

BILL HISTORY FOR ASSEMBLY BILL 655 (LRB -3630)

An Act to repeal 19.52 (4), 30.01 (6b), 30.02, 30.12 (2), 30.12 (3) (b), 30.12 (3) (bn), 30.12 (3) (d), 30.12 (4) (title), 30.12 (4m) (title), 30.12 (5), 30.123 (3), 30.123 (5), 30.13 (1), 30.13 (2), 30.13 (4) (d), 30.135 (1) (title), 30.135 (2), (3) and (4), 30.18 (9), 30.19 (1) (b), 30.19 (2), 30.19 (3), 30.195 (3) (title), 30.195 (4), 30.195 (7), 30.206 (2), 30.206 (3m), 30.207 (4) (b), 30.207 (5), 227.45 (7) (a) to (d), 227.46 (2), 227.46 (2m), 227.46 (3), 227.46 (4), 285.11 (6) (a) and (b), 285.21 (1) (a) (title), 285.21 (1) (b), 285.60 (2m) and 285.63 (2) (d); to renumber 30.12 (3) (bt) 1. to 9., 30.12 (4) (d), 30.135 (1) (a) 1., 30.135 (1) (a) 3., 30.20 (1) (c) 3., 285.61 (8) (a), 285.62 (8) and 285.66 (2); to renumber and amend 30.015, 30.07, 30.12 (1) (intro.), 30.12 (1) (a), 30.12 (1) (b), 30.12 (3) (a) 2., 30.12 (3) (a) 2m., 30.12 (3) (bt) (intro.), 30.12 (4) (a), 30.12 (4) (b), 30.12 (4) (c), 30.12 (4) (e), 30.12 (4) (f), 30.12 (4m), 30.123 (1), 30.123 (4), 30.135 (1) (a) (intro.), 30.135 (1) (a) 2., 30.135 (1) (b), 30.19 (1) (intro.), 30.19 (1) (a), 30.19 (1) (c), 30.19 (4), 30.195 (3), 30.20 (1) (d), 30.206 (1), 30.206 (3), 30.206 (4), 227.45 (7) (intro.), 285.11 (6) (intro.), 285.21 (1) (a), 285.27 (2) (b), 285.61 (2) and 285.62 (2); to consolidate, renumber and amend 30.20 (1) (c) 1. and 2.; to amend 16.957 (2) (b) 1. (intro.), 16.957 (2) (c) 2., 16.957 (3) (b), 19.52 (3), 25.96, 29.601 (5) (a), 30.01 (1p), 30.10 (4) (a), 30.11 (4), 30.12 (title), 30.12 (3) (a) 6., 30.12 (3) (c), 30.123 (2), 30.13 (1m) (intro.), 30.13 (1m) (b), 30.13 (4) (a), 30.131 (1) (intro.), 30.18 (2) (a) (intro.), 30.18 (2) (b), 30.18 (4) (a), 30.18 (6) (b), 30.19 (1m) (intro.), 30.19 (1m) (a), 30.19 (1m) (b), 30.19 (1m) (c), 30.19 (1m) (d), 30.19 (1m) (e), 30.19 (4) (title), 30.19 (5), 30.195 (1), 30.196 (intro.), 30.20 (1) (a), 30.20 (1) (b), 30.20 (2) (title), 30.20 (2) (a) and (b), 30.20 (2) (c), 30.2026 (2) (d), 30.2026 (3) (a), 30.206 (6), 30.206 (7), 30.207 (1), 30.207 (3) (d) 2., 30.28 (3) (b), 30.29 (3) (d), 30.298 (3), 31.39 (2m) (c), 66.1001 (2) (e), 66.1001 (4) (a), 84.18 (6), 106.01 (9), 106.025 (4), 146.82 (2) (a) (intro.), 196.195 (10), 196.24 (3), 196.374 (3), 196.491 (1) (d), 196.491 (2) (a) 3., 196.491 (2) (a) 3m., 196.491 (2) (g), 221.0901 (3) (a) 1., 221.0901 (8) (a) and (b), 227.14 (2) (a), 227.19 (2), 227.19 (3) (intro.), 227.19 (3) (a), 227.19 (3) (b), 227.46 (1) (intro.), 227.46 (1) (h), 227.46 (6), 227.47 (1), 227.485 (5), 227.53 (1) (a) 3., 236.16 (3) (d) (intro.), 281.22 (2) (c), 285.11 (9), 285.17 (2), 285.21 (2), 285.21 (4), 285.23 (1), 285.27 (1) (a), 285.27 (2) (a), 285.27 (4), 285.60 (1) (a) 1., 285.60 (1) (b) 1., 285.60 (2) (a), 285.60 (6), 285.61 (1), 285.61 (3), 285.61 (4) (a), 285.61 (4) (b) 2. and 3., 285.61 (5) (a) (intro.), 285.61 (5) (c), 285.61 (7) (a), 285.61 (8) (b), 285.62 (1), 285.62 (3) (a) (intro.), 285.62 (3) (c), 285.62 (5) (a), 285.62 (6) (c) 1., 285.62 (7) (b), 285.63 (1) (d), 285.66 (3) (a), 285.69 (1) (a), 285.81 (1) (intro.), 289.27 (5), 299.05 (2) (a), 448.02 (3) (b), 448.675 (1) (b), 452.09 (2) (a), 452.09 (2) (c) (intro.) and 452.09 (3) (d); to repeal and recreate 30.12 (3) (title), 30.12 (3) (a) (intro.), 30.123 (title), 30.195 (2), 30.20 (1) (title), 285.11 (17), 285.60 (3) and 285.62 (9) (b); and to create 16.957 (2m), 30.01 (1am), 30.12 (1b), 30.12 (1g) (intro.), (a), (b) and (e) to (j), 30.12 (3) (a) 9., 30.12 (3) (a) 10., 30.12 (3) (a) 11., 30.12 (3) (a) 12., 30.12 (3) (br), 30.12 (3) (bv), 30.12 (3m), 30.121 (3w), 30.123 (6), 30.123 (7), 30.123 (8), 30.19 (1b), 30.19 (1m) (cm), 30.19 (1m) (g), 30.19 (1m) (h), 30.19 (3r), 30.19 (4) (a), 30.19 (4) (b), 30.19 (4) (c) 1., 30.195 (1m), 30.20 (1g) (title) and (b), 30.20 (1r), 30.20 (2) (bn), 30.20 (2) (d), 30.20 (2) (e), 30.201, 30.2022 (title), 30.206 (1) (title), 30.206 (1) (c) 1. to 3., 30.206 (3) (title), 30.206 (3) (c), 30.206 (5) (title), 30.208, 30.209, 66.0628, 66.1001 (4) (e), 106.04, 146.82 (2) (a) 22., 196.195 (5m), 196.374 (3m), 227.135 (1) (e) and (f), 227.137, 227.138, 227.14 (2) (a) 3., 227.14 (2) (a) 4., 227.14 (2) (a) 5., 227.14 (2) (a) 6., 227.14 (4) (b) 3., 227.185, 227.19 (3) (am), 227.19 (3) (cm), 227.40 (4m), 227.43 (1g), 227.44 (2) (d), 227.445, 227.483, 227.57 (11), 241.02 (3), 285.01 (12m), 285.14, 285.23 (5), 285.23 (6), 285.27 (2) (b) 1. to 3., 285.27 (2) (d), 285.60 (2g), 285.60 (5m), 285.60 (6m), 285.60 (6r), 285.60 (8), 285.60 (9), 285.60 (10), 285.61 (2) (b), 285.61 (8) (a) 2., 285.61 (10), 285.61 (11), 285.62 (2) (b), 285.62 (7) (bm), 285.62 (8) (b), 285.62 (12), 285.66 (2) (b), 285.755, 285.81 (1m), 295.13 (4) and 452.05 (3) of the statutes; relating to: administrative rules, guidelines, policies, and hearings; air pollution control; structures, deposits, and other activities in or near navigable waters; notice, hearing, and review procedures related to permits to place structures and materials and to conduct activities in or near navigable waters; nonmetallic mining reclamation financial assurances; strategic energy assessments; partial deregulation of telecommunications services; contributions by electric and gas utilities to the utility public benefits fund; grants for energy conservation and other programs; reciprocal agreements for real estate licenses; comprehensive planning by local governmental units; fees imposed by political subdivisions; the confidentiality of patient health care records; apprentice-to-journeyman job-site ratios; the acquisition of in-state banks and in-state bank holding companies; credit agreements; extending the time limit for emergency rule procedures; and granting rule-making authority. (FE)

