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1           (5) This section does not apply to emergency rules promulgated under s.  
2           227.24.

3           SECTION ~~195~~<sup>#</sup>. 227.138 of the statutes is created to read:

4           **227.138 Department of administration review of proposed rules. (1)**

5           In this section:

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

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

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

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

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

24          (b) That the agency has clear statutory authority to promulgate the proposed  
25          rule.

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

3           (d) That the proposed rule is consistent with the governor's positions and  
4 priorities, including those related to economic development.

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

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

18           (4) If the department receives an economic impact report under s. 227.137 (4)  
19 regarding a proposed or existing guideline or policy, the department shall review the  
20 guideline or policy and issue a report. A municipality, an association that represents  
21 a farm, labor, business, or professional group, or 5 or more persons having an interest  
22 in a proposed or existing guideline or policy may petition the department to review  
23 the guideline or policy. If the department determines that the petitioner may be  
24 economically affected by the guideline or policy, the department shall review the  
25 guideline or policy and issue a report. The department shall notify the agency that

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1 a report will be prepared. The report shall include findings consistent with those  
2 under sub. (2) and include the following findings:

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

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

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

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

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

16 **SECTION 196.** 227.14 (2) (a) of the statutes is amended to read:

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

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

22 2. A brief summary of the proposed rule.

23 **SECTION 197.** 227.14 (2) (a) 3, of the statutes is created to read:

24 227.14 (2) (a) 3. A summary of the relevant legal interpretations and policy  
25 considerations underlying the proposed rule.

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1           ~~SECTION 198.~~ <sup>#</sup> 227.14 (2) (a) 4. of the statutes is created to read:

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

4           ~~SECTION 199.~~ <sup>#</sup> 227.14 (2) (a) 5. of the statutes is created to read:

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

11           ~~SECTION 200.~~ <sup>#</sup> 227.14 (2) (a) 6. of the statutes is created to read:

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

15           ~~SECTION 201.~~ <sup>#</sup> 227.14 (4) (b) 3. of the statutes is created to read:

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

19           ~~SECTION 202.~~ <sup>#</sup> 227.185 of the statutes is created to read:

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

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

3 ~~SECTION 203.~~ SECTION 227.19 (2) of the statutes is amended to read:

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

17 ~~SECTION 204.~~ SECTION 227.19 (3) (intro.) of the statutes is amended to read:

18 227.19 (3) FORM OF REPORT. (intro.) The report required under sub. (2) shall be  
19 in writing and shall include the proposed rule in the form specified in s. 227.14 (1),  
20 the material specified in s. 227.14 (2) to (4), a copy of any economic impact report  
21 prepared by the agency under s. 227.137, a copy of the report prepared by the  
22 department of administration under s. 227.138, a copy of the written approval of the  
23 governor under s. 227.185, a copy of any recommendations of the legislative council  
24 staff, and an analysis. The analysis shall include:

25 ~~SECTION 205.~~ SECTION 227.19 (3) (a) of the statutes is amended to read:

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1           227.19 (3) (a) A detailed statement explaining the ~~need for~~ basis and purpose  
2 of the proposed rule, including how the proposed rule advances relevant statutory  
3 goals or purposes.

4           **SECTION 206.** 227.19 (3) (am) of the statutes is created to read:

5           227.19 (3) (am) An analysis of policy alternatives to the proposed rule,  
6 including reliance on federal regulatory programs, and an explanation for the  
7 rejection of those alternatives.

8           **SECTION 207.** 227.19 (3) (b) of the statutes is amended to read:

9           227.19 (3) (b) ~~An~~ A summary of public comments to the proposed rule and the  
10 agency's response to those comments, and an explanation of any modification made  
11 in the proposed rule as a result of public comments or testimony received at a public  
12 hearing.

13           **SECTION 208.** 227.19 (3) (cm) of the statutes is created to read:

14           227.19 (3) (cm) Any changes to the analysis prepared under s. 227.14 (2) or the  
15 fiscal estimate prepared under s. 227.14 (4).

16           **SECTION 209.** 227.40 (4m) of the statutes is created to read:

17           227.40 (4m) (a) In any proceeding under this section for judicial review of a  
18 rule, the court shall conduct the review without a jury. The review shall be confined  
19 to a substantial inquiry of the agency record, as necessarily and appropriately  
20 supplemented by evidence presented to the court. The agency record includes the  
21 economic impact report and documentation required under s. 227.137 (3), the  
22 analysis and documentation required under ss. 227.14 (2) and 227.19 (3), and public  
23 comments on the rule.

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

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

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

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

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

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

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

6 **SECTION 210.** 227.43 (1g) of the statutes is created to read:

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

9 **SECTION 211.** 227.44 (2) (d) of the statutes is created to read:

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

11 **SECTION 212.** 227.445 of the statutes is created to read:

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

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

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



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1           **SECTION 213.** 227.45 (7) (intro.) of the statutes is renumbered 227.45 (7) and  
2 amended to read:

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

12           **SECTION 214.** 227.45 (7) (a) to (d) of the statutes are repealed.

13           **SECTION 215.** 227.46 (1) (intro.) of the statutes is amended to read:

14           227.46 (1) (intro.) Except as provided under s. 227.43 (1), an agency may  
15 designate an official of the agency or an employee on its staff or borrowed from  
16 another agency under s. 20.901 or 230.047 as a hearing examiner to preside over any  
17 contested case. In hearings under s. 19.52, a reserve judge shall be appointed. A  
18 hearing examiner does not have authority to address or make decisions regarding  
19 possible constitutional issues. Subject to rules of the agency, examiners presiding at  
20 hearings may:

21           **SECTION 216.** 227.46 (1) (h) of the statutes is amended to read:

22           227.46 (1) (h) ~~Make or recommend~~ findings of fact, conclusions of law, and  
23 decisions to the extent permitted by law.

24           **SECTION 217.** 227.46 (2) of the statutes is repealed.

25           **SECTION 218.** 227.46 (2m) of the statutes is repealed.

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1           **SECTION 219.** 227.46 (3) of the statutes is repealed.

2           **SECTION 220.** 227.46 (4) of the statutes is repealed.

3           **SECTION 221.** 227.46 (6) of the statutes is amended to read:

4           227.46 (6) The functions of persons presiding at a hearing or participating in  
5 ~~proposed or~~ final decisions shall be performed in an impartial manner. A hearing  
6 examiner or agency official may at any time disqualify himself or herself. In class  
7 2 and 3 proceedings, on the filing in good faith of a timely and sufficient affidavit of  
8 personal bias or other disqualification of a hearing examiner or official, the agency  
9 or hearing examiner shall determine the matter as part of the record and decision  
10 in the case.

11           **SECTION 222.** 227.47 (1) of the statutes is amended to read:

12           227.47 (1) Except as provided in sub. (2), every ~~proposed or~~ final decision of an  
13 agency or hearing examiner following a hearing and every final decision of an agency  
14 shall be in writing accompanied by findings of fact and conclusions of law. The  
15 findings of fact shall consist of a concise and separate statement of the ultimate  
16 conclusions upon each material issue of fact without recital of evidence. Every  
17 ~~proposed or~~ final decision shall include a list of the names and addresses of all  
18 persons who appeared before the agency in the proceeding who are considered  
19 parties for purposes of review under s. 227.53. The agency shall by rule establish a  
20 procedure for determination of parties.

