2m) of the
10 statutes, as created by this act. Notwithstanding section 227.24 (1) (c) and (2) of the
11 statutes, the emergency rules promulgated under this subsection may remain in
12 effect until the date on which the permanent rules required under section 16.957
13 (2m) of the statutes, as created by this act, take effect. Notwithstanding section
14 227.24 (1) (a), (2) (b), and (3) of the statutes, the public service commission is not
15 required to provide evidence that promulgating rules under this subsection as
16 emergency rules is necessary for the preservation of the public peace, health, safety,
17 or welfare and is not required to provide a finding of emergency for the rules
18 promulgated under this subsection.

19 ~~*3455/P2.71*~~ SECTION 315. ~~Nonstatutory provisions.~~
concerning air permits for modified sources

20 (1) SUBMISSION OF PROPOSED RULES. Notwithstanding the time limit in section
21 285.11 (17) of the statutes, as affected by this act, the department shall submit in
22 proposed form the rules required under section 285.11 (17) of the statutes, as affected
23 by this act, relating to regulations that are published before the effective date of this
24 subsection to the legislative council staff under section 227.15 (1) of the statutes no
25 later than August 31, 2004.

of natural resources

1

(2) REPORT ON STREAMLINING EFFORTS.

air permit

of natural resources

2

(a) The department, in consultation with owners and operators of stationary sources of air pollution, shall develop a report that contains all of the following:

3

4

1. A list of all existing exemptions under section 285.60 (6) of the statutes, as affected by this act, and all general permits under section 285.60 (3) of the statutes, as affected by this act.

5

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2. Recommendations, and related proposed rule revisions, for expanding exemptions under section 285.60 (6) of the statutes, as affected by this act, establishing registration permits under section 285.60 (2g) of the statutes, as created by this act, expanding the use of general permits under section 285.60 (3) of the statutes, as affected by this act, issuing construction permit waivers under section 285.60 (5m) of the statutes, as created by this act, and taking other actions under section 285.60 (10) of the statutes, as created by this act, including consolidating the permits for sources at one facility into one permit.

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3. A schedule for providing additional reports containing recommendations, and related rule revisions, for expanding exemptions under section 285.60 (6) of the statutes, as affected by this act, expanding the use of registration permits under section 285.60 (2g) of the statutes, as created by this act, expanding the use of general permits under section 285.60 (3) of the statutes, as affected by this act, expanding the issuance of construction permit waivers under section 285.60 (5m) of the statutes, as created by this act, and taking other actions under section 285.60 (10) of the statutes, as created by this act, including consolidating the permits for sources at one facility into one permit.

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4. A description of requirements in the federal clean air act that limit the department's ability to expand exemptions under section 285.60 (6) of the statutes,

1 as affected by this act, expand the use of registration permits under section 285.60
 2 (2g) of the statutes, as created by this act, expand the use of general permits under
 3 section 285.60 (3) of the statutes, as affected by this act, expand the issuance of
 4 construction permit waivers under section 285.60 (5m) of the statutes, as created by
 5 this act, and take other actions under section 285.60 (10) of the statutes, as created
 6 by this act, and recommendations on how these limitations might be overcome.

a.r.

7 (b) The department ^{of natural resources} shall submit the report under paragraph (a) to the
 8 legislature in the manner provided under s. 13.172 (2) no later than the first day of
 9 the 7th month beginning after the effective date of this paragraph.

10 # (3) REPORT ON ^{clean air act} STATE IMPLEMENTATION PLANS. No later than the first day of the
 11 7th month beginning after the effective date of this subsection, the department of
 12 natural resources shall submit to the joint committee for review of administrative
 13 rules a report that contains all of the following:

14 (a) A description of all of this state's existing and pending state implementation
 15 plans under 42 USC 7410 with an analysis of any rules or requirements included in
 16 the plans that may not have been necessary to obtain federal environmental
 17 protection agency approval but that are federally enforceable as a result of being
 18 included in the plans.