2003

11-11. A. Introduced by Representatives **Gard, Kaufert, Johnsrud, Grothman, Montgomery, Suder, Kestell, Nass, J. Fitzgerald, Towns, Freese, Nischke, McCormick, Honadel, D. Meyer, Krawczyk, Kreibich, Owens, J. Wood, Ott, Townsend, Huebsch, Gielow, Jeskewitz, Gunderson, Hundertmark, Ladwig and Hahn**; cosponsored by Senators **Panzer, Stepp, Kedzie, Zien, Darling, Leibham, Roessler, Welch and Kanavas**.

11-11. A. Read first time and referred to joint committee on Finance 521

11-12. A. Public hearing held.

11-17. A. LRB correction 548

11-18. A. Fiscal estimate received.

11-20. A. Withdrawn from joint committee on Finance and referred to select committee on Job Creation pursuant to Assembly Rule 42 (3)(c) 553

11-21. A. Fiscal estimate received.

11-25. A. Public hearing held.

11-26. A. Fiscal estimate received.

12-01. A. LRB correction 560

12-03. A. Public hearing held.

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01-06. A. Fiscal estimate received.

01-08. A. Executive action taken.

01-08. A. Assembly substitute amendment 1 offered by select committee on Job Creation **(LRB s0288)** 598

01-09. A. LRB correction 599

01-12. A. Fiscal estimate received.

01-13. A. Fiscal estimate received.

01-13.	A.	LRB correction (Assembly substitute amendment 1)	608
01-13.	A.	Report Assembly Substitute Amendment 1 adoption recommended by select committee on Job Creation, Ayes 6, Noes 2	601
01-13.	A.	Report passage as amended recommended by select committee on Job Creation, Ayes 6, Noes 2	601
01-13.	A.	Referred to Calendar	601
01-13.	A.	Read a second time	602
01-13.	A.	Assembly substitute amendment 2 offered by Representatives Gard and Hundertmark (LRB s0295)	602
01-13.	A.	Assembly amendment 1 to Assembly substitute amendment 2 offered by Representatives Gard and Hundertmark (LRB a1934)	602
01-13.	A.	Assembly amendment 1 to Assembly substitute amendment 2 adopted	602
01-13.	A.	Assembly amendment 2 to Assembly substitute amendment 2 offered by Representatives Black and Miller (LRB a1937)	602
01-13.	A.	Assembly amendment 2 to Assembly substitute amendment 2 laid on table, Ayes 61, Noes 33	602
01-13.	A.	Assembly amendment 3 to Assembly substitute amendment 2 offered by Representatives Miller and Black (LRB a1936)	602
01-13.	A.	Assembly amendment 3 to Assembly substitute amendment 2 laid on table, Ayes 60, Noes 34	602
01-13.	A.	Assembly amendment 4 to Assembly substitute amendment 2 offered by Representative Hebl (LRB a1941)	603
01-13.	A.	Assembly amendment 4 to Assembly substitute amendment 2 laid on table, Ayes 58, Noes 36	603
01-13.	A.	Assembly substitute amendment 2 adopted , Ayes 75, Noes 19	603
01-13.	A.	Representative Albers added as a coauthor	603
01-13.	A.	Representatives Van Roy and Gronemus added as coauthors	603
01-13.	A.	Ordered to a third reading	603
01-13.	A.	Rules suspended	603
01-13.	A.	Read a third time and passed , Ayes 80, Noes 14, Paired 2	603
01-13.	A.	Ordered immediately messaged	604
01-14.	S.	Received from Assembly	545
01-14.	S.	Read first time and referred to select committee on Job Creation	545
01-15.	S.	Executive action taken.	
01-16.	S.	LRB correction	548
01-16.	S.	Report concurrence recommended by select committee on Job Creation, Ayes 4, Noes 1	552
01-16.	S.	Available for scheduling.	
01-20.	S.	Placed on calendar 1-20-2004 by committee on Senate Organization.	
01-20.	S.	Read a second time	552
01-20.	S.	Senate amendment 1 offered by Senators Risser, Carpenter, Robson, Chvala and Erpenbach (LRB a1962)	552
01-20.	S.	Senate amendment 1 rejected, Ayes 18, Noes 15	552
01-20.	S.	Senate amendment 2 offered by Senators Risser, Carpenter, Robson, Chvala and Erpenbach (LRB a1961)	553
01-20.	S.	Senate amendment 2 rejected, Ayes 18, Noes 15	553
01-20.	S.	Senate amendment 3 offered by Senators Risser, Carpenter, Robson, Chvala and Erpenbach (LRB a1956)	553
01-20.	S.	Senate amendment 3 rejected, Ayes 25, Noes 8	553
01-20.	S.	Senate amendment 4 offered by Senators Hansen, Erpenbach, Chvala, Carpenter, Coggs, Breske, Robson and Lassa (LRB a1957)	553
01-20.	S.	Senate amendment 4 rejected, Ayes 18, Noes 15	553
01-20.	S.	Senate amendment 5 offered by Senators Hansen, Erpenbach, Chvala, Coggs, Breske, Robson, Carpenter and Lassa (LRB a1955)	553
01-20.	S.	Refused to refer to committee on Environment and Natural Resources, Ayes 13, Noes 20	553
01-20.	S.	Senate amendment 5 rejected, Ayes 18, Noes 15	553
01-20.	S.	Senate amendment 6 offered by Senators Wirch, Hansen, Chvala, Moore, Coggs, Carpenter, M. Meyer, Decker, Erpenbach, Risser, Jauch, Breske, Robson and Lassa (LRB a1963)	553
01-20.	S.	Point of order that Senate amendment 6 not germane well taken	553
01-20.	S.	Decision of the Chair stands as the judgement of the Senate, Ayes 18, Noes 15	553
01-20.	S.	Senate amendment 7 offered by Senators Robson, Carpenter, Lassa, Coggs, Moore, Chvala, Hansen, Erpenbach, Wirch, Risser, Jauch and Breske (LRB a1981)	553
01-20.	S.	Senate amendment 7 rejected, Ayes 18, Noes 15	553
01-20.	S.	Senate amendment 8 offered by Senators Robson, Carpenter, Coggs, M. Meyer, Moore, Chvala, Hansen, Erpenbach, Wirch, Risser, Jauch and Breske (LRB a1980)	554
01-20.	S.	Senate amendment 8 rejected, Ayes 18, Noes 15	554
01-20.	S.	Senate amendment 9 offered by Senators Robson, Carpenter, Lassa, Coggs, Moore, Erpenbach, Hansen and Risser (LRB a1985)	554
01-20.	S.	Senate amendment 9 rejected, Ayes 18, Noes 15	554
01-20.	S.	Senate amendment 10 offered by Senators Robson, Carpenter, Lassa, Coggs, Plale, M. Meyer, Chvala, Hansen, Wirch, Erpenbach, Risser and Jauch (LRB a1983)	554

01-20.	S.	Senate amendment 10 rejected, Ayes 17, Noes 16	554
01-20.	S.	Senate amendment 11 offered by Senator Erpenbach (LRB a2000)	554
01-20.	S.	Senate amendment 11 rejected, Ayes 18, Noes 15	554
01-20.	S.	Senate amendment 12 offered by Senators Robson and M. Meyer (LRB a1998)	554
01-20.	S.	Senate amendment 12 withdrawn and returned to author	554
01-20.	S.	Senate amendment 13 offered by Senators Wirch, Robson, Erpenbach, Risser, Hansen, Chvala and Decker (LRB a1994)	554
01-20.	S.	Senate amendment 13 rejected, Ayes 18, Noes 15	554
01-20.	S.	Ordered to a third reading	554
01-20.	S.	Rules suspended	554
01-20.	S.	Read a third time and concurred in , Ayes 27, Noes 6	554
01-20.	S.	Ordered immediately messaged	554
01-21.	A.	Received from Senate concurred in.	
01-21.	A.	LRB correction (Assembly Substitute Amendment 2).	
01-21.	A.	LRB correction (Assembly Amendment 2 to Assembly Substitute Amendment 2).	

