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1 ~~purpose is ultimate connection with an existing navigable stream, lake or other~~
2 ~~navigable waters, or where~~ water body that connects with a navigable waterway.

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

6 **SECTION 84.** 30.19 (1) (b) of the statutes is repealed.

7 **SECTION 85.** 30.19 (1) (c) of the statutes is renumbered 30.19 (1g) (c) and
8 amended to read:

9 30.19 (1g) (c) ~~To grade or otherwise~~ Grade or remove top soil topsoil from the
10 bank of any navigable stream, lake or other body of navigable water waterway where
11 the area exposed by such the grading or removal will exceed 10,000 square feet.

12 **SECTION 86.** 30.19 (1b) of the statutes is created to read:

13 30.19 (1b) DEFINITION. In the section, “artificial water body” means a proposed
14 or existing body of water that does not have a history of being a lake or stream or of
15 being part of a lake or stream.

16 **SECTION 87.** 30.19 (1m) (intro.) of the statutes is amended to read:

17 30.19 (1m) ~~EXCEPTION~~ EXEMPTIONS. (intro.) ~~Subsection (1) does not apply to A~~
18 person is exempt from the permit requirements under this section for any of the
19 following:

20 **SECTION 88.** 30.19 (1m) (a) of the statutes is amended to read:

21 30.19 (1m) (a) The construction ~~and or~~ repair of any public highways highway.

22 **SECTION 89.** 30.19 (1m) (b) of the statutes is amended to read:

23 30.19 (1m) (b) Any agricultural uses use of land.

24 **SECTION 90.** 30.19 (1m) (c) of the statutes is amended to read:

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

3 **SECTION 91.** 30.19 (1m) (cm) of the statutes is created to read:

4 30.19 (1m) (cm) Any activity that affects a portion of Lake Michigan or of Lake
5 Superior that is located within a county having a population of 750,000 or more.

6 **SECTION 92.** 30.19 (1m) (d) of the statutes is amended to read:

7 30.19 (1m) (d) ~~These portions~~ Any activity that affects a portion of a navigable
8 streams, Lake Michigan or Lake Superior stream that is located within any a county
9 having a population of 750,000 or more.

10 **SECTION 93.** 30.19 (1m) (e) of the statutes is amended to read:

11 30.19 (1m) (e) Any work required to maintain the original dimensions of an
12 enlargement of ~~a waterway authorized~~ an artificial water body done pursuant to a
13 permit or legislative authorization under sub. (1) (a) or (b) (1g) (a) or (am).

14 **SECTION 94.** 30.19 (1m) (g) of the statutes is created to read:

15 30.19 (1m) (g) The construction, dredging, or enlargement of any artificial
16 water body that is within 500 feet of the ordinary high-water mark of a navigable
17 waterway, if the artificial water body does not have a surface connection to any
18 navigable waterway other than an overflow device and if the construction, dredging,
19 or enlargement is authorized by a storm water discharge permit approved by the
20 department under ch. 283 or a facility plan approved or authorized by the
21 department under s. 281.41.

22 **SECTION 95.** 30.19 (1m) (h) of the statutes is created to read:

23 30.19 (1m) (h) Grading or removal of topsoil from the bank of a navigable
24 waterway that is not located in an area of special natural resource interest and where

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1 the area exposed by the grading or removal will exceed 10,000 square feet, if any of
2 the following applies:

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

5 2. The grading or removal is authorized under an ordinance under s. 59.692,
6 61.351, or 62.231.

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

9 **SECTION 96.** 30.19 (2) of the statutes is repealed.

10 **SECTION 97.** 30.19 (3) of the statutes is repealed.

11 **SECTION 98.** 30.19 (3r) of the statutes is created to read:

12 **30.19 (3r) GENERAL PERMITS.** (a) The department shall issue statewide general
13 permits under s. 30.206 that authorize persons to do all of the following:

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

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

22 3. Engage in an activity specified in sub. (1g) (c) that is not exempt under sub.
23 (1m) (h) if the area exposed by the grading or removal will exceed 10,000 square feet.

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

4 **SECTION 99.** 30.19 (4) (title) of the statutes is amended to read:

5 30.19 (4) (title) ~~ISSUANCE OF PERMIT~~ INDIVIDUAL PERMITS.

6 **SECTION 100.** 30.19 (4) of the statutes is renumbered 30.19 (4) (c) (intro.) and
7 amended to read:

8 30.19 (4) (c) (intro.) ~~If the~~ The department finds that the project will not injure
9 public rights or interest, including fish and game habitat, that the project shall issue
10 an individual permit pursuant to an application under par. (a) if the department
11 finds that all of the following apply:

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

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

17 4. No material injury will result to the rights of any riparian owners on any
18 body of water affected will result, the department shall issue a permit authorizing
19 the enlargement of the affected waterways of real property that abuts any water body
20 that is affected by the activity.

21 **SECTION 101.** 30.19 (4) (a) of the statutes is created to read:

22 30.19 (4) (a) For activities that are not exempt under sub. (1m) and that are
23 not subject to a general permit under sub. (3r), a person may apply to the department
24 for an individual permit in order to engage in an activity for which a permit is
25 required under sub. (1g).

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1 **SECTION 102.** 30.19 (4) (b) of the statutes is created to read:

2 30.19 (4) (b) The notice and hearing provisions of s. 30.208 (3) to (5) apply to
3 an application under par. (a).

4 **SECTION 103.** 30.19 (4) (c) 1. of the statutes is created to read:

5 30.19 (4) (c) 1. The activity will not be detrimental to the public interest.

6 **SECTION 104.** 30.19 (5) of the statutes is amended to read:

7 30.19 (5) ~~CONDITIONS OF PERMIT~~ REQUIREMENT FOR PUBLIC ACCESS. The A permit
8 issued under this section to construct an artificial water body and to connect it to a
9 navigable waterway shall provide that all require that the artificial waterways
10 constructed under this section which are connected to navigable waterways shall be
11 water body be a public waterways. ~~The department may impose such further~~
12 ~~conditions in the permit as it finds reasonably necessary to protect public health,~~
13 ~~safety, welfare, rights and interest and to protect private rights and property~~
14 waterway.

15 **SECTION 105.** 30.195 (1) of the statutes is amended to read:

16 30.195 (1) PERMIT REQUIRED. No Unless a permit has been issued under this
17 section or authorization has been granted by the legislature, no person may change
18 the course of or straighten a navigable stream without a permit issued under this
19 section or without otherwise being expressly authorized by statute to do so.

20 **SECTION 106.** 30.195 (1m) of the statutes is created to read:

21 30.195 (1m) **GENERAL PERMITS.** (a) The department shall issue statewide
22 general permits under s. 30.206 that authorize riparian owners to change the course
23 of or straighten a navigable stream under the following circumstances:

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

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

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

6 **SECTION 107.** 30.195 (2) of the statutes is repealed and recreated to read:

7 30.195 (2) INDIVIDUAL PERMITS. (a) For activities that are not subject to a
8 general permit under sub. (1m), a riparian owner may apply to the department for
9 an individual permit in order to engage in activities for which a permit is required
10 under sub. (1).