21           **SECTION 223.** 227.483 of the statutes is created to read:

22           **227.483 Costs upon frivolous claims.** (1) If a hearing examiner finds, at  
23 any time during the proceeding, that an administrative hearing commenced or  
24 continued by a petitioner or a claim or defense used by a party is frivolous, the

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

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

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

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

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

15 **SECTION 224.** 227.485 (5) of the statutes is amended to read:

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

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

4 **SECTION 225.** 227.53 (1) (a) 3. of the statutes is amended to read:

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

19 **SECTION 226.** 227.57 (11) of the statutes is created to read:

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

23 **SECTION 227.** 236.16 (3) (d) (intro.) of the statutes is amended to read:

24 236.16 (3) (d) (intro.) All of the owners of all of the land adjacent to a public  
25 access established under par. (a) to an inland lake, as defined in s. 30.92 (1) (bk), may

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

11 **SECTION 228.** 241.02 (3) of the statutes is created to read:

12 241.02 (3) (a) In this subsection:

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

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

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

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

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

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

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

9           **SECTION 229.** 281.22 (2) (c) of the statutes is amended to read:

10           281.22 (2) (c) If more than one fee under this section or s. 30.28 (2) (a) or 31.39  
11 (2) (a) is applicable to a project, the department shall charge only the highest fee of  
12 those that are applicable.

13           **SECTION 230.** 285.01 (12m) of the statutes is created to read:

14           285.01 (12m) “Certified contractor” means a contractor that is certified under  
15 s. 285.755.

16           **SECTION 231.** 285.11 (6) (intro.) of the statutes is renumbered 285.11 (6) and  
17 amended to read:

18           285.11 (6) Prepare and develop one or more comprehensive plans for the  
19 prevention, abatement and control of air pollution in this state. The department  
20 thereafter shall be responsible for the revision and implementation of the plans. ~~The~~  
21 ~~rules or control strategies submitted to the federal environmental protection agency~~  
22 ~~under the federal clean air act for control of atmospheric ozone shall conform with~~  
23 ~~the federal clean air act unless, based on the recommendation of the natural~~  
24 ~~resources board or the head of the department, as defined in s. 15.01 (8), of any other~~  
25 ~~department, as defined in s. 15.01 (5), that promulgates a rule or establishes a control~~

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1 ~~strategy, the governor determines that measures beyond those required by the~~  
2 ~~federal clean air act meet any of the following criteria:~~

3 **SECTION 232.** 285.11 (6) (a) and (b) of the statutes are repealed.

4 **SECTION 233.** 285.11 (9) of the statutes is amended to read:

5 285.11 (9) Prepare and adopt minimum standards for the emission of mercury  
6 compounds or metallic mercury into the air, consistent with s. 285.27 (2) (b).

7 **SECTION 234.** 285.11 (17) of the statutes is repealed and recreated to read:

8 285.11 (17) Promulgate rules that incorporate changes made by regulations of  
9 the federal environmental protection agency governing review of modifications of  
10 major sources under 42 USC 7470 to 7515, including regulations that were published  
11 in the Federal Register on December 31, 2002, and October 27, 2003. The  
12 department may not include in the rules any requirements that are inconsistent with  
13 or more stringent than the federal regulations. To the extent possible, the  
14 department shall incorporate similar changes for minor sources if the changes  
15 reduce administrative requirements for minor sources. The department shall  
16 submit in proposed form rules required under this subsection to the legislative  
17 council staff under s. 227.15 (1) no later than the first day of the 7th month after the  
18 regulations making the changes on which the rules are based take effect.

19 **SECTION 235.** 285.14 of the statutes is created to read:

20 **285.14 State implementation plans. (1) CONTENT.** The department may  
21 only include in a state implementation plan under 42 USC 7410 rules or  
22 requirements that are necessary to obtain approval of the plan by the federal  
23 environmental protection agency, including requirements that are necessary in  
24 order to comply with the percentage reductions specified in 42 USC 7511a (b) (1) (A)  
25 or (c) (2) (B).

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

18           **SECTION 236.** 285.17 (2) of the statutes is amended to read:

19           285.17 (2) The department may, by rule or in an operation permit, require the  
20 owner or operator of an air contaminant source to monitor the emissions of the air  
21 contaminant source or to monitor the ambient air in the vicinity of the air  
22 contaminant source and to report the results of the monitoring to the department.  
23 The department may specify methods for conducting the monitoring and for  
24 analyzing the results of the monitoring. The department shall require the owner or  
25 operator of a major source to report the results of any required monitoring of



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1 emissions from the major source to the department no less often than every 6 months.  
2 The department may not include a monitoring requirement in an operation permit  
3 if the applicant demonstrates that the cost of compliance with the requirement would  
4 exceed the cost of compliance with monitoring requirements imposed on similar air  
5 contaminant sources by a state adjacent to this state or if the monitoring is not  
6 needed to provide assurance of compliance with requirements that apply to the air  
7 contaminant source, unless the monitoring is required under the federal clean air  
8 act.

9 **SECTION 237.** 285.21 (1) (a) (title) of the statutes is repealed.

10 **SECTION 238.** 285.21 (1) (a) of the statutes is renumbered 285.21 (1) and  
11 amended to read:

12 285.21 (1) AMBIENT AIR QUALITY STANDARDS. If an ambient air quality standard  
13 is promulgated under section 109 of the federal clean air act, the department shall  
14 promulgate by rule a similar standard but this standard may not be more restrictive  
15 than the federal standard ~~except as provided under sub. (4).~~

16 **SECTION 239.** 285.21 (1) (b) of the statutes is repealed.

17 **SECTION 240.** 285.21 (2) of the statutes is amended to read:

18 285.21 (2) AMBIENT AIR INCREMENT. The department shall promulgate by rule  
19 ambient air increments for various air contaminants in attainment areas. The  
20 ambient air increments shall be consistent with and not more restrictive, either in  
21 terms of the concentration or the contaminants to which they apply, than ambient  
22 air increments under the federal clean air act ~~except as provided under sub. (4).~~

23 **SECTION 241.** 285.21 (4) of the statutes is amended to read:

24 285.21 (4) IMPACT OF CHANGE IN FEDERAL STANDARDS. If the ambient air  
25 increment or the ambient air quality standards in effect on April 30, 1980, under the

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1 federal clean air act are ~~relaxed~~ modified, the department shall alter the  
2 corresponding state standards ~~unless it finds that the relaxed standards would not~~  
3 ~~provide adequate protection for public health and welfare~~ accordingly.

4 **SECTION 242.** 285.23 (1) of the statutes is amended to read:

5 285.23 (1) PROCEDURES AND CRITERIA. The department shall promulgate by rule  
6 procedures and criteria to identify a nonattainment area and to reclassify a  
7 nonattainment area as an attainment area. The department may not identify a  
8 county as part of a nonattainment area if the the concentration of an air contaminant  
9 in the atmosphere does not exceed an ambient air quality standard, unless the  
10 department is required under the federal clean air act to identify the county as part  
11 of a nonattainment area.

12 **SECTION 243.** 285.23 (5) of the statutes is created to read:

13 285.23 (5) PARTICULATE STANDARDS. The department may not identify an area  
14 as a nonattainment area based on the concentration in the atmosphere of particulate  
15 matter measured as total suspended particulates and shall redesignate as an  
16 attainment area any area identified as a nonattainment area if the only basis on  
17 which the area could be identified as a nonattainment area is the concentration in  
18 the atmosphere of particulate matter measured as total suspended particulates.