19 (b) Recommendations for revisions of state implementation plans to remove
 20 rules and other requirements that may not have been necessary to obtain federal
 21 environmental protection agency approval.

22 ***-3380/P5.55* SECTION 316. Initial applicability.**

23 (1) LAWSUITS CONCERNING CREDIT AGREEMENTS AND RELATED DOCUMENTS. The
 24 treatment of section 241.02 (3) of the statutes first applies to actions commenced on
 25 the effective date of this subsection.

1 (2) PARTIAL DEREGULATION OF TELECOMMUNICATIONS. The treatment of section
2 196.195 (5m) and (10) of the statutes first applies to proceedings initiated by
3 petitions filed with the public service commission, or by notices made on the public
4 service commission's own motion, on the effective date of this subsection.

5 (3) ENGINEERING PLANS. The treatment of section 196.491 (3) (a) 3. a. of the
6 statutes first applies to engineering plans provided to the department of natural
7 resources on the effective date of this subsection.

8 (4) CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY INVOLVING OTHER STATES.
9 The treatment of section 196.491 (3) (g) 1. and 1m. of the statutes first applies to
10 applications filed on the effective date of this subsection.

11 (5) ELECTRONIC RECORDS AND ELECTRONIC SIGNATURES. The treatment of sections
12 137.01 (3) (a) and (4) (a) and (b), 137.04, 137.05 (title), 137.06, 137.11 to 137.24,
13 137.25 (2), 224.30 (2), 889.29 (1), 910.01 (1), 910.02, and 910.03, subchapters I (title)
14 and II (title) of chapter 137, and chapter 137 (title) of the statutes and the
15 renumbering and amendment of section 137.05 of the statutes first apply to
16 electronic records or electronic signatures that are created, generated, sent,
17 communicated, received, or initially stored on the effective date of this subsection.

18 (6) ENERGY CONSERVATION AND EFFICIENCY GRANTS. The treatment of section
19 16.957 (2) (b) 1. (intro.) of the statutes first applies to grants that are awarded on the
20 effective date of the rules promulgated under SECTION 314 (4) of this act. *a.r.*

21 ~~*-3455/P2.72* SECTION 317. Initial applicability.~~

22 (1) *Processing of air permits.*
23 The treatment of sections 285.61 (3), (5) (c), (7) (a), (8) (b), and (11), 285.62
24 (3) (a) (intro.) and (c), (5) (a), (7) (b), and (9) (b), and 285.66 (3) (a) of the statutes, the
renumbering and amendment of sections 285.61 (2) and 285.62 (2) of the statutes,

CS
CHAPTER 30 PROCEDURES.

1 and the creation of sections 285.61 (2) (b) and 285.62 (2) (b) first apply to applications
2 submitted on the effective date of this subsection.

CS → Review of air pollution control decisions.

3 (2) The treatment of section 285.81 (1) (intro.) and (1m) of the statutes first
4 applies to person who file petitions on the effective date of this subsection.

5
~~*3599/P3.150* SECTION 318. Initial applicability.~~

6
6 (1) The treatment of sections 30.208 and 30.209 of the statutes first applies to
7 applications for individual permits that are submitted to the department of natural
8 resources on the effective date of this subsection. *paragraph*

9
9 (2) The treatment of section 30.208 of the statutes first applies to applications
10 for contracts under section 30.20 of the statutes that are submitted to the
11 department of natural resources on the effective date of this subsection. *paragraph*

fix component

12
3380/P5.56 SECTION 319. Effective date. *5*

13 (1) ENERGY CONSERVATION AND EFFICIENCY GRANTS. The treatment of section
14 16.957 (2) (b) 1. (intro.) and (c) 2., (2m), and (3) (b) of the statutes takes effect on July
15 1, 2005.