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

13 **SECTION 108.** 30.195 (3) (title) of the statutes is repealed.

14 **SECTION 109.** 30.195 (3) of the statutes is renumbered 30.195 (2) (c) and
15 amended to read:

16 30.195 (2) (c) ~~Upon application therefor, the~~ The department shall grant a
17 issue an individual permit to the applicant applied for under this section to a riparian owner
18 if the department determines that all of the following apply:

19 1. The applicant is the owner of any land to change the course of or straighten
20 a navigable stream on such
21 land, if such will occur.

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

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

4 4. The proposed change of course or straightening of the navigable stream will
5 not be detrimental to the rights of other riparians riparian owners located on the
6 stream. ~~If the department finds that the rights of such riparians will be adversely~~
7 ~~affected, it may grant the permit only with their consent. Such permit may be~~
8 ~~granted on the department's own motion after its own investigation or after public~~
9 ~~hearing and after giving prior notice of such investigation or hearing~~ or all of these
10 riparian owners have consented to the issuance of the permit.

11 **SECTION 110.** 30.195 (4) of the statutes is repealed.

12 **SECTION 111.** 30.195 (7) of the statutes is repealed.

13 **SECTION 112.** 30.196 (intro.) of the statutes is amended to read:

14 **30.196 Enclosure of navigable waters; issuance of permits to**
15 **municipalities.** (intro.) A municipality may enclose navigable waters by directing,
16 placing or restricting navigable waters into an enclosed drain, conduit, storm sewer
17 or similar structure if the department grants the municipality ~~a~~ an individual
18 permit. The department may grant this permit to a municipality after following the
19 notice and hearing requirements under s. ~~30.02 (3) and (4)~~ 30.208 (3) to (5) if it finds
20 that granting the permit:

21 **SECTION 113.** 30.20 (1) (title) of the statutes is repealed and recreated to read:

22 30.20 (1) (title) PERMITS OR CONTRACTS REQUIRED.

23 **SECTION 114.** 30.20 (1) (a) of the statutes is amended to read:

24 30.20 (1) (a) ~~No~~ Unless a contract has been entered into with the department
25 under sub. (2) (a) or (b) or authorization has been granted by the legislature, no

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1 person may remove any material from the bed of any a natural navigable lake or from
2 the bed of any outlying waters ~~of this state without first obtaining a contract as~~
3 ~~provided in sub. (2).~~

4 **SECTION 115.** 30.20 (1) (b) of the statutes is amended to read:

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

11 **SECTION 116.** 30.20 (1) (c) 1. and 2. of the statutes are consolidated, renumbered
12 30.20 (1g) (a) 1. and amended to read:

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

20 **SECTION 117.** 30.20 (1) (c) 3. of the statutes is renumbered 30.20 (1g) (a) 2.

21 **SECTION 118.** 30.20 (1) (d) of the statutes is renumbered 30.20 (1g) (c) and
22 amended to read:

23 30.20 (1g) (c) The A removal of material by the drainage board for the Duck
24 Creek Drainage District may, without a permit under sub. (2) (e), remove material
25 from a drain that the board operates in the Duck Creek Drainage District is exempt

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1 from the individual and general permit requirements under this section if the
2 removal is required, under rules promulgated by the department of agriculture,
3 trade and consumer protection, in order to conform the drain to specifications
4 imposed by the department of agriculture, trade and consumer protection after
5 consulting with the department of natural resources.

6 **SECTION 119.** 30.20 (1g) (title) and (b) of the statutes are created to read:

7 30.20 (1g) (title) EXEMPTIONS.

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

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

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

17 **SECTION 120.** 30.20 (1r) of the statutes is created to read:

18 30.20 (1r) GENERAL PERMITS. (a) The department shall issue statewide general
19 permits under s. 30.206 that authorize any person to do all of the following:

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

23 2. Remove material from an area from which no material has been previously
24 removed and the material to be removed is 100 or more cubic yards but less than
25 1,000 cubic yards.

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

4 **SECTION 121.** 30.20 (2) (title) of the statutes is amended to read:

5 30.20 (2) (title) ~~CONTRACTS FOR REMOVAL~~ AND INDIVIDUAL PERMITS.

6 **SECTION 122.** 30.20 (2) (a) and (b) of the statutes are amended to read:

7 30.20 (2) (a) The department, ~~whenever consistent with public rights,~~ may
8 enter into ~~contracts~~ a contract on behalf of the state for the removal and lease or sale
9 of any material from the bed of any navigable lake or of any of the outlying waters,
10 ~~and for the lease or sale of the material. Every if the contract is consistent with public~~
11 rights. A person seeking to enter into such a contract shall apply to the department.
12 Each contract entered into under this paragraph shall contain such any conditions
13 ~~as may be that the department determines are necessary for the protection of the~~
14 public interest and the interests of the state and. Each contract entered into under
15 this paragraph shall also fix the amount of compensation to be paid to the state for
16 the material so to be removed, except that no the contract may not require that any
17 compensation may be paid for the material if the contract is with a municipality as
18 defined in s. 281.01 (6) and the material is to be used for a municipal purpose and
19 not for resale. No if the material will not be resold. Each contract entered into under
20 this paragraph may not run for a longer period more than 5 years.

21 (b) The department, ~~whenever consistent with public rights,~~ may enter into
22 ~~contracts~~ a contract on behalf of the state for the removal and lease or sale of any
23 mineral, ore ~~and,~~ or other material from beneath the bed of a navigable lakes and
24 ~~waters, where the waters would~~ water that the state may own if the contract will be
25 consistent with public rights and if the navigable water will not be disturbed in the

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

15 **SECTION 123.** 30.20 (2) (bn) of the statutes is created to read:

16 30.20 (2) (bn) For a removal that is not exempt under sub. (1g) and that is not
17 subject to a general permit under sub. (1r), a person may apply to the department
18 for an individual permit that is required under sub. (1) (b) in order to remove material
19 from the bed of any lake or stream not described under sub. (1) (a).

20 **SECTION 124.** 30.20 (2) (c) of the statutes is amended to read:

21 30.20 (2) (c) ~~A permit to remove material from the bed of any lake or stream~~
22 ~~not included in sub. (1) (a) may be issued by the department if it~~ The department
23 shall issue an individual permit pursuant to an application under par. (bn) if the
24 department finds that the issuance of such a the permit will be consistent with the
25 public interest in the water involved. A permit or contract issued under this

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1 ~~paragraph may be issued for up to 10 years if the applicant notifies the department~~
2 ~~at least 30 days before removing any material lake or stream.~~

3 **SECTION 125.** 30.20 (2) (d) of the statutes is created to read:

4 30.20 (2) (d) If an applicant for a permit under par. (bn) submits the application
5 at least 30 days before the proposed date of the removal, the department may issue
6 the permit for a period of up to 10 years.