19 **SECTION 244.** 285.23 (6) of the statutes is created to read:

20 285.23 (6) REPORT TO THE JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES.  
21 Before the department issues documents under sub. (2) and at least 90 days before  
22 the governor is required to make a submission on a nonattainment designation  
23 under 42 USC 7407 (d) (1) (A), the department shall prepare and submit a report to  
24 the joint committee for review of administrative rules that contains a description of  
25 any area proposed to be identified as a nonattainment area and supporting

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1 documentation. If the department has complied with sub. (4) and if, within 30 days  
2 after the department submits the report, the cochairpersons of the joint committee  
3 for review of administrative rules do not return the report to the department with  
4 a written explanation of why the committee is returning the report, the department  
5 may issue the documents under sub. (2) and the governor may make the submission.  
6 If, within 30 days after the department submits the report, the cochairpersons of the  
7 joint committee for review of administrative rules return the report to the  
8 department with a written explanation of why the committee is returning the report,  
9 the department may not issue the documents under sub. (2) and the governor may  
10 not make the submission until the committee agrees that the department has  
11 adequately addressed the issues raised by the committee.

12 **SECTION 245.** 285.27 (1) (a) of the statutes is amended to read:

13 285.27 (1) (a) *Similar to federal Federal standard.* If a standard of performance  
14 for new stationary sources is promulgated under ~~section 111~~ of the federal clean air  
15 act, the department shall promulgate ~~by a rule a similar~~ that incorporates that  
16 emission standard but this standard and related administrative requirements. The  
17 department may not be promulgate a rule under this paragraph that is more  
18 restrictive in terms of emission limitations or otherwise more burdensome to persons  
19 operating sources affected by the emission standard than the federal standard and  
20 related requirements except as provided under sub. (4).

21 **SECTION 246.** 285.27 (2) (a) of the statutes is amended to read:

22 285.27 (2) (a) *Similar to federal Federal standard.* If an emission standard for  
23 a hazardous air contaminant is promulgated under ~~section 112~~ of the federal clean  
24 air act, the department shall promulgate ~~by a rule a similar~~ that incorporates that  
25 emission standard but this standard and related administrative requirements. The

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1 department may not be promulgate a rule under this paragraph that is more  
2 restrictive in terms of emission limitations or otherwise more burdensome to persons  
3 operating sources affected by the emission standard than the federal standard and  
4 related requirements except as provided under sub. (4).

5 SECTION 247. 285.27 (2) (b) of the statutes is renumbered 285.27 (2) (b) (intro.)  
6 and amended to read:

7 285.27 (2) (b) *Standard to protect public health or welfare.* (intro.) If an  
8 emission standard for a hazardous air contaminant is not promulgated under ~~section~~  
9 ~~112~~ of the federal clean air act, the department may promulgate an emission  
10 standard for the hazardous air contaminant if the department finds the standard is  
11 needed to provide adequate protection for public health or welfare. The department  
12 may not make a finding for a hazardous air contaminant unless the finding is  
13 supported with written documentation that includes all of the following:

14 SECTION 248. 285.27 (2) (b) 1. to 3. of the statutes are created to read:

15 285.27 (2) (b) 1. A public health risk assessment that characterizes the  
16 stationary sources in this state that are known to emit the hazardous air  
17 contaminant and the individuals who are potentially at risk from the emissions.

18 2. An analysis showing that identified individuals are subjected to inhalation  
19 levels of the hazardous air contaminant that are above recognized environmental  
20 health standards.

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

25 SECTION 249. 285.27 (2) (d) of the statutes is created to read:

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1           285.27 (2) (d) *Emissions regulated under federal law.* Emissions limitations  
2 promulgated under par. (b) and related control requirements do not apply to  
3 hazardous air contaminants emitted by emissions units, operations, or activities  
4 that are regulated by an emission standard promulgated under the federal clean air  
5 act, including a hazardous air contaminant that is regulated under the federal clean  
6 air act by virtue of regulation of another substance as a surrogate for the hazardous  
7 air contaminant or by virtue of regulation of a species or category of hazardous air  
8 contaminants that includes the hazardous air contaminant.

9           **SECTION 250.** 285.27 (4) of the statutes is amended to read:

10           285.27 (4) **IMPACT OF CHANGE IN FEDERAL STANDARDS.** If the standards of  
11 performance for new stationary sources or the emission standards for hazardous air  
12 contaminants under the federal clean air act are relaxed, the department shall alter  
13 the corresponding state standards unless it finds that the relaxed standards would  
14 not provide adequate protection for public health and welfare. The department may  
15 not make this finding for an emission standard for a hazardous air contaminant  
16 unless the finding is supported with the written documentation required under sub.  
17 (2) (b) 1. to 3. This subsection applies to state standards of performance for new  
18 stationary sources and emission standards for hazardous air contaminants in effect  
19 on April 30, 1980, if the relaxation in the corresponding federal standards occurs  
20 after April 30, 1980.

21           **SECTION 251.** 285.60 (1) (a) 1. of the statutes is amended to read:

22           285.60 (1) (a) 1. Except as provided in sub. (2g), (3) (c), (5m), (6), (6m), or (6r),  
23 no person may commence construction, reconstruction, replacement or modification  
24 of a stationary source unless the person has a construction permit from the  
25 department.

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1           **SECTION 252.** 285.60 (1) (b) 1. of the statutes is amended to read:

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

5           **SECTION 253.** 285.60 (2) (a) of the statutes is amended to read:

6           285.60 (2) (a) *Operation permit requirement.* Except as provided in sub. (6) or  
7 (6m) or s. 285.62 (8), no person may operate an existing source after the operation  
8 permit requirement date specified under s. 285.62 (11) (a) unless the person has an  
9 operation permit under s. 285.62 from the department.

10          **SECTION 254.** 285.60 (2g) of the statutes is created to read:

11          285.60 (2g) **REGISTRATION PERMITS.** (a) *Rules.* Subject to sub. (8), the  
12 department shall promulgate rules specifying a simplified process under which the  
13 department issues a registration permit for a stationary source with low actual  
14 emissions if the owner or operator provides to the department, on a form prescribed  
15 by the department, sufficient information to show that the source qualifies for a  
16 registration permit. In the rules, the department shall include criteria for  
17 identifying categories of sources the owners or operators of which may elect to obtain  
18 registration permits and general requirements applicable to sources that qualify for  
19 registration permits.

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

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

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

6           3. Written notice of the department's determination that the source does not  
7 qualify for a registration permit, specifically describing the reasons for that  
8 determination.

9           (c) *Exemption from requirement for permit prior to construction.* A person is  
10 not required to obtain a permit prior to construction, reconstruction, replacement,  
11 or modification of a stationary source that qualifies for a registration permit under  
12 par. (a) unless a construction permit is required under the federal clean air act.

13           **SECTION 255.** 285.60 (2m) of the statutes is repealed.

14           **SECTION 256.** 285.60 (3) of the statutes is repealed and recreated to read:

15           285.60 (3) **GENERAL PERMITS.** (a) *Rules.* The department shall promulgate rules  
16 for the issuance of general permits for similar stationary sources. In the rules, the  
17 department shall specify criteria for identifying categories of sources for which the  
18 department may issue general permits and general requirements applicable to  
19 sources that qualify for general permits.

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

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

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

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

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

13           **SECTION 257.** 285.60 (5m) of the statutes is created to read:

14           **285.60 (5m) WAIVER OF CONSTRUCTION PERMIT REQUIREMENTS.** Subject to sub. (8),  
15 the department shall grant a waiver from the requirement to obtain a construction  
16 permit prior to construction, reconstruction, replacement, or modification of a  
17 stationary source upon a showing by the owner or operator of the stationary source  
18 that obtaining the permit would cause undue hardship. The department shall act  
19 on a waiver request within 15 days after it receives the request.