**2003
ENROLLED BILL**

03en A B-655

ADOPTED DOCUMENTS:

Orig Engr A SubAmdt 2 03 50295/12

Amendments to above (if none, write "NONE"): ~~NONE~~
AA 1 to A. Sub. Amdt. 2.

Corrections - show date (if none, write "NONE"): CCC-2 1/21/04
CCC-1 1/14/04

Topic Air pollution control; administrative rules and hearings;
structures, deposits, and other activities in or near navigable
waters

1/21/04
Date

Cathleen H. [Signature]
Enrolling Drafter

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CORRECTIONS IN:

**ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO 2003 ASSEMBLY BILL 655**

Prepared by the Legislative Reference Bureau
(January 14, 2004)

- ✓ 1. Page 27, line 8: delete "sub." and substitute "subd."
- ✓ 2. Page 27, line 20: delete "subd. 1." and substitute "subd. 2."



State of Wisconsin
2003-2004 LEGISLATURE

CORRECTIONS IN:

**ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO 2003 ASSEMBLY BILL 655**

Prepared by the Legislative Reference Bureau
(January 21, 2004)

- ✓ 1. Page 9, line 6: delete "waterbody" and substitute "water body".
- ✓ 2. Page 9, line 9: delete "waterbody" and substitute "water body".
- ✓ 3. Page 10, line 25: delete "par. (a)." and substitute "par. (a):".
- ✓ 4. Page 20, line 7: delete "par. (a)." and substitute "par. (a):".
- ✓ 5. Page 35, line 18: delete "par. (a)." and substitute "par. (a):".

**ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO 2003 ASSEMBLY BILL 655**

January 13, 2004 - Offered by Representatives GARD and HUNDERTMARK.

1 **AN ACT to repeal** 30.01 (6b), 30.02, 30.12 (2), 30.12 (3) (a) 3., 30.12 (3) (b), 30.12
2 (3) (bn), 30.12 (3) (d), 30.12 (4) (title), 30.12 (4m) (title), 30.123 (3), 30.135 (1)
3 (title), 30.135 (2), (3) and (4), 30.19 (1) (b), 30.19 (2), 30.19 (3), 30.195 (3) (title),
4 30.206 (2), 30.206 (3m), 30.207 (4) (b), 30.207 (5), 30.28 (3) (b), 285.60 (2m) and
5 299.05 (2) (d); **to renumber** 30.12 (3) (bt) 1. to 9., 30.12 (4) (d), 30.135 (1) (a) 1.,
6 30.135 (1) (a) 3., 30.20 (1) (c) 3., 30.28 (3) (a), 285.17 (2), 285.60 (6), 285.62 (8)
7 and 285.66 (2); **to renumber and amend** 30.015, 30.07, 30.12 (3) (a) 2., 30.12
8 (3) (a) 2m., 30.12 (3) (a) 7., 30.12 (3) (a) 8., 30.12 (3) (bt) (intro.), 30.12 (4) (a),
9 30.12 (4) (b), 30.12 (4) (c), 30.12 (4) (e), 30.12 (4) (f), 30.12 (4m), 30.123 (1), 30.123
10 (4), 30.135 (1) (a) (intro.), 30.135 (1) (a) 2., 30.135 (1) (b), 30.19 (1) (intro.), 30.19
11 (1) (a), 30.19 (1) (c), 30.19 (4), 30.195 (3), 30.20 (1) (d), 30.206 (1), 30.206 (3),
12 30.206 (4), 285.21 (1) (b), 285.27 (2) (b), 285.61 (2) and 285.62 (2); **to**
13 **consolidate, renumber and amend** 30.20 (1) (c) 1. and 2.; **to amend** 29.601

1 (5) (a), 30.01 (1p), 30.025 (1b) (b), 30.025 (1e) (a), 30.025 (1m) (a), 30.025 (2g) (a),
2 30.025 (3) (intro.), 30.025 (4), 30.10 (4) (a), 30.11 (4), 30.12 (title), 30.12 (1)
3 (intro.), 30.12 (1) (a), 30.12 (1) (b), 30.12 (3) (a) 6., 30.12 (3) (c), 30.123 (2), 30.13
4 (1m) (intro.), 30.13 (1m) (b), 30.13 (4) (a), 30.13 (4) (b), 30.18 (2) (a) (intro.), 30.18
5 (2) (b), 30.18 (4) (a), 30.18 (6) (b), 30.19 (1m) (intro.), 30.19 (1m) (a), 30.19 (1m)
6 (b), 30.19 (1m) (c), 30.19 (1m) (d), 30.19 (1m) (e), 30.19 (4) (title), 30.19 (5),
7 30.195 (1), 30.196 (intro.), 30.20 (1) (a), 30.20 (1) (b), 30.20 (2) (title), 30.20 (2)
8 (a) and (b), 30.20 (2) (c), 30.2026 (2) (d), 30.2026 (3) (a), 30.206 (6), 30.206 (7),
9 30.207 (1), 30.207 (3) (d) 2., 30.29 (3) (d), 30.298 (3), 84.18 (6), 227.14 (2) (a),
10 227.19 (3) (intro.), 227.19 (3) (a), 227.19 (3) (b), 227.53 (1) (a) 3., 236.16 (3) (d)
11 (intro.), 285.11 (9), 285.21 (4), 285.23 (1), 285.23 (2), 285.27 (1) (a), 285.27 (2)
12 (a), 285.27 (4), 285.60 (1) (a) 1., 285.61 (3) (intro.), 285.61 (3) (a), 285.61 (7) (a),
13 285.62 (1), 285.62 (5) (a), 285.62 (6) (c) 1., 285.62 (7) (b), 285.63 (1) (d), 285.66
14 (3) (a), 285.81 (1) (intro.) and 299.05 (2) (a); **to repeal and recreate** 30.12 (3)
15 (title), 30.12 (3) (a) (intro.), 30.123 (title), 30.195 (2), 30.20 (1) (title), 285.60 (3)
16 and 285.62 (9) (b); and **to create** 30.01 (1am), 30.01 (2m), 30.025 (5), 30.12 (1g)
17 (intro.), (a), (b), (e), (f), (i), (j), (k) and (km), 30.12 (1m), 30.12 (2m), 30.12 (2r),
18 30.12 (3) (a) 3c., 30.12 (3) (a) 3g., 30.12 (3) (a) 3r., 30.12 (3) (a) 13., 30.12 (3) (br),
19 30.12 (3m), 30.121 (3w), 30.123 (6), 30.123 (6m), 30.123 (6r), 30.123 (6s), 30.123
20 (7), 30.123 (8), 30.19 (1b), 30.19 (1c), 30.19 (1d), 30.19 (1m) (cm), 30.19 (3r),
21 30.19 (4) (a), 30.19 (4) (b), 30.19 (4) (c) 1., 30.20 (1g) (title) and (b), 30.20 (1k),
22 30.20 (1m), 30.20 (1r), 30.20 (1t), 30.20 (2) (bn), 30.20 (2) (d), 30.20 (2) (e),
23 30.201, 30.2022 (title), 30.206 (1) (title), 30.206 (1) (c) 1. to 3., 30.206 (3) (title),
24 30.206 (3) (c), 30.206 (3r), 30.206 (5) (title), 30.208, 30.209, 30.285, 30.291,
25 227.135 (1) (f), 227.137, 227.138, 227.14 (2) (a) 3., 227.14 (2) (a) 4., 227.14 (2) (a)