7 **SECTION 126.** 30.20 (2) (e) of the statutes is created to read:

8 30.20 (2) (e) The notice and hearing provisions of s. 30.208 (3) to (5) apply to
9 an application for a permit or contract under this subsection.

10 **SECTION 127.** 30.201 of the statutes is created to read:

11 **30.201 Financial assurance for nonmetallic mining.** (1) If the
12 department requires that financial assurance be provided as a condition for a permit
13 under s. 30.19, 30.195, or 30.20 or for a contract under s. 30.20 for nonmetallic mining
14 and reclamation, the financial assurance may be a bond or alternative financial
15 assurance. An alternative financial assurance may include cash or any of the
16 following:

17 (a) A certificate of deposit.

18 (b) An irrevocable letter of credit.

19 (c) An irrevocable trust.

20 (d) An escrow account.

21 (e) A government security.

22 (f) Any other demonstration of financial responsibility.

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

25 **SECTION 128.** 30.2022 (title) of the statutes is created to read:

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1 **30.2022** (title) **Activities of department of transportation.**

2 **SECTION 129.** 30.2026 (2) (d) of the statutes is amended to read:

3 30.2026 (2) (d) The village of Belleville shall create any artificial barrier under
4 this section in compliance with all state laws that relate to navigable bodies of water,
5 except s. 30.12 (1) and (2).

6 **SECTION 130.** 30.2026 (3) (a) of the statutes is amended to read:

7 30.2026 (3) (a) The village of Belleville shall maintain any artificial barrier
8 created as authorized under sub. (1). If a landowner of more than 500 feet of Lake
9 Belle View shoreline, a portion of which is located within 1,000 feet of any such
10 artificial barrier, is dissatisfied with the manner in which the village of Belleville is
11 maintaining the barrier, the owner may maintain the barrier in lieu of the village,
12 upon approval of the department. The village or a landowner who maintains the
13 barrier shall comply with all state laws that relate to navigable bodies of water,
14 except s. 30.12 (1) and (2). The department may require the village of Belleville or
15 the landowner to maintain the barrier in a structurally and functionally adequate
16 condition.

17 **SECTION 131.** 30.206 (1) (title) of the statutes is created to read:

18 30.206 (1) (title) PROCEDURE FOR ISSUING GENERAL PERMITS.

19 **SECTION 132.** 30.206 (1) of the statutes is renumbered 30.206 (1) (a) and
20 amended to read:

21 30.206 (1) (a) ~~For activities which require a permit or approval under ss. 30.12~~
22 ~~(3) (a) and 30.19 (1) (a), the department may issue a general permit authorizing a~~
23 ~~class of activities, according to rules promulgated by the department. Before The~~
24 department shall issue the statewide general permits required under ss. 30.12 (3)
25 (a), 30.123 (7) (a), 30.19 (3r) (a), 30.195 (1m) (a), and 30.20 (1r) (a) within 540 days

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1 after the effective date of this paragraph [revisor inserts date]. General permits
2 issued under s. 30.206, 2001 stats., shall remain valid until the date upon which the
3 statewide general permits are issued under this paragraph. Vessels for commercial
4 storage that, on the effective date of this paragraph [revisor inserts date], are in
5 place on Lake Michigan or Lake Superior or on any tributary of Lake Michigan or
6 Lake Superior determined to be navigable by the federal government shall be
7 considered to be placed in compliance with s. 30.12 until the date upon which the
8 statewide general permit is issued under s. 30.12 (3) (a) 12.

9 (b) Before issuing general permits, the department shall ~~determine~~ provide,
10 after an environmental analysis ~~and~~, notice and hearing under ss. 227.17 and
11 227.18, ~~that~~.

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

18 **SECTION 133.** 30.206 (1) (c) 1. to 3. of the statutes are created to read:

19 30.206 (1) (c) 1. Construction and design requirements that are consistent with
20 the purpose of the activity authorized under the permit.

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

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

25 **SECTION 134.** 30.206 (2) of the statutes is repealed.

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1 **SECTION 135.** 30.206 (3) (title) of the statutes is created to read:

2 30.206 (3) (title) PROCEDURES FOR CONDUCTING ACTIVITIES UNDER GENERAL
3 PERMITS.

4 **SECTION 136.** 30.206 (3) of the statutes is renumbered 30.206 (3) (a) and
5 amended to read:

6 30.206 (3) (a) A person wishing to proceed with an activity that may be
7 authorized by a general permit shall apply to the department, with written
8 notification of the person's wish to proceed, not less than ~~20 business~~ 30 days before
9 commencing the activity authorized by a general permit. ~~The department may~~
10 ~~request additional information from the applicant~~ notification shall provide
11 information describing the activity in order to allow the department to determine
12 whether the activity is ~~within the scope of a~~ authorized by the general permit and
13 ~~shall inform the applicant in writing of its determination within 10 business days~~
14 ~~after receipt of adequate information.~~

15 **SECTION 137.** 30.206 (3) (c) of the statutes is created to read:

16 30.206 (3) (c) Upon completion of an activity that the department has
17 authorized under a general permit, the applicant for the general permit shall provide
18 to the department a statement certifying that the activity is in compliance with all
19 of the conditions of the general permit and a photograph of the activity.

20 **SECTION 138.** 30.206 (3m) of the statutes is repealed.

21 **SECTION 139.** 30.206 (4) of the statutes is renumbered 30.206 (3) (b) and
22 amended to read:

23 30.206 (3) (b) ~~Upon receipt of the department's determination that the~~
24 ~~proposed activity is authorized by a general permit,~~ If within 30 days after a
25 notification under par. (a) is submitted to the department the department does not

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1 require any additional information about the activity that is subject to the
2 notification and does not inform the applicant that an individual permit will be
3 required, the activity will be considered to be authorized by the general permit and
4 the applicant may proceed without further notice, hearing, permit or approval if the
5 activity is carried out in compliance with all of the conditions of the general permit.
6 The department may require an individual permit only if it determines that the
7 proposed activity is not authorized by the general permit.

8 **SECTION 140.** 30.206 (5) (title) of the statutes is created to read:

9 30.206 (5) (title) FAILURE TO FOLLOW PROCEDURAL REQUIREMENTS.

10 **SECTION 141.** 30.206 (6) of the statutes is amended to read:

11 30.206 (6) REQUEST FOR INDIVIDUAL PERMIT. A person proposing an activity for
12 which a general permit has been issued may request an individual permit under the
13 applicable provisions of this ~~chapter~~ subchapter or ch. 31 in lieu of seeking
14 authorization under the general permit.