20           **SECTION 258.** 285.60 (6) of the statutes is amended to read:

21           **285.60 (6) EXEMPTION BY RULE.** ~~Notwithstanding the other provisions of this~~  
22 ~~section~~ Subject to sub. (8), the department may shall, by rule, exempt types of  
23 stationary minor sources from any the requirement of this section to obtain a  
24 construction permit and an operation permit if the potential emissions from the



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1 sources do not present a significant hazard to public health, safety or welfare or to  
2 the environment.

3 **SECTION 259.** 285.60 (6m) of the statutes is created to read:

4 **285.60 (6m) SPECIFIC EXEMPTION.** A person is not required to obtain a  
5 construction permit or an operation permit for a source that is an agricultural  
6 facility, as defined in s. 281.16 (1) (a), a livestock operation, as defined in s. 281.16  
7 (1) (c), or an agricultural practice, as defined in s. 281.16 (1) (b), unless a permit is  
8 required by the federal clean air act.

9 **SECTION 260.** 285.60 (6r) of the statutes is created to read:

10 **285.60 (6r) EXEMPTION FROM CONSTRUCTION PERMIT REQUIREMENT.** A person is not  
11 required to obtain a construction permit for a source that is a component of a process,  
12 of equipment, or of an activity that is otherwise covered by a preexisting operation  
13 permit or a source that is a component of a process, of equipment, or of an activity  
14 that is included in a completed application for an operation permit, unless a  
15 construction permit is required under the federal clean air act.

16 **SECTION 261.** 285.60 (8) of the statutes is created to read:

17 **285.60 (8) COMPLIANCE WITH FEDERAL LAW.** The department may not promulgate  
18 a rule or take any other action under this section that conflicts with the federal clean  
19 air act.

20 **SECTION 262.** 285.60 (9) of the statutes is created to read:

21 **285.60 (9) PETITIONS FOR REGISTRATION PERMITS, GENERAL PERMITS, AND**  
22 **EXEMPTIONS.** A person may petition the department to make a determination that a  
23 type of stationary source meets the criteria for a registration permit under sub. (2g),  
24 a general permit under sub. (3), or an exemption under sub. (6). The department  
25 shall provide a written response to a petition within 30 days after receiving the

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1 petition indicating whether the type of stationary source meets the applicable  
2 criteria for a registration permit, a general permit, or an exemption. If the type of  
3 source meets the applicable criteria, the department shall, within 365 days after  
4 receiving the petition, issue the registration permit or general permit or, for an  
5 exemption, shall submit to the legislative council staff under s. 227.15 (1) in proposed  
6 form any necessary rules or take any other action that is necessary provide the  
7 exemption.

8 **SECTION 263.** 285.60 (10) of the statutes is created to read:

9 285.60 (10) PERMIT STREAMLINING. The department shall continually assess  
10 permit obligations imposed under this section and ss. 285.61 to 285.65 and  
11 implement measures that are consistent with this chapter and the federal clean air  
12 act to allow for timely installation and operation of equipment and processes and the  
13 pursuit of related economic activity by lessening those obligations, including  
14 consolidating the permits for sources at a facility into one permit, expanding  
15 exemptions under sub. (6), and expanding the availability of registration permits  
16 under sub. (2g), general permits under sub. (3), and construction permit waivers  
17 under sub. (5m).

18 **SECTION 264.** 285.61 (1) of the statutes is amended to read:

19 285.61 (1) ~~APPLICANT NOTICE~~ APPLICATION REQUIRED. A person who is required  
20 to obtain or who seeks a construction permit shall apply to the department or a  
21 certified contractor for a permit to construct, reconstruct, replace or modify the  
22 stationary source. If a person applies to a certified contractor under this subsection,  
23 the person shall provide notice of that application to the department as prescribed  
24 by the department.

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1           **SECTION 265.** 285.61 (2) of the statutes is renumbered 285.61 (2) (a) and  
2 amended to read:

3           285.61 (2) (a) Request for additional information. Within 20 days after receipt  
4 of the application the department or the certified contractor shall indicate provide  
5 written notice to the applicant describing specifically all of the plans, specifications  
6 and any other information necessary to determine if the proposed construction,  
7 reconstruction, replacement or modification will meet the requirements of this  
8 chapter and s. 299.15 and rules promulgated under this chapter and s. 299.15.

9           **SECTION 266.** 285.61 (2) (b) of the statutes is created to read:

10           285.61 (2) (b) *When application is considered to be complete.* For the purposes  
11 of the time limits in sub. (3), an application is considered to be complete when the  
12 applicant provides the information specified in the written notice under par. (a), or,  
13 if the department or the certified contractor does not provide written notice to an  
14 applicant within the time limit in par. (a), 20 days after receipt of the application.  
15 This paragraph does not prevent the department or a certified contractor from  
16 requesting additional information from an applicant after the time limit in par. (a).

17           **SECTION 267.** 285.61 (3) of the statutes is amended to read:

18           285.61 (3) **ANALYSIS.** The department or certified contractor shall prepare an  
19 analysis regarding the effect of the proposed construction, reconstruction,  
20 replacement or modification on ambient air quality and a preliminary determination  
21 on the approvability of the construction permit application, within the following time  
22 periods after the receipt of the plans, specifications and other information  
23 application is considered to be complete under sub. (2) (b):

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

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

3 **SECTION 268.** 285.61 (4) (a) of the statutes is amended to read:

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

8 **SECTION 269.** 285.61 (4) (b) 2. and 3. of the statutes are amended to read:

9 285.61 (4) (b) 2. A copy of the department's or certified contractor's analysis and  
10 preliminary determination; and

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

13 **SECTION 270.** 285.61 (5) (a) (intro.) of the statutes is amended to read:

14 285.61 (5) (a) *Distribution of notice required.* (intro.) The department shall  
15 distribute a notice of the proposed construction, reconstruction, replacement or  
16 modification, a notice of the department's or certified contractor's analysis and  
17 preliminary determination, a notice of the opportunity for public comment and a  
18 notice of the opportunity to request a public hearing to all of the following:

19 **SECTION 271.** 285.61 (5) (c) of the statutes is amended to read:

20 285.61 (5) (c) *Newspaper notice.* The department shall publish a class 1 notice  
21 under ch. 985 announcing the opportunity for written public comment and the  
22 opportunity to request a public hearing on the analysis and preliminary  
23 determination within 10 days after the analysis and preliminary determination are  
24 prepared or, if the analysis and preliminary determination are prepared by a

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1 certified contractor, within 10 days after the department receives them from the  
2 certified contractor.

3 **SECTION 272.** 285.61 (7) (a) of the statutes is amended to read:

4 285.61 (7) (a) *Hearing permitted.* The department may hold a public hearing  
5 on the construction permit application if requested by a person who may be directly  
6 aggrieved by the issuance of the permit, any affected state or the U.S. environmental  
7 protection agency within 30 days after the department gives notice under sub. (5) (c).  
8 A request for a public hearing shall indicate the interest of the party filing the  
9 request and the reasons why a hearing is warranted. The department shall hold the  
10 public hearing within ~~60~~ 30 days after the deadline for requesting a hearing if it  
11 deems that there is a significant public interest in holding a hearing.

12 **SECTION 273.** 285.61 (8) (a) of the statutes is renumbered 285.61 (8) (a) 1.