1 5., 227.14 (2) (a) 6., 227.14 (4) (b) 3., 227.19 (3) (cm), 227.43 (1g), 227.44 (2) (d),
2 227.483, 285.14, 285.17 (2) (b), 285.21 (1) (b) 1. to 4., 285.23 (6), 285.27 (2) (b)
3 1. to 4., 285.27 (2) (d), 285.60 (2g), 285.60 (5m), 285.60 (6) (b), 285.60 (8), 285.60
4 (9), 285.60 (10), 285.61 (2) (a) (title), 285.61 (2) (a) 2., 285.61 (2) (b), 285.61 (10),
5 285.61 (11), 285.62 (2) (a) (title), 285.62 (2) (a) 2., 285.62 (2) (b), 285.62 (8) (b),
6 285.62 (12), 285.66 (2) (b) and 285.81 (1m) of the statutes; **relating to:** air
7 pollution control; administrative rules and hearings; structures, deposits, and
8 other activities in or near navigable waters; notice, hearing, and review
9 procedures related to permits to place structures and materials and to conduct
10 activities in or near navigable waters; and granting rule-making authority.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

11 **SECTION 1.** 29.601 (5) (a) of the statutes is amended to read:

12 29.601 (5) (a) This section does not apply to any activities carried out under the
13 direction and supervision of the department of transportation in connection with the
14 construction, reconstruction, maintenance and repair of highways and bridges in
15 accordance with s. ~~30.12 (4)~~ 30.2022.

16 **SECTION 2.** 30.01 (1am) of the statutes is created to read:

17 30.01 (1am) "Area of special natural resource interest" means any of the
18 following:

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

20 (b) A surface water identified as a trout stream by the department.

21 (bm) A surface water identified as an outstanding or exceptional resource
22 water under s. 281.15.

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

3 SECTION 3. 30.01 (1p) of the statutes is amended to read:

4 30.01 (1p) "Fishing raft" means any raft, float or structure, including a raft or
5 float with a superstructure and including a structure located or extending below or
6 beyond the ordinary high-water mark of a water, which is designed to be used or is
7 normally used for fishing, which is not normally used as a means of transportation
8 on water and which is normally retained in place by means of a permanent or
9 semipermanent attachment to the shore or to the bed of the waterway. "Fishing raft"
10 does not include a boathouse or fixed houseboat regulated under s. 30.121 nor a
11 wharf or pier regulated under ~~s.~~ ss. 30.12 and 30.13.

12 SECTION 4. 30.01 (2m) of the statutes is created to read:

13 30.01 (2m) "Great Lakes water body" means Lake Superior or Lake Michigan
14 and includes any bay or harbor that is part of Lake Superior or Lake Michigan.

15 SECTION 5. 30.01 (6b) of the statutes is repealed.

16 SECTION 6. 30.015 of the statutes is renumbered 30.208 (2) and amended to
17 read:

18 30.208 (2) ~~TIME LIMITS FOR ISSUING PERMIT DETERMINATIONS~~ PROCEDURE FOR
19 COMPLETING APPLICATIONS. In issuing individual permits or entering contracts under
20 this ~~chapter~~ subchapter, the department shall initially determine whether a
21 complete application for the permit or contract has been submitted and, no later than
22 ~~60~~ 30 days after the application is submitted, notify the applicant in writing about
23 the initial determination of completeness. If the department determines that the
24 application is incomplete, the notice shall state the reason for the determination and
25 the specific items of information necessary to make the application complete. An

1 applicant may supplement and resubmit an application that the department has
2 determined to be incomplete. There is no limit on the number of times that an
3 applicant may resubmit an application that the department has determined to be
4 incomplete under this section. The department may not demand items of
5 information that are not specified in the notice as a condition for determining
6 whether the application is complete unless both the department and the applicant
7 agree or unless the applicant makes material additions or alterations to the activity
8 or project for which the application has been submitted. The rules promulgated
9 under s. 299.05 apply only to applications for individual permits or contracts under
10 this subchapter that the department has determined to be complete.

11 SECTION 7. 30.02 of the statutes, as affected by 2003 Wisconsin Act 89, is
12 repealed.

13 SECTION 8. 30.025 (1b) (b) of the statutes, as created by 2003 Wisconsin Act 89,
14 is amended to read:

15 30.025 (1b) (b) "Permit" means ~~a~~ an individual permit or, a general permit,
16 an approval, or a contract required under this subchapter or subch. II, a permit or
17 an approval required under this chapter or ch. 31, a storm water discharge permit
18 required under s. 283.33 (1) (a), or a water quality certification required under s.
19 281.36 or under rules promulgated under subch. II of ch. 281 to implement 33 USC
20 1341 (a).

21 SECTION 9. 30.025 (1e) (a) of the statutes, as created by 2003 Wisconsin Act 89,
22 is amended to read:

23 30.025 (1e) (a) Except as provided in par. (b), this section applies to a proposal
24 to construct a utility facility if the utility facility is required to obtain, or give
25 notification of the wish to proceed under, one or more permits.

1 **SECTION 10.** 30.025 (1m) (a) of the statutes, as created by 2003 Wisconsin Act
2 89, is amended to read:

3 30.025 (1m) (a) The permits that the person may be required to obtain and the
4 permits under which the person must give notification of the wish to proceed.

5 **SECTION 11.** 30.025 (2g) (a) of the statutes, as created by 2003 Wisconsin Act
6 89, is amended to read:

7 30.025 (2g) (a) The department shall review every proposed utility facility
8 subject to this section, including each location, site, or route proposed for the utility
9 facility, to assess whether each proposed location, site, or route can meet the criteria
10 for proceeding under the authority of or obtaining the required permits, and shall
11 provide that information to the commission.

12 **SECTION 12.** 30.025 (3) (intro.) of the statutes, as affected by 2003 Wisconsin
13 Act 89, is amended to read:

14 30.025 (3) (intro.) The department shall ~~grant issue, or authorize proceeding~~
15 under, the necessary permits if it finds that the applicant has shown that the
16 proposal:

17 **SECTION 13.** 30.025 (4) of the statutes, as affected by 2003 Wisconsin Act 89,
18 is amended to read:

19 30.025 (4) PERMIT CONDITIONS. The permit may be issued, or the authority to
20 proceed under a permit may be granted, upon stated conditions deemed necessary
21 to assure compliance with the criteria designated under sub. (3). The department
22 shall grant or deny the application for a permit for the utility facility within 30 days
23 of the date on which the commission issues its decision under s. 196.49 or 196.491
24 (3).

25 **SECTION 14.** 30.025 (5) of the statutes is created to read:

1 30.025 (5) EXEMPTION FROM CERTAIN PROCEDURES. Sections 30.208 and 30.209
2 do not apply to an application for any permit under this section.

3 **SECTION 15.** 30.07 of the statutes is renumbered 30.2095, and 30.2095 (1) (a),
4 as renumbered, is amended to read:

5 30.2095 (1) (a) Except as provided in par. (b), every permit or contract issued
6 under ss. 30.01 to 30.29 for which a time limit is not provided by s. 30.20 (2) is void
7 unless the activity or project is completed within 3 years after the permit or contract
8 was issued.