15 **SECTION 142.** 30.206 (7) of the statutes is amended to read:

16 30.206 (7) This section does not apply to an application for a general permit for
17 the Wolf River and Fox River basin area or any area designated under s. 30.207 (1m)
18 ~~if the application for the general permit may be submitted under s. 30.207.~~

19 **SECTION 143.** 30.207 (1) of the statutes is amended to read:

20 30.207 (1) GEOGRAPHICAL AREA. For purposes of this section and s. ~~30.12 (3) (bt)~~
21 30.2023, the Wolf River and Fox River basin area consists of all of Winnebago County;
22 the portion and shoreline of Lake Poygan in Waushara County; the area south of
23 STH 21 and east of STH 49 in Waushara County; that portion of Calumet County in
24 the Lake Winnebago watershed; all of Fond du Lac County north of STH 23; that
25 portion of Outagamie County south and east of USH 41; that portion of Waupaca

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1 County that includes the town of Mukwa, city of New London, town of Caledonia,
2 town of Fremont; and the portion and shoreline of Partridge Lake and the Wolf River
3 in the town of Weyauwega.

4 **SECTION 144.** 30.207 (3) (d) 2. of the statutes is amended to read:

5 30.207 (3) (d) 2. Specify the department's plans for proceeding on the
6 application. ~~The plans shall include a timetable for the notice and hearing required~~
7 ~~under sub. (4).~~

8 **SECTION 145.** 30.207 (4) (b) of the statutes is repealed.

9 **SECTION 146.** 30.207 (5) of the statutes is repealed.

10 **SECTION 147.** 30.208 of the statutes is created to read:

11 **30.208 Applications for individual permits and contracts; department**
12 **determinations. (1) APPLICATION REQUIRED.** A person who seeks to obtain or modify
13 an individual permit under this subchapter or to enter into a contract under s. 30.20
14 shall submit an application to the department. The application may contain a
15 request for a public hearing on the application.

16 **(3) NOTICE OF COMPLETE APPLICATION; REQUEST FOR PUBLIC HEARING; DECISION. (a)**
17 Upon determination by the department that an application submitted under sub. (1)
18 is complete, the department shall provide notice of complete application to interested
19 and potentially interested members of the public, as determined by the department.
20 The department shall provide the notice within 15 days after the determination that
21 the application is complete. If the applicant has requested a public hearing as part
22 of the submitted application, a notice of public hearing shall be part of the notice of
23 complete application.

24 (b) If the notice of complete application does not contain a notice of public
25 hearing, any person may request a public hearing in writing or the department may

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1 decide to hold a public hearing without a request being submitted if the department
2 determines that there is a significant public interest in holding a hearing.

3 (c) A request for a public hearing under par. (b) must be submitted to the
4 department or the department's decision to hold a public hearing must occur within
5 30 days after the department completes providing the notice of complete application.
6 The department shall provide notice of public hearing within 15 days after the
7 request for public hearing is submitted or the department makes its determination.

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

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

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

23 (b) If a public hearing is held, the period for public comment shall end on the
24 10th day following the date on which the public hearing is completed.

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

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

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

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

- 14 1. The name and address of each applicant or permit holder.
- 15 2. A brief description of each applicant's activity or project that requires the
16 permit.
- 17 3. The name of the waterway in or for which the activity or project is planned.
- 18 4. For a notice of complete application and a notice of public hearing under sub.
19 (3), a statement of the tentative determination to issue, modify, or deny a permit for
20 the activity or project described in the application.
- 21 5. For a notice of complete application and a notice of public hearing under sub.
22 (3), a brief description of the procedures for the formulation of final determinations,
23 including a description of the comment period required under sub. (4).

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

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

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

5 **SECTION 148.** 30.209 of the statutes is created to read:

6 **30.209 Individual permits; administrative and judicial review. (1)**

7 **ADMINISTRATIVE REVIEW.** (a) An applicant for or holder of an individual permit, or 5
8 or more persons, may file a petition for administrative review of any of the following
9 decisions given by the department:

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

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

14 (b) A petition under this subsection shall be filed with the department within
15 30 days after the date on which the department has given notice of its decision under
16 par. (a) 1. or 2. The petition shall state the interest of each petitioner, the specific
17 issue to be reviewed, and the reasons why an administrative hearing is warranted.

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

22 1. The applicant for or the holder of the permit.

23 2. Each petitioner, if other than the applicant or holder.

24 3. Any other persons required to receive notice under the rules promulgated
25 under s. 30.208 (5).

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

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

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

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

11 (c) Any administrative review petitioned for under sub. (1) may be removed to
12 the circuit court by the applicant for the permit, the holder of the permit, or the
13 department. The review shall be commenced by filing a motion for removal together
14 with a copy of the petition filed under sub. (1). The motion must be filed within 30
15 days after notice is provided under sub. (1) (c).

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

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

21 **SECTION 149.** 30.28 (3) (b) of the statutes is amended to read:

22 30.28 (3) (b) This section does not apply to a permit issued under s. 30.12 (3)

23 (a) 2., 2m. or 3. or (4) (c) or (d).

24 **SECTION 150.** 30.29 (3) (d) of the statutes is amended to read:

BILL**SECTION 150**

1 30.29 (3) (d) *Activities for which a permit is issued.* A person or agent of a person
2 who is issued a permit by the department while the person or agent is engaged in
3 activities related to the purpose for which the permit is issued as authorized under
4 a general or individual permit issued under this subchapter or as authorized under
5 a contract entered into under this subchapter.

6 **SECTION 151.** 30.298 (3) of the statutes is amended to read:

7 30.298 (3) Any person who violates a general permit under s. 30.206 shall
8 forfeit not less than \$10 nor more than \$500 for the first offense and shall forfeit not
9 less than \$50 nor more than \$500 upon conviction of the same offense a 2nd or
10 subsequent time.

11 **SECTION 152.** 31.39 (2m) (c) of the statutes is amended to read:

12 31.39 (2m) (c) If more than one fee under sub. (2) (a) or s. 30.28 (2) ~~(a)~~ or 281.22
13 is applicable to a project, the department shall charge only the highest fee of those
14 that are applicable.

15 **SECTION 153.** 66.0628 of the statutes is created to read:

16 **66.0628 Fees imposed by a political subdivision.** (1) In this section,
17 “political subdivision” means a city, village, town, or county.

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

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

24 **SECTION 154.** 66.1001 (2) (e) of the statutes is amended to read:

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1 66.1001 (2) (e) *Agricultural, natural and cultural resources element.* A
2 compilation of objectives, policies, goals, maps and programs for the conservation,
3 and promotion of the effective management, of natural resources such as
4 groundwater, forests, productive agricultural areas, environmentally sensitive
5 areas, threatened and endangered species, stream corridors, surface water,
6 floodplains, wetlands, wildlife habitat, metallic and nonmetallic mineral resources
7 consistent with zoning limitations under s. 295.20 (2), parks, open spaces, historical
8 and cultural resources, community design, recreational resources and other natural
9 resources.