13 **SECTION 274.** 285.61 (8) (a) 2. of the statutes is created to read:

14 285.61 (8) (a) 2. Notwithstanding subd. 1. and s. 285.63, the department may  
15 not modify a preliminary determination made by a certified contractor under sub. (3)  
16 unless modification is necessary to comply with the federal clean air act or unless the  
17 comments received under subs. (6) and (7) or consideration of the environmental  
18 impact as required under s. 1.11 provide clear and convincing evidence that issuance  
19 of the permit would cause material harm to public health, safety, or welfare.

20 **SECTION 275.** 285.61 (8) (b) of the statutes is amended to read:

21 285.61 (8) (b) *Time limits.* The department shall act on a construction permit  
22 application within 60 days after the ~~close of the public comment period or the public~~  
23 ~~hearing, whichever is later~~ department gives notice under sub. (5) (c), unless  
24 compliance with s. 1.11 requires a longer time. For a major source that is located in

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1 an attainment area, the department shall complete its responsibilities under s. 1.11  
2 within one year.

3 **SECTION 276.** 285.61 (10) of the statutes is created to read:

4 285.61 (10) EXTENSIONS. The department may extend any time limit applicable  
5 to the department or a certified contractor under this section at the request of an  
6 applicant.

7 **SECTION 277.** 285.61 (11) of the statutes is created to read:

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

17 **SECTION 278.** 285.62 (1) of the statutes is amended to read:

18 285.62 (1) ~~APPLICANT NOTICE~~ APPLICATION REQUIRED. A person who is required  
19 to obtain an operation permit for a stationary source shall apply to the department  
20 or to a certified contractor for the permit on or before the operation permit  
21 application date specified under sub. (11) (b). The department shall specify by rule  
22 the content of applications under this subsection. If required by the federal clean air  
23 act, the department or the certified contractor shall provide a copy of the complete  
24 application to the federal environmental protection agency. ~~The department may not~~

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1 ~~accept an application submitted to the department before November 15, 1992, as an~~  
2 ~~application under this subsection.~~

3 **SECTION 279.** 285.62 (2) of the statutes is renumbered 285.62 (2) (a) and  
4 amended to read:

5 285.62 (2) (a) *Request for additional information.* Within 20 days after receipt  
6 of the application the department or the certified contractor shall ~~indicate~~ provide  
7 written notice to the applicant describing specifically any additional information  
8 required under sub. (1) necessary to determine if the source, upon issuance of the  
9 permit, will meet the requirements of this chapter and s. 299.15 and rules  
10 promulgated under this chapter and s. 299.15.

11 **SECTION 280.** 285.62 (2) (b) of the statutes is created to read:

12 285.62 (2) (b) *When application is considered to be complete.* For the purposes  
13 of the time limits in sub. (3), an application is considered to be complete when the  
14 applicant provides the information specified in the written notice under par. (a), or,  
15 if the department or the certified contractor does not provide written notice to an  
16 applicant within the period under par. (a), 20 days after receipt of the application.  
17 This paragraph does not prevent the department or a certified contractor from  
18 requesting additional information from an applicant after the period under par. (a).

19 **SECTION 281.** 285.62 (3) (a) (intro.) of the statutes is amended to read:

20 285.62 (3) (a) (intro.) The department or certified contractor shall review an  
21 application for an operation permit. Upon completion of that review, the department  
22 or certified contractor shall prepare a preliminary determination of whether ~~if the~~  
23 application may ~~approve the application~~ be approved and a public notice. The  
24 department or certified contractor shall complete the preliminary determination and  
25 the public notice within 60 days after an application for an operation permit for a

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1 major source is considered to be complete under sub. (2) (b) and within 15 days after  
2 an application for an operation permit for a minor source is considered to be complete  
3 under sub. (2) (b). The public notice shall include all of the following:

4 **SECTION 282.** 285.62 (3) (c) of the statutes is amended to read:

5 285.62 (3) (c) The department shall publish the notice prepared under par. (a)  
6 as a class 1 notice under ch. 985 in a newspaper published in the area that may be  
7 affected by emissions from the stationary source within 10 days after the notice is  
8 complete or, if the notice is prepared by a certified contractor, within 10 days after  
9 the department receives it from the certified contractor.

10 **SECTION 283.** 285.62 (5) (a) of the statutes is amended to read:

11 285.62 (5) (a) *Hearing permitted.* The department may hold a public hearing  
12 on an application for an operation permit for a stationary source if requested by any  
13 state that received notice under sub. (3) (b) or any other person, if the person may  
14 be directly aggrieved by the issuance of the permit, within 30 days after the  
15 department gives notice under sub. (3) (c). A request for a public hearing shall  
16 indicate the interest of the party filing the request and the reasons why a hearing  
17 is warranted. The department shall hold the public hearing within 60 days after the  
18 deadline for requesting a hearing if it determines that there is a significant public  
19 interest in holding the hearing.

20 **SECTION 284.** 285.62 (6) (c) 1. of the statutes is amended to read:

21 285.62 (6) (c) 1. If the department receives an objection from the federal  
22 environmental protection agency under this subsection, the department may not  
23 issue the operation permit unless the department revises the proposed operation  
24 permit as necessary to satisfy the objection.

25 **SECTION 285.** 285.62 (7) (b) of the statutes is amended to read:



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1           285.62 (7) (b) The department shall approve or deny the operation permit  
2 application for a new source or modified source. The department shall issue the  
3 operation permit for a new source or modified source if the criteria established under  
4 ss. 285.63 and 285.64 are met. The department shall issue an operation permit for  
5 a new source or modified source or deny the application within ~~180~~ 30 days after the  
6 permit applicant submits to the department the results of all equipment testing and  
7 emission monitoring required under the construction permit.

8           **SECTION 286.** 285.62 (7) (bm) of the statutes is created to read:

9           285.62 (7) (bm) Notwithstanding pars. (a) and (b) and s. 285.63, but subject to  
10 sub. (6) (c) 1., the department may not modify a preliminary determination made by  
11 a certified contractor under sub. (3) (a) unless modification is necessary to comply  
12 with the federal clean air act or unless the comments received under subs. (4) to (6)  
13 or consideration of the environmental impact as required under s. 1.11 provide clear  
14 and convincing evidence that issuance of the permit would cause material harm to  
15 public health, safety, or welfare.

16           **SECTION 287.** 285.62 (8) of the statutes is renumbered 285.62 (8) (a).

17           **SECTION 288.** 285.62 (8) (b) of the statutes is created to read:

18           285.62 (8) (b) If a person submits an application for renewal of an operation  
19 permit before the date that the operation permit expires, the stationary source may  
20 not be required to discontinue operation and the person may not be prosecuted for  
21 lack of an operation permit until the department acts under sub. (7), except that this  
22 paragraph does not apply in a situation in which its application would contravene  
23 the federal clean air act.

24           **SECTION 289.** 285.62 (9) (b) of the statutes is repealed and recreated to read:

**BILL**

1           285.62 (9) (b) Subject to sub. (12), if the department fails to act on an  
2 application for an operation permit within the time limit under sub. (7) (b), the  
3 department shall, include in a report the reasons for the delay in acting on the  
4 application, including the names of the department's employees responsible for  
5 review of the application, and recommendations for how to avoid delays in the future  
6 in similar situations. The department shall make reports under this subsection  
7 available to the public, place a prominent notice of the reports on the department's  
8 Internet site, and submit the reports to the joint committee for the review of  
9 administrative rules on a quarterly basis.

10           **SECTION 290.** 285.62 (12) of the statutes is created to read:

11           285.62 (12) **EXTENSIONS.** The department may extend any time limit applicable  
12 to the department or a certified contractor under this section at the request of an  
13 applicant.