9 **SECTION 16.** 30.10 (4) (a) of the statutes is amended to read:

10 30.10 (4) (a) This section does not impair the powers granted by law under s.
11 ~~30.123~~ 30.1235 or by other law to municipalities to construct highway bridges,
12 arches, or culverts over streams.

13 **SECTION 17.** 30.11 (4) of the statutes is amended to read:

14 30.11 (4) RIPARIAN RIGHTS PRESERVED. Establishment of a bulkhead line shall
15 not abridge the riparian rights of riparian ~~proprietors~~ owners. Riparian ~~proprietors~~
16 owners may place solid structures or fill up to such line.

17 **SECTION 18.** 30.12 (title) of the statutes is amended to read:

18 **30.12 (title) Structures and deposits in navigable waters prohibited;**
19 **exceptions; penalty.**

20 **SECTION 19.** 30.12 (1) (intro.) of the statutes is amended to read:

21 30.12 (1) ~~GENERAL PROHIBITION~~ PERMITS REQUIRED. (intro.) ~~Except as provided~~
22 ~~under subs. (4) and (4m), unless a~~ Unless an individual or a general permit has been
23 ~~granted by the department pursuant to statute or~~ issued under this section or
24 authorization has been granted by the legislature ~~has otherwise authorized~~

1 ~~structures or deposits in navigable waters, it is unlawful, no person may do any of~~
2 the following:

3 SECTION 20. 30.12 (1) (a) of the statutes is amended to read:

4 30.12 (1) (a) ~~To deposit~~ Deposit any material or ~~to~~ place any structure upon the
5 bed of any navigable water where no bulkhead line has been established; ~~or,~~

6 SECTION 21. 30.12 (1) (b) of the statutes is amended to read:

7 30.12 (1) (b) ~~To deposit~~ Deposit any material or ~~to~~ place any structure upon the
8 bed of any navigable water beyond a lawfully established bulkhead line.

9 SECTION 22. 30.12 (1g) (intro.), (a), (b), (e), (f), (i), (j), (k) and (km) of the statutes
10 are created to read:

11 30.12 (1g) EXEMPTIONS. (intro.) A riparian owner is exempt from the permit
12 requirements under this section for the placement of a structure or the deposit of
13 material if the structure or material is located in an area other than an area of special
14 natural resource interest, does not interfere with the riparian rights of other riparian
15 owners, and is any of the following:

16 (a) A deposit of sand, gravel, or stone that totals less than 2 cubic yards and that
17 is associated with any activity or project that is exempt from an individual permit
18 or a general permit under this subchapter.

19 (b) A structure, other than a pier or a wharf, that is placed on a seasonal basis
20 in accordance with rules promulgated by the department.

21 (e) A boat shelter, boat hoist, or boat lift that is placed on a seasonal basis
22 adjacent to the riparian owner's pier or wharf or to the shoreline on the riparian
23 owner's property, in accordance with rules promulgated by the department.

24 (f) A pier or wharf that is no more than 6 feet wide, that extends no further than
25 to a point where the water is 3 feet at its maximum depth, or to the point where there

1 is adequate depth for mooring a boat or using a boat hoist or boat lift, whichever is
2 closer to the shoreline, and which has no more than 2 boat slips for the first 50 feet
3 of riparian owner's shoreline footage and no more than one additional boat slip for
4 each additional 50 feet of the riparian owner's shoreline.

5 (i) Riprap in an amount not to exceed 100 linear feet that is placed to replace
6 existing riprap located in an inland lake or Great Lakes waterbody and that includes
7 the replacement of filter fabric or base substrate. LA CCC

8 (j) Riprap in an amount not to exceed 300 linear feet that is placed to repair
9 existing riprap located in an inland lake or Great Lakes waterbody, and that consists
10 only of the placement of additional rock or the redistribution of existing rock within
11 the footprint of the existing riprap. LA CCC

12 (k) A biological shore erosion control structure, as defined by rule by the
13 department.

14 (km) An intake or outfall structure that is less than 6 feet from the water side
15 of the ordinary high-water mark and that is less than 25 percent of the width of the
16 channel in which it is placed. p AAI

17 SECTION 23. 30.12 (1) of the statutes is created to read:

18 30.12 (1) RULES. (a) The department may promulgate rules concerning the
19 exempt activities under sub. (1g) that only do any of the following:

20 1. Establish reasonable installation practices for the placement of structures
21 or the deposit of material to minimize environmental impacts.

22 2. Establish reasonable construction and design requirements for the
23 placement of structures under sub. (1g) (c), (d), (f), (g), (h), and (km) that are
24 consistent with the purpose of the activity.

1 3. Establish reasonable limitations on the location of the placement of
2 structures or the deposit of material at the site affected by the activity.

3 (b) Notwithstanding par. (a), the rules under par. (a) 1. and 2. may not establish
4 practices or requirements that prohibit the placement of structures or the deposit of
5 material or that render the placement of structures or the deposit of material
6 economically cost-prohibitive.

7 **SECTION 24.** 30.12 (2) of the statutes is repealed.

8 **SECTION 25.** 30.12 (2m) of the statutes is created to read:

9 **30.12 (2m) PERMITS IN LIEU OF EXEMPTIONS.** The department may decide to
10 require that a person engaged in an activity that is exempt under sub. (1g) apply for
11 an individual permit or seek authorization under a general permit if the department
12 has conducted an investigation and visited the site of the activity and has determined
13 that conditions specific to the site require restrictions on the activity in order to
14 prevent any of the following:

15 (a) Significant adverse impacts to the public rights and interests.

16 (b) Environmental pollution, as defined in s. 299.01 (4).

17 (c) Material injury to the riparian rights of any riparian owner.

18 **SECTION 26.** 30.12 (2r) of the statutes is created to read:

19 **30.12 (2r) EXEMPTION DETERMINATIONS.** (a) A person may submit to the
20 department a written statement requesting that the department determine whether
21 a proposed activity is exempt under sub. (1g). The statement shall contain a
22 description of the proposed activity and site and shall give the department consent
23 to enter and inspect the site.

24 (b) The department shall do all of the following within 15 days after receipt of
25 a statement under par. (a)

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1 1. Enter and inspect the site on which the activity is located, subject to s. 30.291,
2 if the department determines such an inspection is necessary.

3 2. Make a determination as to whether the activity is exempt.

4 3. Notify in writing the person submitting the statement which general or
5 individual permit will be required for the activity, if the department determines that
6 the activity is not exempt.

7 (c) If the department does not take action under par. (b), the department may
8 not require at any time that the person proposing to engage in the activity apply for
9 an individual permit or seek authorization under a general permit unless required
10 to do so by a court or hearing examiner.

11 (d) If a statement under par. (a) is not given or if the statement does not give
12 consent to inspect, the 15-day time limit under par. (b) does not apply.

13 **SECTION 27.** 30.12 (3) (title) of the statutes is repealed and recreated to read:

14 30.12 (3) (title) GENERAL PERMITS.

15 **SECTION 28.** 30.12 (3) (a) (intro.) of the statutes is repealed and recreated to
16 read:

17 30.12 (3) (a) (intro.) The department shall issue statewide general permits
18 under s. 30.206 that authorize riparian owners to do all of the following:

19 **SECTION 29.** 30.12 (3) (a) 2. of the statutes is renumbered 30.12 (1g) (c) and
20 amended to read:

21 30.12 (1g) (c) ~~Place a~~ A fish crib, spawning reef, wing deflector, or similar
22 device that is placed on the bed of navigable waters for the purpose of improving fish
23 habitat.

24 **SECTION 30.** 30.12 (3) (a) 2m. of the statutes is renumbered 30.12 (1g) (d) and
25 amended to read:

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

4 **SECTION 31.** 30.12 (3) (a) 3. of the statutes is repealed.