10 **SECTION 155.** 66.1001 (4) (a) of the statutes is amended to read:

11 66.1001 (4) (a) The governing body of a local governmental unit shall adopt
12 written procedures that are designed to foster public participation, including open
13 discussion, communication programs, information services, and public meetings for
14 which advance notice has been provided, in every stage of the preparation of a
15 comprehensive plan. The written procedures shall provide for wide distribution of
16 proposed, alternative, or amended elements of a comprehensive plan and shall
17 provide an opportunity for written comments on the plan to be submitted by
18 members of the public to the governing body and for the governing body to respond
19 to such written comments. The written procedures shall describe the methods the
20 governing body of a local governmental unit will use to distribute proposed,
21 alternative, or amended elements of a comprehensive plan to owners of property, or
22 to persons who have a leasehold interest in property pursuant to which the persons
23 may extract nonmetallic mineral resources in or on property, in which the allowable
24 use or intensity of use, of the property, is changed by the comprehensive plan.

25 **SECTION 156.** 66.1001 (4) (e) of the statutes is created to read:

BILL**SECTION 156**

1 66.1001 (4) (e) At least 30 days before the hearing described in par. (d) is held,
2 a local governmental unit shall provide written notice to all owners of property, and
3 all leaseholders who have an interest in property pursuant to which the persons may
4 extract nonmetallic mineral resources, in which the allowable use or intensity of use,
5 of the property, is changed by the comprehensive plan, including all of the following:

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

8 2. A person who has registered a marketable nonmetallic mineral deposit
9 under s. 295.20.

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

12 ~~SECTION 157. 77.52 (2r) of the statutes is created to read:~~

13 ~~77.52 (2r) No part of the charge for services provided by a temporary help
14 company, as defined in s. 108.02 (24m), is subject to tax under sub. (2), if the client
15 for whom the services are provided controls the means of performing the services and
16 is responsible for the satisfactory completion of the services.~~

17 ~~SECTION 158.~~ 84.18 (6) of the statutes is amended to read:

18 84.18 (6) EXECUTION AND CONTROL OF WORK. Subject to s. ~~30.12 (4)~~ 30.2022 and
19 the control exercised by the United States, the construction under this section of any
20 local bridge project shall be wholly under the supervision and control of the
21 department. The secretary shall make and execute all contracts and have complete
22 supervision over all matters pertaining to such construction and shall have the
23 power to suspend or discontinue proceedings or construction relative to any bridge
24 project at any time in the event any county, city, village or town fails to pay the
25 amount required of it for any project eligible for construction under this section, or

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1 if the secretary determines that sufficient funds to pay the state's part of the cost of
2 such bridge project are not available. All moneys provided by counties, cities,
3 villages and towns shall be deposited in the state treasury, when required by the
4 secretary, and paid out on order of the secretary. Any of the moneys deposited for a
5 project eligible for construction under this section which remain in the state treasury
6 after the completion of the project shall be repaid to the respective county, city, village
7 or town in proportion to the amount each deposited.

8 ~~SECTION 159.~~ SECTION 106.01 (9) of the statutes is amended to read:

9 106.01 (9) The Subject to s. 106.04, the department may investigate, fix
10 reasonable classifications, issue promulgate rules and, issue general or special
11 orders, and, hold hearings, make findings, and render orders upon its findings as
12 ~~shall be~~ necessary to carry out the intent and purposes of this section. The
13 investigations, classifications, hearings, findings, and orders shall be made as
14 provided in s. 103.005. Except as provided in sub. (8), the penalties specified in s.
15 103.005 (12) apply to violations of this section. Orders issued under this subsection
16 are subject to review under ch. 227.

17 ~~SECTION 156.~~ SECTION 106.025 (4) of the statutes is amended to read:

18 106.025 (4) In order that the apprentice may qualify at the end of
19 apprenticeship as a skilled mechanic in the art of installing plumbing work, the
20 department, subject to s. 106.04, may prescribe the level of supervision of an
21 apprentice and the character of plumbing work that the apprentice may do during
22 the 3rd year of the apprenticeship term. An apprentice in the 4th or 5th year of the
23 apprenticeship term may install plumbing under the direction or supervision of a
24 master or journeyman plumber without either the master or journeyman being

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1 physically present, provided that the master plumber in charge shall be responsible
2 for the work.

3 ~~SECTION 161.~~ 106.04 of the statutes is created to read:

4 **106.04** ~~Apprentice-to-journeyman job-site ratio regulation~~
5 **prohibited.** The department may not prescribe, whether by promulgating a rule,
6 issuing a general or special order, or otherwise, the ratio of apprentices to
7 journeymen that an employer may have at a job site.

8 ~~SECTION 162. Chapter 137 (title) of the statutes is amended to read:~~

CHAPTER 137

AUTHENTICATIONS AND ELECTRONIC

TRANSACTIONS AND RECORDS

12 ~~SECTION 163.~~ Subchapter I (title) of chapter 137 [precedes 137.01] of the
13 statutes is amended to read:

CHAPTER 137

SUBCHAPTER I

NOTARIES AND COMMISSIONERS

OF DEEDS; ELECTRONIC AND

NONELECTRONIC NOTARIZATION AND

ACKNOWLEDGEMENT

20 ~~SECTION 164.~~ 137.01 (3) (a) of the statutes is amended to read:

21 137.01 (3) (a) ~~Every~~ Except as authorized in sub. (4)(a) and s. 137.19, every
22 notary public shall provide an engraved official seal which makes a distinct and
23 legible impression or official rubber stamp which makes a distinct and legible
24 imprint on paper. The impression of the seal or the imprint of the rubber stamp shall
25 state only the following: "Notary Public," "State of Wisconsin" and the name of the

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1 notary. But any notarial seal in use on August 1, 1959, shall be considered in
2 compliance.

3 **SECTION 165.** 137.01 (4) (a) of the statutes is amended to read:

4 137.01 (4) (a) Every official act of a notary public shall be attested by the notary
5 public's written signature or electronic signature, as defined in s. ~~137.04 (2)~~ 137.11
6 (8). The department of administration and the secretary of state shall jointly
7 promulgate rules prescribing a method for attaching or associating an electronic
8 signature and other required information with a signature or record under s. 137.19.
9 The department of administration and the secretary of state shall jointly promulgate
10 rules establishing requirements that a notary public must satisfy in order to use an
11 electronic signature for any attestation other than an attestation under s. 137.19.
12 All joint rules promulgated under this paragraph shall be numbered as rules of each
13 agency in the Wisconsin Administrative Code.