14           **SECTION 291.** 285.63 (1) (d) of the statutes is amended to read:

15           285.63 (1) (d) *Source will not preclude construction or operation of other source.*  
16 The stationary source will not degrade the air quality in an area sufficiently to  
17 prevent the construction, reconstruction, replacement, modification or operation of  
18 another stationary source if the department received plans, specifications and other  
19 information under s. 285.61 (2) (a) for the other stationary source prior to  
20 commencing its analysis under s. 285.61 (3) for the former stationary source. This  
21 paragraph does not apply to an existing source required to have an operation permit.

22           **SECTION 292.** 285.63 (2) (d) of the statutes is repealed.

23           **SECTION 293.** 285.66 (2) of the statutes is renumbered 285.66 (2) (a).

24           **SECTION 294.** 285.66 (2) (b) of the statutes is created to read:

**BILL**

1           285.66 (2) (b) Notwithstanding par. (a), the department may not specify that  
2 coverage under a general permit under s. 285.60 (3) expires except as follows:

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

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

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

11           **SECTION 295.** 285.66 (3) (a) of the statutes is amended to read:

12           285.66 (3) (a) A permittee shall apply for renewal of an operation permit at  
13 least ~~12~~ 6 months before the operation permit expires. The permittee shall include  
14 any new or revised information needed to process the application for renewal.

15           **SECTION 296.** 285.69 (1) (a) of the statutes is amended to read:

16           285.69 (1) (a) *Application for permit.* Reviewing and acting upon any  
17 application for a construction permit. The department shall specify lower fees for  
18 persons who submit applications to certified contractors under s. 285.61(1) than for  
19 those who submit applications to the department.

20           **SECTION 297.** 285.755 of the statutes is created to read:

21           **285.755 Certified contractors.** (1) RESPONSIBILITIES OF THE DEPARTMENT OF  
22 ADMINISTRATION. (a) The department of administration shall certify private  
23 contractors to review applications for air pollution control permits for the purposes  
24 of determining under ss. 285.61 (2) and 285.62 (2) whether additional information

**BILL**

1 is needed from applicants and of making preliminary determinations under ss.  
2 285.61 (3) and 285.62 (3).

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

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

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

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

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

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

20 **SECTION 298.** 285.81 (1) (intro.) of the statutes is amended to read:

21 285.81 (1) PERMIT HOLDER; PERMIT APPLICANT; ORDER RECIPIENT. (intro.) Any  
22 permit, part of a permit, order, decision or determination by the department under  
23 ss. 285.39, 285.60 to 285.69 or 285.75 shall become effective unless the permit holder  
24 or applicant or the order recipient seeks a hearing ~~on~~ challenging the action in the  
25 following manner:

**BILL**

1           **SECTION 299.** 285.81 (1m) of the statutes is created to read:

2           285.81 (1m) EFFECT OF A CHALLENGE. If a permit holder or applicant seeks a  
3 hearing challenging part of a permit under sub. (1), the remainder of the permit shall  
4 become effective and the permit holder or applicant may begin the activity for which  
5 the permit was issued.

6           **SECTION 300.** 289.27 (5) of the statutes is amended to read:

7           289.27 (5) DETERMINATION OF NEED; DECISION BY HEARING EXAMINER. If a  
8 contested case hearing is conducted under this section, the secretary shall issue any  
9 decision concerning determination of need, ~~notwithstanding s. 227.46 (2) to (4)~~. The  
10 secretary shall direct the hearing examiner to certify the record of the contested case  
11 hearing to him or her without an intervening proposed decision. The secretary may  
12 assign responsibility for reviewing this record and making recommendations  
13 concerning the decision to any employee of the department.

14           **SECTION 301.** 295.13 (4) of the statutes is created to read:

15           295.13 (4) CREDITING OF FINANCIAL ASSURANCE. If a nonmetallic mining site is  
16 subject to a county ordinance under sub. (1) or (2) and the city, village, or town in  
17 which a nonmetallic mining site is located required the operator of the mining site  
18 to provide financial assurance for nonmetallic mining reclamation of the nonmetallic  
19 mining site, the county shall credit the value of the financial assurance provided to  
20 the city, village, or town against the amount of financial assurance that the operator  
21 is required to provide under the county ordinance.

22           **SECTION 302.** 299.05 (2) (a) of the statutes is amended to read:

23           299.05 (2) (a) Permits, contracts, and other approvals under ss. 30.10 to 30.205  
24 and 30.21 to 30.27.

25           **SECTION 303.** 448.02 (3) (b) of the statutes is amended to read:

**BILL****SECTION 303**

1           448.02 (3) (b) After an investigation, if the board finds that there is probable  
2 cause to believe that the person is guilty of unprofessional conduct or negligence in  
3 treatment, the board shall hold a hearing on such conduct. The board may use any  
4 information obtained by the board or the department under s. 655.17 (7) (b), as  
5 created by 1985 Wisconsin Act 29, in an investigation or a disciplinary proceeding,  
6 including a public disciplinary proceeding, conducted under this subsection and the  
7 board may require a person holding a license, certificate or limited permit to undergo  
8 and may consider the results of one or more physical, mental or professional  
9 competency examinations if the board believes that the results of any such  
10 examinations may be useful to the board in conducting its hearing. A unanimous  
11 finding by a panel established under s. 655.02, 1983 stats., or a finding by a court that  
12 a physician has acted negligently in treating a patient is conclusive evidence that the  
13 physician is guilty of negligence in treatment. A finding that is not a unanimous  
14 finding by a panel established under s. 655.02, 1983 stats., that a physician has acted  
15 negligently in treating a patient is presumptive evidence that the physician is guilty  
16 of negligence in treatment. A certified copy of the findings of fact, conclusions of law  
17 and order of the panel or the order of a court is presumptive evidence that the finding  
18 of negligence in treatment was made. The board shall render a decision within 90  
19 days after the date on which the hearing is held ~~or, if subsequent proceedings are~~  
20 ~~conducted under s. 227.46 (2), within 90 days after the date on which those~~  
21 ~~proceedings are completed.~~

22           **SECTION 304.** 448.675 (1) (b) of the statutes is amended to read:

23           448.675 (1) (b) After an investigation, if the affiliated credentialing board finds  
24 that there is probable cause to believe that the person is guilty of unprofessional  
25 conduct or negligence in treatment, the affiliated credentialing board shall hold a

**BILL**

1 hearing on such conduct. The affiliated credentialing board may require a licensee  
2 to undergo and may consider the results of a physical, mental or professional  
3 competency examination if the affiliated credentialing board believes that the  
4 results of the examination may be useful to the affiliated credentialing board in  
5 conducting its hearing. A finding by a court that a podiatrist has acted negligently  
6 in treating a patient is conclusive evidence that the podiatrist is guilty of negligence  
7 in treatment. A certified copy of the order of a court is presumptive evidence that the  
8 finding of negligence in treatment was made. The affiliated credentialing board  
9 shall render a decision within 90 days after the date on which the hearing is held ~~or,~~  
10 ~~if subsequent proceedings are conducted under s. 227.46 (2), within 90 days after the~~  
11 ~~date on which those proceedings are completed.~~

12 **SECTION 305.** 452.05 (3) of the statutes is created to read:

13 452.05 (3) The department may, after consultation with the board, enter into  
14 reciprocal agreements with officials of other states or territories of the United States  
15 for licensing brokers and salespersons and grant licenses to applicants who are  
16 licensed as brokers or salespersons in those states or territories according to the  
17 terms of the reciprocal agreements.