5 **SECTION 32.** 30.12 (3) (a) 3c. of the statutes is created to read:

6 30.12 (3) (a) 3c. Place riprap in order to replace or repair existing riprap, other
7 than riprap that is exempt under sub. (1g) (i) or (j).

8 **SECTION 33.** 30.12 (3) (a) 3g. of the statutes is created to read:

9 30.12 (3) (a) 3g. Place riprap on the bed or bank of a navigable water adjacent
10 to an owner's property in an amount up to and including 100 continuous feet in an
11 inland lake of 300 acres or more.

12 **SECTION 34.** 30.12 (3) (a) 3r. of the statutes is created to read:

13 30.12 (3) (a) 3r. Place riprap on the bed or bank of a navigable water adjacent
14 to an owner's property in an amount up to and including 300 continuous feet in a
15 Great Lakes water body.

16 **SECTION 35.** 30.12 (3) (a) 6. of the statutes is amended to read:

17 30.12 (3) (a) 6. Place a permanent boat shelter adjacent to the owner's property
18 for the purpose of storing or protecting watercraft and associated materials, except
19 that no general or individual permit may be granted issued for a permanent boat
20 shelter which is constructed after May 3, 1988, if the property on which the
21 permanent boat shelter is to be located also contains a boathouse within 75 feet of
22 the ordinary high-water mark or if there is a boathouse over navigable waters
23 adjacent to the owner's property.

24 **SECTION 36.** 30.12 (3) (a) 7. of the statutes is renumbered 30.12 (1g) (g) and
25 amended to read:

1 30.12 (1g) (g) ~~Place an~~ An intake structure and pipe that is placed on the bed
2 of a navigable water for the purpose of constructing a dry fire hydrant to supply water
3 for fire protection.

4 **SECTION 37.** 30.12 (3) (a) 8. of the statutes is renumbered 30.12 (1g) (h) and
5 amended to read:

6 30.12 (1g) (h) ~~Drive a piling~~ A piling that is driven into the bed of a navigable
7 water adjacent to the owner's property for the purpose of deflecting ice, protecting
8 an existing or proposed structure, or providing a pivot point for turning watercraft.

9 **SECTION 38.** 30.12 (3) (a) 13. of the statutes is created to read:

10 30.12 (3) (a) 13. Place a seawall to replace an existing seawall for which a
11 permit has been issued under this chapter. The replacement may not exceed 100
12 continuous feet in an inland lake of 300 or more acres and may not exceed 300
13 continuous feet in a Great Lakes water body.

14 **SECTION 39.** 30.12 (3) (b) of the statutes is repealed.

15 **SECTION 40.** 30.12 (3) (bn) of the statutes is repealed.

16 **SECTION 41.** 30.12 (3) (br) of the statutes is created to read:

17 30.12 (3) (br) The department may promulgate rules that specify structures or
18 deposits, in addition to those listed in par. (a), that may be authorized by statewide
19 general permits.

20 **SECTION 42.** 30.12 (3) (bt) (intro.) of the statutes is renumbered 30.2023 (intro.)
21 and amended to read:

22 **30.2023 Seawalls; Wolf River and Fox River basins.** (intro.) A riparian
23 owner is exempt from the permit requirements under ~~sub. (2) and this subsection s.~~
24 30.12 for a structure that is placed on the bed of a navigable water in the Wolf River

1 and Fox River basin area, as described in s. 30.207 (1), and that extends beyond the
2 ordinary high-water mark, if the following conditions apply:

3 **SECTION 43.** 30.12 (3) (bt) 1. to 9. of the statutes are renumbered 30.2023 (1)
4 to (9).

5 **SECTION 44.** 30.12 (3) (c) of the statutes is amended to read:

6 30.12 (3) (c) The department may ~~promulgate rules deemed necessary to carry~~
7 ~~out the purposes of~~ impose conditions on general permits issued under par. (a) 6.,
8 ~~including rules to establish minimum standards~~ to govern the architectural features
9 of boat shelters and the number of boat shelters that may be constructed adjacent
10 to a parcel of land. ~~The rules~~ conditions may not govern the aesthetic features or color
11 of boat shelters. ~~The standards~~ conditions shall be designed to assure ensure the
12 structural soundness and durability of ~~a boat shelter~~ boat shelters. A municipality
13 may enact ordinances ~~not inconsistent~~ that are consistent with this section ~~or with~~
14 ~~rules promulgated under this section regulating~~ paragraph and with any conditions
15 imposed on general permits issued to regulate the architectural features of boat
16 shelters that are under the jurisdiction of the municipality.

17 **SECTION 45.** 30.12 (3) (d) of the statutes is repealed.

18 **SECTION 46.** 30.12 (3m) of the statutes is created to read:

19 30.12 (3m) INDIVIDUAL PERMITS. (a) For a structure or deposit that is not exempt
20 under sub. (1g) and that is not subject to a general permit under sub. (3), a riparian
21 owner may apply to the department for the individual permit that is required under
22 sub. (1) in order to place the structure for the owner's use or to deposit the material.

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

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

- 4 1. The structure or deposit will not materially obstruct navigation.
- 5 2. The structure or deposit will not be detrimental to the public interest.
- 6 3. The structure or deposit will not materially reduce the flood flow capacity
7 of a stream.

8 **SECTION 47.** 30.12 (4) (title) of the statutes is repealed.

9 **SECTION 48.** 30.12 (4) (a) of the statutes is renumbered 30.2022 (1) and
10 amended to read:

11 30.2022 (1) Activities affecting waters of the state, as defined in s. 281.01 (18),
12 that are carried out under the direction and supervision of the department of
13 transportation in connection with highway, bridge, or other transportation project
14 design, location, construction, reconstruction, maintenance, and repair are not
15 subject to the prohibitions or permit or approval requirements specified under ~~this~~
16 ~~section or~~ s. 29.601, 30.11, 30.12, 30.123, 30.19, 30.195, 30.20, 59.692, 61.351, 62.231,
17 or 87.30 or chs. 281 to 285 or 289 to 299, except s. 281.48. However, at the earliest
18 practical time prior to the commencement of these activities, the department of
19 transportation shall notify the department of the location, nature, and extent of the
20 proposed work that may affect the waters of the state.

21 **SECTION 49.** 30.12 (4) (b) of the statutes is renumbered 30.2022 (2) and
22 amended to read:

23 30.2022 (2) The exemption under ~~par. (a)~~ sub. (1) does not apply unless the
24 activity is accomplished in accordance with interdepartmental liaison procedures

1 established by the department and the department of transportation for the purpose
2 of minimizing the adverse environmental impact, if any, of the activity.

3 **SECTION 50.** 30.12 (4) (c) of the statutes is renumbered 30.2022 (3) and
4 amended to read:

5 30.2022 (3) If the department determines that there is reasonable cause to
6 believe that an activity being carried out under this ~~subsection~~ section is not in
7 compliance with the environmental protection requirements developed through
8 interdepartmental liaison procedures, it shall notify the department of
9 transportation. If the secretary and the secretary of transportation are unable to
10 agree upon the methods or time schedules to be used to correct the alleged
11 noncompliance, the secretary, notwithstanding the exemption provided in this
12 ~~subsection~~ section, may proceed with enforcement actions as the secretary deems
13 appropriate.

14 **SECTION 51.** 30.12 (4) (d) of the statutes is renumbered 30.2022 (4).

15 **SECTION 52.** 30.12 (4) (e) of the statutes is renumbered 30.2022 (5) and
16 amended to read:

17 30.2022 (5) Except as may be required otherwise under s. 1.11, no public notice
18 or hearing is required in connection with any interdepartmental consultation and
19 cooperation under this ~~subsection~~ section.