14 **SECTION 166.** 137.01 (4) (b) of the statutes is amended to read:

15 137.01 (4) (b) All Except as authorized in par. (a) and s. 137.19, all certificates
16 of acknowledgments of deeds and other conveyances, or any written instrument
17 required or authorized by law to be acknowledged or sworn to before any notary
18 public, within this state, shall be attested by a clear impression of the official seal or
19 imprint of the rubber stamp of said officer, and in addition thereto shall be written
20 or stamped either the day, month and year when the commission of said notary public
21 will expire, or that such commission is permanent.

22 **SECTION 167.** 137.04 of the statutes is repealed.

23 **SECTION 168.** Subchapter II (title) of chapter 137 [precedes 137.04] of the
24 statutes is amended to read:

25 **CHAPTER 137**

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SUBCHAPTER II

ELECTRONIC SIGNATURES

TRANSACTIONS AND RECORDS;

ELECTRONIC NOTARIZATION

AND ACKNOWLEDGEMENT

SECTION 169. 137.05 (title) of the statutes is renumbered 137.25 (title) and amended to read:

137.25 (title) Submission of written documents records to governmental units; interoperability.

SECTION 170. 137.05 of the statutes is renumbered 137.25 (1) and amended to read:

137.25 (1) Unless otherwise prohibited provided by law, with the consent of a governmental unit of this state that is to receive a record, any document record that is required by law to be submitted in writing to a that governmental unit and that requires a written signature may be submitted by transforming the document into as an electronic format, but only with the consent of the governmental unit that is to receive the document record, and if submitted as an electronic record may incorporate an electronic signature.

SECTION 171. 137.06 of the statutes is repealed.

SECTION 172. 137.11 to 137.24 of the statutes are created to read:

137.11 Definitions. In this subchapter:

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

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

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

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

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

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

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

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

22 (9) “Governmental unit” means:

23 (a) An agency, department, board, commission, office, authority, institution, or
24 instrumentality of the federal government or of a state or of a political subdivision

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1 of a state or special purpose district within a state, regardless of the branch or
2 branches of government in which it is located.

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

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

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

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

9 (10) "Information" means data, text, images, sounds, codes, computer
10 programs, software, databases, or the like.

11 (11) "Information processing system" means an electronic system for creating,
12 generating, sending, receiving, storing, displaying, or processing information.

13 (12) "Record" means information that is inscribed on a tangible medium or that
14 is stored in an electronic or other medium and is retrievable in perceivable form.

15 (13) "Security procedure" means a procedure employed for the purpose of
16 verifying that an electronic signature, record, or performance is that of a specific
17 person or for detecting changes or errors in the information in an electronic record.
18 The term includes a procedure that requires the use of algorithms or other codes,
19 identifying words or numbers, encryption, callback, or other acknowledgment
20 procedures.

21 (14) "State" means a state of the United States, the District of Columbia,
22 Puerto Rico, the U.S. Virgin Islands, or any territory or insular possession subject
23 to the jurisdiction of the United States. The term includes an Indian tribe or band,
24 or Alaskan native village, which is recognized by federal law or formally
25 acknowledged by a state.

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

4 **137.115 Relation to federal law.** For the purpose of satisfying 15 USC 7002
5 (a) (2) (B) as that statute relates to this subchapter, this state acknowledges the
6 existence of the Electronic Signatures in Global and National Commerce Act, 15 USC
7 7001 to 7031.

8 **137.12 Application.** **(1)** Except as otherwise provided in subs. (2) and (2m)
9 and except in s. 137.25, this subchapter applies to electronic records and electronic
10 signatures relating to a transaction.

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

13 (a) Any law governing the execution of wills or the creation of testamentary
14 trusts; or

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

16 **(2m)** This subchapter does not apply to any of the following records or any
17 transaction evidenced by any of the following records:

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

20 (b) Notices provided by a court.

21 (c) Court orders or judgements.

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

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

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

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

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

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

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

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

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

19 **137.13 Use of electronic records and electronic signatures; variation**
20 **by agreement.** (1) This subchapter does not require a record or signature to be
21 created, generated, sent, communicated, received, stored, or otherwise processed or
22 used by electronic means or in electronic form.

23 (2) This subchapter applies only to transactions between parties each of which
24 has agreed to conduct transactions by electronic means. Whether the parties agree

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1 to conduct a transaction by electronic means is determined from the context and
2 surrounding circumstances, including the parties' conduct.

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

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

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

12 **137.14 Construction.** This subchapter shall be construed and applied:

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

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

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

20 **137.15 Legal recognition of electronic records, electronic signatures,
21 and electronic contracts.** (1) A record or signature may not be denied legal effect
22 or enforceability solely because it is in electronic form.

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

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

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

5 **137.16 Provision of information in writing; presentation of records.**

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

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

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

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

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

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

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

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

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

8 **137.17 Attribution and effect of electronic records and electronic**
9 **signatures.** (1) An electronic record or electronic signature is attributable to a
10 person if the electronic record or electronic signature was created by the act of the
11 person. The act of the person may be shown in any manner, including a showing of
12 the efficacy of any security procedure applied to determine the person to which the
13 electronic record or electronic signature was attributable.

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

18 **137.18 Effect of change or error.** (1) If a change or error in an electronic
19 record occurs in a transmission between parties to a transaction, then:

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

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

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

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

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

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

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

17 **137.19 Notarization and acknowledgement.** If a law requires a signature
18 or record to be notarized, acknowledged, verified, or made under oath, the
19 requirement is satisfied if, consistent with any applicable rules promulgated under
20 s. 137.01 (4) (a), the electronic signature of the person authorized to administer the
21 oath or to make the notarization, acknowledgment, or verification, together with all
22 other information required to be included by other applicable law, is attached to or
23 logically associated with the signature or record.

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

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

6 (b) Remains accessible for later reference.

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

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

12 (4) Except as provided in sub. (6), if a law requires a record to be presented or
13 retained in its original form, or provides consequences if the record is not presented
14 or retained in its original form, a person may comply with that law by using an
15 electronic record that is retained in accordance with sub. (1).

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

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

24 (b) A governmental unit that has custody of a record is also further subject to
25 the retention requirements for public records of state agencies and the records of the

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1 University of Wisconsin Hospitals and Clinics Authority established under ss. 16.61
2 and 16.611 and the retention requirements for documents of local governmental
3 units established under s. 16.612.

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

8 (8) This section does not preclude the public records board, the department of
9 administration, or any other governmental unit of this state from specifying
10 additional requirements for the retention of any record of another governmental unit
11 subject to its jurisdiction.

12 **137.21 Admissibility in evidence.** In a proceeding, a record or signature
13 may not be excluded as evidence solely because it is in electronic form.

14 **137.22 Automated transactions.** In an automated transaction:

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

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

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

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

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

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

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

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

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

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

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

22 (4) Unless otherwise expressly provided in the electronic record or agreed
23 between the sender and the recipient, an electronic record is deemed to be sent from
24 the sender's place of business and to be received at the recipient's place of business.