18 **SECTION 306.** 452.09 (2) (a) of the statutes is amended to read:

19 452.09 (2) (a) ~~Each~~ Except as provided in a reciprocal agreement under s.  
20 452.05 (3), each applicant for a salesperson's license shall submit to the department  
21 evidence satisfactory to the department of successful completion of educational  
22 programs approved for this purpose under s. 452.05 (1) (c). The department may  
23 waive the requirement under this paragraph upon proof that the applicant has  
24 received 10 academic credits in real estate or real estate related law courses from an  
25 accredited institution of higher education.

**BILL****SECTION 307**

1           **SECTION 307.** 452.09 (2) (c) (intro.) of the statutes is amended to read:

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

4           **SECTION 308.** 452.09 (3) (d) of the statutes is amended to read:

5           452.09 (3) (d) ~~The~~ Except as provided in a reciprocal agreement under s. 452.05  
6 (3), the department may not grant a broker's license to an applicant who does not  
7 hold a salesperson's license unless the applicant passes the salesperson's  
8 examination and the broker's examination.

9           **SECTION 309.** ~~889.29 (1) of the statutes is amended to read:~~

10           889.29 (1) If any business, institution or member of a profession or calling in  
11 the regular course of business or activity has kept or recorded any memorandum,  
12 writing, entry, print, representation or combination thereof, of any act, transaction,  
13 occurrence or event, and in the regular course of business has caused any or all of the  
14 same to be recorded, copied or reproduced by any photographic, photostatic,  
15 microfilm, microcard, miniature photographic, or other process which accurately  
16 reproduces or forms a durable medium for so reproducing the original, or to be  
17 recorded on an optical disk or in electronic format, the original may be destroyed in  
18 the regular course of business, unless its preservation is required by law. Such  
19 reproduction or optical disk record, when reduced to comprehensible format and  
20 when satisfactorily identified, is as admissible in evidence as the original itself in any  
21 judicial or administrative proceeding whether the original is in existence or not and  
22 an enlargement or facsimile of such reproduction of a record or an enlarged copy of  
23 a record generated from an original record stored in optical disk or electronic format  
24 is likewise admissible in evidence if the original reproduction is in existence and  
25 available for inspection under direction of court. The introduction of a reproduced



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1 record, enlargement or facsimile, does not preclude admission of the original. This  
2 subsection does not apply to records governed by s. 137.20.

3 **SECTION 310.** 910.01 (1) of the statutes is amended to read:

4 910.01 (1) WRITINGS AND RECORDINGS. "Writings" and "recordings" consist of  
5 letters, words or numbers, or their equivalent, set down by handwriting, typewriting,  
6 printing, photostating, photographing, magnetic impulse, mechanical or electronic  
7 recording, or other form of data compilation or recording.

8 **SECTION 311.** 910.02 of the statutes is amended to read:

9 **910.02 Requirement of original.** To prove the content of a writing, recording  
10 or photograph, the original writing, recording or photograph is required, except as  
11 otherwise provided in chs. 901 to 911, in s. 137.21, or by other statute.

12 **SECTION 312.** 910.03 of the statutes is amended to read:

13 **910.03 Admissibility of duplicates.** A duplicate is admissible to the same  
14 extent as an original unless (1) a genuine question is raised as to the authenticity of  
15 the original or (2) in the circumstances it would be unfair to admit the duplicate in  
16 lieu of the original. This section does not apply to records of transactions governed  
17 by s. 137.21.

18 *keep* → **SECTION 313. Nonstatutory provisions.**

19 ~~(1) USE OF ELECTRONIC RECORDS AND ELECTRONIC SIGNATURES BY GOVERNMENTAL~~  
20 ~~UNITS; EMERGENCY RULES. Using the procedure under section 227.24 of the statutes,~~  
21 ~~the department of administration may promulgate emergency rules under section~~  
22 ~~137.25 (2) of the statutes, as created by this act, for the period before the effective date~~  
23 ~~of permanent rules initially promulgated under section 137.25 (2) of the statutes, as~~  
24 ~~created by this act, but not to exceed the period authorized under section 227.24 (1)~~  
25 ~~(c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of~~

**BILL****SECTION 313**

1 the statutes, the department is not required to provide evidence that promulgating  
2 a rule under this subsection as an emergency rule is necessary for the preservation  
3 of the public peace, health, safety, or welfare and is not required to provide a finding  
4 of emergency for a rule promulgated under this subsection.

5 (2) ~~USE OF ELECTRONIC SIGNATURES BY NOTARIES PUBLIC; EMERGENCY RULES.~~ Using  
6 the procedure under section 227.24 of the statutes, the secretary of state and the  
7 department of administration may promulgate emergency rules under section  
8 137.01 (4) (a) of the statutes, as affected by this act, for the period before the effective  
9 date of permanent rules initially promulgated under section 137.01 (4) (a) of the  
10 statutes, as affected by this act. Notwithstanding section 227.24 (1) (a), (2) (b), and  
11 (3) of the statutes, the secretary of state and the department are not required to  
12 provide evidence that promulgating a rule under this subsection as an emergency  
13 rule is necessary for the preservation of the public peace, health, safety, or welfare  
14 and are not required to provide a finding of emergency for a rule promulgated under  
15 this subsection.

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

20 (1) (4) ENERGY CONSERVATION AND EFFICIENCY GRANTS; EMERGENCY RULES. Using the  
21 procedure under section 227.24 of the statutes, the public service commission shall  
22 promulgate as emergency rules the rules required under section 16.957 (2m) of the  
23 statutes, as created by this act. Notwithstanding section 227.24 (1) (c) and (2) of the  
24 statutes, the emergency rules promulgated under this subsection may remain in  
25 effect until the date on which the permanent rules required under section 16.957

**BILL**

1 (2m) of the statutes, as created by this act, take effect. Notwithstanding section  
2 227.24 (1) (a), (2) (b), and (3) of the statutes, the public service commission is not  
3 required to provide evidence that promulgating rules under this subsection as  
4 emergency rules is necessary for the preservation of the public peace, health, safety,  
5 or welfare and is not required to provide a finding of emergency for the rules  
6 promulgated under this subsection.

7 (2) (5) SUBMISSION OF PROPOSED RULES CONCERNING AIR PERMITS FOR MODIFIED  
8 SOURCES. Notwithstanding the time limit in section 285.11 (17) of the statutes, as  
9 affected by this act, the department of natural resources shall submit in proposed  
10 form the rules required under section 285.11 (17) of the statutes, as affected by this  
11 act, relating to regulations that are published before the effective date of this  
12 subsection to the legislative council staff under section 227.15 (1) of the statutes no  
13 later than August 31, 2004.

14 (3) (6) REPORT ON AIR PERMIT STREAMLINING EFFORTS.

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

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

21 2. Recommendations, and related proposed rule revisions, for expanding  
22 exemptions under section 285.60 (6) of the statutes, as affected by this act,  
23 establishing registration permits under section 285.60 (2g) of the statutes, as created  
24 by this act, expanding the use of general permits under section 285.60 (3) of the  
25 statutes, as affected by this act, issuing construction permit waivers under section

**BILL**

1 285.60 (5m) of the statutes, as created by this act, and taking other actions under  
2 section 285.60 (10) of the statutes, as created by this act, including consolidating the  
3 permits for sources at one facility into one permit.