16 (2) SALES TAX EXEMPTION FOR TEMPORARY SERVICES. The treatment of section
17 77.52 (2r) of the statutes takes effect on the first day of the 2nd month beginning after
18 publication.

(END)

This act takes effect on the day after publication, except as follows:

11/6/03

Rob, Joe, or ~~Mark~~,

See attached redraft instructions. Do your
yanks, pass on to next drafter, last one turn into
editing.

GMM

11/6/03

Redraft Instructions - Scott Manby -3629
-3630

① Yank UIETA (RJM)

② Yank sales tax exemption for temp. services (JK)

③ Yank changes re certificate of public convenience
& necessity 196,491 (3) ~~and~~ (g) l. (MDK)
(e) Im.

④ Yank ~~DN~~ changes re engineering plan to DVR (MDK)
196,491 (3) (a) 3. a.
(e)

⑤ Yank costs incurred for econ. devo. (MDK)
196,03 (7)

- Relating clause
- Analysis intro.
- Back of bill

State Capitol, Room 211W
P.O. Box 8953
Madison, WI 53708
Phone: 608-266-3387
Fax: 608-266-5123

**Wisconsin Legislature
Speaker John Gard**

Fax

To: Mark Kunkel From: Bryan Warnson
 Fax: 264 6948 Date: _____
 Phone: _____ Pages: _____
 Re: _____ CC: _____
 Urgent For Review Please Comment Please Reply Please Recycle

•Comments:

Does this fix the
problem?

Kunkel, Mark

From: Wornson, Bryon .
Sent: Friday, November 07, 2003 11:04 AM
To: Kunkel, Mark
Subject: RE: SB280 - public benefits

no, I want in the omnibus regulation reform package.

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

From: Kunkel, Mark
Sent: Friday, November 07, 2003 10:57 AM
To: Wornson, Bryon
Subject: SB280 - public benefits

Bryon:

To follow up on my voice mail to you, the language you sent over looks fine.

Do you want a Senate Amendment to SB 280, or something else?

Mark D. Kunkel
Senior Legislative Attorney
Legislative Reference Bureau
(608) 266-0131

2003 - 2004 Legislature

- 5 -

LRB-3411/1

MDK:cjs:pg

SECTION 7

SENATE BILL 280

1 require a utility to demonstrate that, no later than a reasonable period of time, as
2 determined by the commission, after the utility implements a program, the economic
3 value of the benefits resulting from the program will be equal to the portion that the
4 utility is allowed to retain under this paragraph.

5 (b) If the commission allows a utility to retain a portion under par. (a), the
6 utility must contribute 1.75% of the portion to the commission for deposit in the fund
7 for programs for research and development for energy conservation and efficiency
8 and must contribute 4.5% of the portion to the commission for deposit in the fund for
9 renewable resource programs.

10 (c) ~~The commission shall allow a utility to recover in rates~~ ^{delete} *insert at ** any expenses related
11 to administration, marketing, or delivery of services for programs specified in par.

12 (a) A utility may not pay for ^{* insert here} ~~such expenses~~ _{delete} from any portion of a contribution the
13 utility is allowed to retain under par. (a).

SECTION 8. Nonstatutory provisions.

14 (1) EMERGENCY RULES. Using the procedure under section 227.24 of the statutes,
15 the public service commission shall promulgate as emergency rules the rules
16 required under section 16.957 (2m) of the statutes, as created by this act.
17 Notwithstanding section 227.24 (1) (c) and (2) of the statutes, the emergency rules
18 promulgated under this subsection may remain in effect until the date on which the
19 permanent rules required under section 16.957 (2m) of the statutes, as created by
20 this act, take effect. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the
21 statutes, the public service commission is not required to provide evidence that
22 promulgating rules under this subsection as emergency rules is necessary for the
23 preservation of the public peace, health, safety, or welfare and is not required to
24 provide a finding of emergency for the rules promulgated under this subsection.
25