25 For purposes of this subsection:

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

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

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

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

11 (7) If a person is aware that an electronic record purportedly sent under sub.
12 (1), or purportedly received under sub. (2), was not actually sent or received, the legal
13 effect of the sending or receipt is determined by other applicable law. Except to the
14 extent permitted by the other law, the requirements of this subsection may not be
15 varied by agreement.

16 **137.24 Transferable records.** (1) In this section, "transferable record"
17 means an electronic record that would be a note under ch. 403 or a document under
18 ch. 407 if the electronic record were in writing.

19 (1m) An electronic record qualifies as a transferable record under this section
20 only if the issuer of the electronic record expressly has agreed that the electronic
21 record is a transferable record.

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

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

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

6 (b) The authoritative copy identifies the person asserting control as the person
7 to which the transferable record was issued or, if the authoritative copy indicates
8 that the transferable record has been transferred, the person to which the
9 transferable record was most recently transferred,

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

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

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

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

18 (4) Except as otherwise agreed, a person having control of a transferable record
19 is the holder, as defined in s. 401.201 (20), of the transferable record and has the same
20 rights and defenses as a holder of an equivalent record or writing under chs. 401 to
21 411, including, if the applicable statutory requirements under s. 403.302 (1),
22 407.501, or 409.308 are satisfied, the rights and defenses of a holder in due course,
23 a holder to which a negotiable record of title has been duly negotiated, or a purchaser,
24 respectively. Delivery, possession, and endorsement are not required to obtain or
25 exercise any of the rights under this subsection.

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

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

10 **SECTION 173.** 137.25 (2) of the statutes is created to read:

11 137.25 (2) The department of administration shall promulgate rules
12 concerning the use of electronic records and electronic signatures by governmental
13 units, which shall govern the use of electronic records or signatures by governmental
14 units, unless otherwise provided by law. The rules shall include standards regarding
15 the receipt of electronic records or electronic signatures that promote consistency
16 and interoperability with other standards adopted by other governmental units of
17 this state and other states and the federal government and nongovernmental
18 persons interacting with governmental units of this state. The standards may
19 include alternative provisions if warranted to meet particular applications.

20 **SECTION 174.** 146.82 (2) (a) (intro.) of the statutes is amended to read:

21 146.82 (2) (a) (intro.) ~~Notwithstanding~~ It is not a violation of sub. (1), to release
22 patient health care records ~~shall be released upon request without informed consent~~
23 in the following circumstances:

24 **SECTION 175.** 146.82 (2) (a) 22. of the statutes is created to read:

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1 146.82 (2) (a) 22. For purposes of health care operations, as defined in 45 CFR
2 164.501, and as authorized under 45 CFR 164, subpart E.

3 ~~SECTION 176. 196.03 (7) of the statutes is created to read:~~

4 ~~196.03 (7) In determining a reasonably adequate public utility gas or electric~~
5 ~~service or a reasonable and just charge for such service, the commission shall~~
6 ~~consider costs incurred by the public utility for economic development activities that~~
7 ~~support and promote customer service load retention and load growth in determining~~
8 ~~what is reasonable and just, reasonably adequate, convenient and necessary, or in~~
9 ~~the public interest.~~

10 ~~SECTION 177.~~ 196.195 (5m) of the statutes is created to read:

11 196.195 (5m) TIME LIMITATION ON COMMISSION ACTION. (a) No later than 120 days
12 after the filing of a petition under sub. (2) (a), the commission shall complete the
13 proceedings under subs. (2), (3), and (4), and, if appropriate, enter an order under
14 sub. (5). If the commission fails to complete the proceedings and, if appropriate, enter
15 an order before that deadline, the petition is considered to be granted without
16 condition by the commission and any provisions of law under sub. (5) that are
17 specified in the petition are considered to be suspended by the commission.

18 (b) No later than 120 days after the commission provides notice of its own
19 motion under sub. (2) (a), the commission shall complete the proceedings under subs.
20 (2), (3), and (4), and, if appropriate, enter an order under sub. (5). If the commission
21 fails to complete the proceedings and, if appropriate, enter an order before that
22 deadline, the motion is considered to be granted without condition by the commission
23 and any provisions of law under sub. (5) that are specified in the motion are
24 considered to be suspended by the commission.

25 ~~SECTION 178.~~ 196.195 (10) of the statutes is amended to read:

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1 196.195 (10) REVOCATION OF DEREGULATION. If necessary to protect the public
2 interest, the commission, at any time by order, may revoke its order to suspend the
3 applicability of any provision of law suspended under sub. (5). This subsection does
4 not apply to any provision of law that is considered to be suspended under sub. (5m).

5 ~~SECTION 179.~~ SECTION 196.24 (3) of the statutes is amended to read:

6 196.24 (3) The commission may conduct any number of investigations
7 contemporaneously through different agents, and may delegate to any agent the
8 authority to take testimony bearing upon any investigation or at any hearing. The
9 decision of the commission shall comply with s. 227.46 and shall be based upon its
10 records and upon the evidence before it, except that, ~~notwithstanding s. 227.46 (4),~~
11 a decision maker may hear a case or read or review the record of a case if the record
12 includes a synopsis or summary of the testimony and other evidence presented at the
13 hearing that is prepared by the commission staff. Parties shall have an opportunity
14 to demonstrate to a decision maker that a synopsis or summary prepared under this
15 subsection is not sufficiently complete or accurate to fairly reflect the relevant and
16 material testimony or other evidence presented at a hearing.

17 ~~SECTION 180.~~ SECTION 196.374 (3) of the statutes is amended to read:

18 196.374 (3) In 2000, 2001 and 2002, the commission shall require each utility
19 to spend a decreasing portion of the amount determined under sub. (2) on programs
20 specified in sub. (2) and contribute the remaining portion of the amount to the
21 commission for deposit in the fund. ~~In~~ Except as provided in sub. (3m), in each year
22 after 2002, each utility shall contribute the entire amount determined under sub. (2)
23 to the commission for deposit in the fund. The commission shall ensure in
24 rate-making orders that a utility recovers from its ratepayers the amounts spent on
25 programs or contributed to the fund under this subsection or retained under sub.

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1 (3m). The commission shall allow each utility the option of continuing to use, until
2 January 1, 2002, the moneys that it has recovered under s. 196.374 (3), 1997 stats.,
3 to administer the programs that it has funded under s. 196.374 (1), 1997 stats. The
4 commission may allow each utility to spend additional moneys on the programs
5 specified in sub. (2) if the utility otherwise complies with the requirements of this
6 section and s. 16.957 (4).