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

13 4. A description of requirements in the federal clean air act that limit the  
14 department's ability to expand exemptions under section 285.60 (6) of the statutes,  
15 as affected by this act, expand the use of registration permits under section 285.60  
16 (2g) of the statutes, as created by this act, expand the use of general permits under  
17 section 285.60 (3) of the statutes, as affected by this act, expand the issuance of  
18 construction permit waivers under section 285.60 (5m) of the statutes, as created by  
19 this act, and take other actions under section 285.60 (10) of the statutes, as created  
20 by this act, and recommendations on how these limitations might be overcome.

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

**BILL**

1 ~~(#)~~ REPORT ON CLEAN AIR ACT STATE IMPLEMENTATION PLANS. No later than the first  
2 day of the 7th month beginning after the effective date of this subsection, the  
3 department of natural resources shall submit to the joint committee for review of  
4 administrative rules a report that contains all of the following:

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

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

**SECTION 314. Initial applicability.**

13  
14 (1) LAWSUITS CONCERNING CREDIT AGREEMENTS AND RELATED DOCUMENTS. The  
15 treatment of section 241.02 (3) of the statutes first applies to actions commenced on  
16 the effective date of this subsection.

17 (2) PARTIAL DEREGULATION OF TELECOMMUNICATIONS. The treatment of section  
18 196.195 (5m) and (10) of the statutes first applies to proceedings initiated by  
19 petitions filed with the public service commission, or by notices made on the public  
20 service commission's own motion, on the effective date of this subsection.

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

**BILL**

**SECTION 314**

1 (4) CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY INVOLVING OTHER STATES.

2 The treatment of section 196.491 (3) (g) 1. and 1m. of the statutes first applies to  
3 applications filed on the effective date of this subsection.

4 (5) ELECTRONIC RECORDS AND ELECTRONIC SIGNATURES. The treatment of sections  
5 137.01 (3) (a) and (4) (a) and (b), 137.04, 137.05 (title), 137.06, 137.11 to 137.24,  
6 137.25 (2), 224.30 (2), 889.29 (1), 910.01 (1), 910.02, and 910.03, subchapters I (title)  
7 and II (title) of chapter 137, and chapter 137 (title) of the statutes and the  
8 renumbering and amendment of section 137.05 of the statutes first apply to  
9 electronic records or electronic signatures that are created, generated, sent,  
10 communicated, received, or initially stored on the effective date of this subsection.

11 (6) ENERGY CONSERVATION AND EFFICIENCY GRANTS. The treatment of section  
12 16.957 (2) (b) 1. (intro.) of the statutes first applies to grants that are awarded on the  
13 effective date of the rules promulgated under SECTION 313 (4) of this act. (71) #check

14 (7) PROCESSING OF AIR PERMITS. The treatment of sections 285.61 (3), (5) (c), (7)  
15 (a), (8) (b), and (11), 285.62 (3) (a) (intro.) and (c), (5) (a), (7) (b), and (9) (b), and 285.66  
16 (3) (a) of the statutes, the renumbering and amendment of sections 285.61 (2) and  
17 285.62 (2) of the statutes, and the creation of sections 285.61 (2) (b) and 285.62 (2)  
18 (b) first apply to applications submitted on the effective date of this subsection.

19 (8) REVIEW OF AIR POLLUTION CONTROL DECISIONS. The treatment of section 285.81  
20 (1) (intro.) and (1m) of the statutes first applies to person who file petitions on the  
21 effective date of this subsection.

22 (9) CHAPTER 30 PROCEDURES.

23 (a) The treatment of sections 30.208 and 30.209 of the statutes first applies to  
24 applications for individual permits that are submitted to the department of natural  
25 resources on the effective date of this paragraph.

**BILL**

1 (b) The treatment of section 30.208 of the statutes first applies to applications  
2 for contracts under section 30.20 of the statutes that are submitted to the  
3 department of natural resources on the effective date of this paragraph.

4 **SECTION ~~315~~ Effective dates.** This act takes effect on the day after  
5 publication, except as follows:

6 (1) ENERGY CONSERVATION AND EFFICIENCY GRANTS. The treatment of section  
7 16.957 (2) (b) 1. (intro.) and (c) 2., (2m), and (3) (b) of the statutes takes effect on July  
8 1, 2005.

9 ~~(2) SALES TAX EXEMPTION FOR TEMPORARY SERVICES. The treatment of section~~  
10 ~~77.52 (2r) of the statutes takes effect on the first day of the 2nd month beginning after~~  
11 ~~publication.~~

12

(END)

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12

**INSERT 18MDK**

related to administration, marketing, or delivery of services for the utility's energy conservation programs

**INSERT 95-18:**

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

(c) A utility may not pay for any expenses related to administration, marketing, or delivery of services for programs specified in par. (a) from any portion of a contribution the utility is allowed to retain under par. (a).



CCC  
3629/2

SB-313

#. Page 58, line 2: after  
"distribution" insert  
"one".

KMG



State of Wisconsin  
2003-2004 LEGISLATURE

**CORRECTIONS IN:**

**2003 SENATE BILL 313**

Prepared by the Legislative Reference Bureau  
(November 13, 2003)

1. Page 58, line 2: after "distribution" insert "one".

2ccc/2

CCC TO  
2003 SB-313

LRB-3629/2  
~~WAGA~~ ALL  
\*Unrevised  
2ccc/2

#. Page 37, line 23: before "individual"  
insert "an".

JLD

2ccc/2

CCC TO  
2003 AB-655

LRB-3630/2  
~~WAGA~~ ALL  
\*Unrevised  
2ccc/2

#. Page 37, line 23: before "individual"  
insert "an".

JLD

## ASSEMBLY BILL 655

## SECTION 71

1 from the permit requirements under this chapter if all of the following requirements  
2 are met:

3 **SECTION 72.** 30.135 (1) (a) 1. of the statutes is renumbered 30.135 (1) (a).

4 **SECTION 73.** 30.135 (1) (a) 2. of the statutes is renumbered 30.135 (1) (b) and  
5 amended to read:

6 30.135 (1) (b) The platform or jump does not interfere with rights of other  
7 riparian ~~proprietors~~ owners.

8 **SECTION 74.** 30.135 (1) (a) 3. of the statutes is renumbered 30.135 (1) (c).

9 **SECTION 75.** 30.135 (1) (b) of the statutes is renumbered 30.135 (2) and  
10 amended to read:

11 30.135 (2) If the department determines that any of the requirements under  
12 ~~par. (a) sub. (1)~~ are not met, the riparian owner shall submit ~~a permit~~ an application  
13 for an individual permit to the department. The notice and hearing provisions under  
14 s. 30.208 (3) to (5) apply to the application.

15 **SECTION 76.** 30.135 (2), (3) and (4) of the statutes are repealed.

16 **SECTION 77.** 30.18 (2) (a) (intro.) of the statutes is amended to read:

17 30.18 (2) (a) *Streams.* (intro.) No person may divert water from a stream in  
18 this state without ~~a~~ an individual permit under this section if the diversion meets  
19 either of the following conditions:

20 **SECTION 78.** 30.18 (2) (b) of the statutes is amended to read:

21 30.18 (2) (b) *Streams or lakes.* No person, except a person required to obtain  
22 an approval under s. 281.41, may divert water from any lake or stream in this state  
23 without ~~a~~ an individual permit under this section if the diversion will result in a water  
24 loss averaging 2,000,000 gallons per day in any 30-day period above the person's  
25 authorized base level of water loss.



State of Wisconsin  
2003-2004 LEGISLATURE

**CORRECTIONS IN:**

**2003 SENATE BILL 313**

Prepared by the Legislative Reference Bureau  
(November 20, 2003)

1. Page 37, line 23: before "individual" insert "an".