20 **SECTION 53.** 30.12 (4) (f) of the statutes is renumbered 30.2022 (6) and amended
21 to read:

22 30.2022 (6) This ~~subsection~~ section does not apply to activities in the Lower
23 Wisconsin State Riverway, as defined in s. 30.40 (15).

24 **SECTION 54.** 30.12 (4m) (title) of the statutes is repealed.

1 **SECTION 55.** 30.12 (4m) of the statutes is renumbered 30.12 (1m), and 30.12
2 (1m) (c) (intro.), as renumbered, is amended to read:

3 30.12 (1m) (c) (intro.) ~~Subsection (1) does not apply to a~~ A structure or deposit
4 that the drainage board for the Duck Creek Drainage District places in a drain that
5 the board operates in the Duck Creek Drainage District is exempt from the permit
6 requirements under this section if either of the following applies:

7 **SECTION 56.** 30.121 (3w) of the statutes is created to read:

8 30.121 (3w) **EXCEPTION; COMMERCIAL BOATHOUSES.** Notwithstanding subs. (2)
9 and (3), a person may construct, repair, or maintain a boathouse if all of the following
10 apply:

11 (a) The boathouse is used exclusively for commercial purposes.

12 (b) The boathouse is located on land zoned exclusively for commercial or
13 industrial purposes or the boathouse is located on a brownfield, as defined in s.
14 560.13 (1) (a), or in a blighted area, as defined in s. 66.1331 (3) (a).

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

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

21 **SECTION 57.** 30.123 (title) of the statutes is repealed and recreated to read:

22 **30.123 (title) Bridges and culverts.**

23 **SECTION 58.** 30.123 (1) of the statutes is renumbered 30.1235 and amended to
24 read:

1 **30.1235 Municipal bridge construction.** Municipalities which construct or
2 reconstruct highway bridges shall not be required to obtain permits under ~~this~~
3 ~~section or s. 30.10 or s. 30.12 or 30.123~~ for ~~such~~ that construction or reconstruction.
4 All municipal highway bridges shall be constructed or reconstructed in accordance
5 with standards developed under s. 84.01 (23).

6 **SECTION 59.** 30.123 (2) of the statutes is amended to read:

7 30.123 (2) PERMITS REQUIRED. ~~Except as provided in sub. (1) and s. 30.12 (4)~~
8 Unless an individual or a general permit has been issued under this section or
9 authorization has been granted by the legislature, no person may construct or
10 maintain a bridge or construct, place, or maintain a culvert in, on, or over navigable
11 waters ~~unless a permit has been issued by the department under this section.~~ The
12 application for a permit shall contain the applicant's name and address, the proposed
13 location of the bridge, a cross section and plan view of the navigable waters and
14 adjacent uplands, a description of materials to be used in construction of the bridge,
15 plans for the proposed bridge, evidence of permission to construct the bridge from the
16 riparian owners and any other information required by the department.

17 **SECTION 60.** 30.123 (3) of the statutes is repealed.

18 **SECTION 61.** 30.123 (4) of the statutes is renumbered 30.123 (8) (c) and
19 amended to read:

20 30.123 (8) (c) ~~The department shall review the plans for the proposed bridge~~
21 ~~to determine whether the proposed bridge will be an obstruction to navigation or will~~
22 ~~adversely affect the flood flow capacity of the stream.~~ The department shall grant
23 the issue an individual permit if the proposed pursuant to an application under par.
24 (a) if the department finds that the bridge or culvert will not materially obstruct

1 navigation, will not materially reduce the effective flood flow capacity of a stream or
2 be, and will not be detrimental to the public interest.

3 **SECTION 62.** 30.123 (6) of the statutes is created to read:

4 30.123 (6) EXEMPTIONS. Subsection (2) does not apply to any of the following:

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

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

9 (d) The construction or placement and the maintenance of a culvert to replace
10 a culvert that is authorized under a permit issued under s. 30.12 or 30.123, if the
11 construction, placement, and ~~maintained~~ will comply with the same conditions of the
12 permit. maintenance (AAI)

13 (e) The construction or placement and the maintenance of a culvert to replace
14 a culvert that has an inside diameter that does not exceed 24 inches.

15 **SECTION 63.** 30.123 (6m) of the statutes is created to read:

16 30.123 (6m) PERMITS IN LIEU OF EXEMPTIONS. The department may decide to
17 require that a person engaged in an activity that is exempt under sub. (6) (d) or (e)
18 apply for an individual permit or seek authorization under a general permit if the
19 department has conducted an investigation and visited the site of the activity and
20 has determined that conditions specific to the site require restrictions on the activity
21 in order to prevent any of the following:

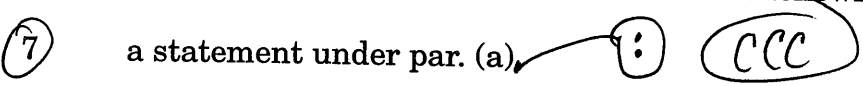
22 (a) Significant adverse impacts to the public rights and interests.

23 (b) Environmental pollution, as defined in s. 299.01 (4).

24 (c) Material injury to the riparian rights of any riparian owner.

25 **SECTION 64.** 30.123 (6r) of the statutes is created to read:

1 30.123 (6r) EXEMPTION DETERMINATIONS. (a) A person may submit to the
 2 department a written statement requesting that the department determine whether
 3 a proposed activity is exempt under sub. (6) (d) or (e). The statement shall contain
 4 a description of the proposed activity and site and shall give the department consent
 5 to enter and inspect the site.

6 (b) The department shall do all of the following within 15 days after receipt of
 7 a statement under par. (a). 

8 1. Enter and inspect the site on which the activity is located, subject to s. 30.291,
 9 if the department determines such an inspection is necessary.

10 2. Make a determination as to whether the activity is exempt.

11 3. Notify in writing the person submitting the statement which general or
 12 individual permit will be required for the activity, if the department determines that
 13 the activity is not exempt.

14 (c) If the department does not take action under par. (b), the department may
 15 not require at any time that the person proposing to engage in the activity apply for
 16 an individual permit or seek authorization under a general permit unless required
 17 to do so by a court or hearing examiner.

18 (d) If a statement under par. (a) is not given or if the statement does not give
 19 consent to inspect, the 15-day time limit under par. (b) does not apply.

20 **SECTION 65.** 30.123 (6s) of the statutes is created to read:

21 30.123 (6s) RULES. (a) The department may promulgate rules concerning the
 22 exempt activities under sub. (6) that only do any of the following:

23 1. Establish reasonable installation practices for culverts to minimize
 24 environmental impacts.

1 2. Establish reasonable construction and design requirements for culverts that
2 are consistent with the purpose of the activity.

3 3. Establish reasonable limitations on the location of culverts at the site
4 affected by the activity.

5 (b) Notwithstanding par. (a), the rules under par. (a) 1. and 2. may not establish
6 practices or requirements that prohibit the construction of culverts or that render
7 the placement of culverts economically cost-prohibitive.

8 **SECTION 66.** 30.123 (7) of the statutes is created to read:

9 30.123 (7) GENERAL PERMITS. (a) The department shall issue statewide general
10 permits under s. 30.206 that authorize any person to do all of the following:

11 1. Construct and maintain a clear-span bridge over a navigable water that
12 provides access to a principal structure, as defined by rule by the department.

13 2. Construct and maintain a culvert that replaces a culvert that is not exempt
14 under sub. (6) ~~(d)~~ ^{(d) or (e)} and that is in a navigable water that is less than 35 feet wide. ^(AA1)

15 3. Construct and maintain a bridge that is supported only by culverts in a
16 navigable water that is less than 35 feet wide.