7 ~~SECTION 181.~~ 196.374 (3m) of the statutes is created to read:

8 196.374 (3m) (a) In each fiscal year, the commission may allow a utility to
9 retain a portion of the amount determined under sub. (2) instead of contributing the
10 entire amount to the commission, if the commission determines that the portion is
11 used by the utility for energy conservation programs for industrial, commercial, and
12 agricultural customers in the utility's service area and that the programs comply
13 with rules promulgated by the commission. The rules shall specify annual energy
14 savings targets that the programs must be designed to achieve. The rules shall also
15 require a utility to demonstrate that, no later than a reasonable period of time, as
16 determined by the commission, after the utility implements a program, the economic
17 value of the benefits resulting from the program will be equal to the portion that the
18 utility is allowed to retain under this paragraph.

19 ~~SECTION 182.~~ 196.491 (1) (d) of the statutes is amended to read:

20 196.491 (1) (d) "Electric utility" means any public utility, as defined in s.
21 196.01, which is involved in the generation, distribution and sale of electric energy,
22 and any corporation, company, individual or association, and any cooperative
23 association, which owns or operates, or plans within the next 3 7 years to construct,
24 own or operate, facilities in the state.

25 **SECTION 183.** 196.491 (2) (a) 3. of the statutes is amended to read:

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1 196.491 (2) (a) 3. Identify and describe large electric generating facilities on
2 which an electric utility plans to commence construction within 3 7 years.

3 ~~SECTION 184.~~ 196.491 (2) (a) 3m. of the statutes is amended to read:

4 196.491 (2) (a) 3m. Identify and describe high-voltage transmission lines on
5 which an electric utility plans to commence construction within 3 7 years.

6 ~~SECTION 185.~~ 196.491 (2) (g) of the statutes is amended to read:

7 196.491 (2) (g) No sooner than 30 and no later than 90 days after copies of the
8 draft are issued under par. (b), the commission shall hold a hearing on the draft
9 which may not be a hearing under s. 227.42 or 227.44. The hearing shall be held in
10 an administrative district, established by executive order 22, issued
11 August 24, 1970, which the commission determines will be significantly affected by
12 facilities on which an electric utility plans to commence construction within 3 7
13 years. The commission may thereafter adjourn the hearing to other locations or may
14 conduct the hearing by interactive video conference or other electronic method.
15 Notice of such hearing shall be given by class 1 notice, under ch. 985, published in
16 the official state newspaper and such other regional papers of general circulation as
17 may be designated by the commission. At such hearing the commission shall briefly
18 describe the strategic energy assessment and give all interested persons an
19 opportunity, subject to reasonable limitations on the presentation of repetitious
20 material, to express their views on any aspect of the strategic energy assessment.
21 A record of the hearing shall be made and considered by the commission as comments
22 on the strategic energy assessment under par. (e).

23 ~~SECTION 186.~~ 196.491 (3) (a) 3. a. of the statutes is amended to read:

24 196.491 (3) (a) 3. a. At least 60 days before a person files an application for a
25 large electric generating facility under subd. 1., the person shall provide the

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1 department with an engineering plan showing the location of the facility, a
2 description of the facility, including the major components of the facility that have
3 a significant air, water or solid waste pollution potential, and a description of the
4 anticipated effects of the facility on air and water quality. Within 30 days after a
5 person provides an engineering plan, the department shall provide the person with
6 a listing of each department permit or approval which, on the basis of the information
7 contained in the engineering plan, appears to be required for the construction or
8 operation of the large electric generating facility.

9 SECTION 187. 196.491 (3) (e) of the statutes is amended to read:

10 196.491 (3) (e) If the application does not meet the criteria under par. (d), the
11 commission shall reject the application or approve the application with such
12 modifications as are necessary for an affirmative finding under par. (d). The
13 commission may not issue a certificate of public convenience and necessity for a large
14 electric generating facility until the department has issued all permits and
15 approvals identified in the listing specified in par. (a) 3. a. that are required prior to
16 construction.

17 SECTION 188. 196.491 (3) (g) 1. of the statutes is renumbered 196.491 (3) (g).

18 SECTION 189. 196.491 (3) (g) 1m. of the statutes is repealed.

19 SECTION 190. 221.0901 (3) (a) 1. of the statutes is amended to read:

20 221.0901 (3) (a) 1. Merge or consolidate with an in-state bank holding company
21 or in-state bank.

22 SECTION 191. 221.0901 (8) (a) and (b) of the statutes are amended to read:

23 221.0901 (8) (a) Except as provided in pars. (b) and (c), the division may not
24 approve an application by an out-of-state bank holding company under sub. (3) (a),
25 other than an application by an in-state bank holding company or in-state bank.

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1 unless the in-state bank to be acquired, or all in-state bank subsidiaries of the
2 in-state bank holding company to be acquired, have as of the proposed date of
3 acquisition been in existence and in continuous operation for at least 5 years.

4 (b) The Except as otherwise provided in this paragraph, the division may
5 approve an application under sub. (3) (a) for an acquisition of an in-state bank
6 holding company that owns one or more in-state banks that have been in existence
7 for less than 5 years, if the out-of-state bank holding company applicant divests
8 itself of those in-state banks within 2 years after the date of acquisition of the
9 in-state bank holding company by the out-of-state bank holding company
10 applicant. This paragraph does not apply if the applicant is an in-state bank holding
11 company or in-state bank.

12 ~~SECTION 192. 224.30 (2) of the statutes is repealed.~~

13 ~~SECTION 193.~~ 227.135 (1) (e) and (f) of the statutes are created to read:

14 227.135 (1) (e) A summary of any existing or anticipated federal program that
15 is intended to address the activities to be regulated by the rule and an analysis of the
16 need for the rule if a federal program exists.

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

19 ~~SECTION 194.~~ 227.137 of the statutes is created to read:

20 **227.137 Economic impact reports of guidelines, policies, and rules. (1)**
21 After an agency publishes a statement of the scope of a proposed rule under s.
22 227.135, and before the agency submits the proposed rule to the legislative council
23 for review under s. 227.15, a municipality, an association that represents a farm,
24 labor, business, or professional group, or 5 or more persons having an interest in the
25 proposed rule may petition the agency to prepare an economic impact report of the

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1 proposed rule. If the agency determines that the petitioner may be economically
2 affected by the proposed rule, the agency shall prepare an economic impact report
3 before submitting the proposed rule to the legislative council under s. 227.15.

4 (2) A municipality, an association that represents a farm, labor, business, or
5 professional group, or 5 or more persons affected by an existing or proposed agency
6 guideline or policy, including agency comments and policies in response to federal
7 regulations, may petition the agency to prepare an economic impact report for that
8 existing or proposed agency guideline or policy. If the agency determines that the
9 petitioner may be economically affected by the proposed or existing guideline or
10 policy, the agency shall prepare an economic impact report.

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

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

23 (b) An analysis and quantification of the economic impact of the guideline,
24 policy, or rule, including direct, indirect, and consequential costs reasonably

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1 expected to be incurred by the state, governmental units, associations, businesses,
2 and affected individuals.

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

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

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

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

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

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

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