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

20 **SECTION 67.** 30.123 (8) of the statutes is created to read:

21 30.123 (8) INDIVIDUAL PERMITS. (a) For the construction and maintenance of a
22 bridge or culvert that is not exempt under sub. (6) and that is not subject to a general
23 permit under sub. (7), a person may apply to the department for the individual
24 permit that is required under sub. (2) in order to construct or maintain a bridge or
25 culvert.

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

3 **SECTION 68.** 30.13 (1m) (intro.) of the statutes is amended to read:

4 **30.13 (1m)** SWIMMING RAFTS ALLOWED WITHOUT PERMIT UNDER CERTAIN
5 CIRCUMSTANCES. (intro.) A riparian ~~proprietor~~ owner may place a swimming raft in
6 a navigable waterway for swimming and diving purposes without obtaining a permit
7 under s. 30.12 if all of the following conditions are met:

8 **SECTION 69.** 30.13 (1m) (b) of the statutes is amended to read:

9 **30.13 (1m) (b)** The swimming raft does not interfere with rights of other
10 riparian ~~proprietors~~ owners.

11 **SECTION 70.** 30.13 (4) (a) of the statutes is amended to read:

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

17 **SECTION 71.** 30.13 (4) (b) of the statutes is amended to read:

18 **30.13 (4) (b)** *Interferes with riparian rights.* A wharf or pier which interferes
19 with rights of other riparian ~~proprietors~~ owners constitutes an unlawful obstruction
20 of navigable waters unless ~~a permit is issued for the wharf or pier~~ is authorized
21 under a permit issued under s. 30.12 or unless other authorization for the wharf or
22 pier is expressly provided.

23 **SECTION 72.** 30.135 (1) (title) of the statutes is repealed.

24 **SECTION 73.** 30.135 (1) (a) (intro.) of the statutes is renumbered 30.135 (1)
25 (intro.) and amended to read:

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

5 **SECTION 74.** 30.135 (1) (a) 1. of the statutes is renumbered 30.135 (1) (a).

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

8 30.135 (1) (b) The platform or jump does not interfere with rights of other
9 riparian ~~proprietors~~ owners.

10 **SECTION 76.** 30.135 (1) (a) 3. of the statutes is renumbered 30.135 (1) (c).

11 **SECTION 77.** 30.135 (1) (b) of the statutes is renumbered 30.135 (2) and
12 amended to read:

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

17 **SECTION 78.** 30.135 (2), (3) and (4) of the statutes are repealed.

18 **SECTION 79.** 30.18 (2) (a) (intro.) of the statutes is amended to read:

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

22 **SECTION 80.** 30.18 (2) (b) of the statutes is amended to read:

23 30.18 (2) (b) *Streams or lakes.* No person, except a person required to obtain
24 an approval under s. 281.41, may divert water from any lake or stream in this state
25 without ~~a~~ an individual permit under this section if the diversion will result in a

1 water loss averaging 2,000,000 gallons per day in any 30-day period above the
2 person's authorized base level of water loss.

3 **SECTION 81.** 30.18 (4) (a) of the statutes is amended to read:

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

12 **SECTION 82.** 30.18 (6) (b) of the statutes is amended to read:

13 30.18 (6) (b) *Use of water.* A person issued a permit under this section for the
14 purpose of irrigation or agriculture may use the water on any land contiguous to the
15 permittee's riparian land, but may not withdraw more water than it did before
16 August 1, 1957, without applying to the department for a modification of the permit.

17 **SECTION 83.** 30.19 (1) (intro.) of the statutes is renumbered 30.19 (1g) (intro.)
18 and amended to read:

19 30.19 (1g) PERMITS REQUIRED. (intro.) Unless ~~a~~ an individual or a general
20 permit has been ~~granted by the department~~ issued under this section or
21 authorization has been granted by the legislature, ~~it is unlawful~~ no person may do
22 any of the following:

23 **SECTION 84.** 30.19 (1) (a) of the statutes is renumbered 30.19 (1g) (a) and
24 amended to read:

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

5 (am) Construct, dredge, or enlarge any part of the an artificial waterway water
6 body that is located within 500 feet of the ordinary high-water mark of an existing
7 ~~navigable stream, lake or other navigable waters~~ waterway, including a stormwater
8 management pond that does not discharge into a navigable waterway except as a
9 result of storm events.

10 **SECTION 85.** 30.19 (1) (b) of the statutes is repealed.

11 **SECTION 86.** 30.19 (1) (c) of the statutes is renumbered 30.19 (1g) (c) and
12 amended to read:

13 30.19 (1g) (c) ~~To grade or otherwise~~ Grade or remove top soil topsoil from the
14 ~~bank of any navigable stream, lake or other body of navigable water~~ waterway where
15 the area exposed by ~~such~~ the grading or removal will exceed 10,000 square feet.

16 **SECTION 87.** 30.19 (1b) of the statutes is created to read:

17 30.19 (1b) DEFINITION. In this section:

18 (a) "Artificial water body" means a proposed or existing body of water that does
19 not have a history of being a lake or stream or of being part of a lake or stream.

20 (b) "Bank" means either of the following:

21 1. Land area that is, in size, the greater of the following:

22 a. The portion of land surface that extends 75 feet landward from the ordinary
23 high-water mark of any navigable waterway.

1 b. The portion of land surface extending landward from the ordinary
2 high-water mark of any navigable waterway to the point where the slope is less than
3 12 percent.

4 2. A bank as determined by the department by rule under sub. (1d).

5 (c) "Priority navigable waterway" means any of the following:

6 1. A navigable waterway, or a portion of a navigable waterway, that is identified
7 as an outstanding or exceptional resource water under s. 281.15.

8 2. A navigable waterway, or a portion of a navigable waterway, identified as a
9 trout stream.

10 3. A lake that is less than 50 acres in size.

11 4. Any other navigable waterway, or portion of a navigable waterway, that the
12 department has determined, by rule, contains sensitive fish and aquatic habitat and
13 that the department has specifically identified by rule.

14 **SECTION 88.** 30.19 (1c) of the statutes is created to read:

15 **30.19 (1c) DEFINITION; APPLICABILITY.** The definition of "bank" under sub. (1b)
16 does not apply after the 90th day after the day the rule under sub. (1d) is submitted
17 to legislative council staff under s. 227.15 (1) or the day that the rule promulgated
18 under sub. (1d) goes into effect, whichever is earlier.

19 **SECTION 89.** 30.19 (1d) of the statutes is created to read:

20 **30.19 (1d) RULES; BANKS OF NAVIGABLE WATERWAYS.** (a) The department shall
21 promulgate a rule to determine what constitutes a bank for purposes of this section
22 in accordance with all of the following:

23 1. For priority navigable waterways, the department shall promulgate a rule
24 stating that a bank is, in size, the greater of the following:

1 a. The portion of land surface that extends a certain distance landward from
2 the ordinary high-water mark of the navigable waterway, but the distance under the
3 rule may not exceed 300 feet.

4 b. The portion of land surface that extends landward from the ordinary
5 high-water mark of the navigable waterway to the point where the slope is measured
6 to be a certain percentage, but the percentage under the rule may not be less than
7 10 percent.

8 1m. The rule promulgated under sub. 1. may apply to specific priority navigable
9 waterways or to classes of priority navigable waterways.

10 2. For navigable waterways that are not priority navigable waterways, the
11 department shall promulgate a rule stating that a bank is, in size, the greater of the
12 following:

13 a. The portion of the land surface that extends a certain distance landward
14 from the ordinary high-water mark of the navigable waterway, but the distance
15 under the rule may not exceed 75 feet.

16 b. The portion of land surface that extends landward from the ordinary
17 high-water mark of the navigable waterway to the point where the slope is measured
18 to be a certain percentage, but the percentage under the rule may not be less than
19 12 percent.

20 2m. The rule promulgated under subd. 1. may apply to specific navigable
21 waterways or to classes of navigable waterways.

22 (am) The rule under this subsection may not require or allow the department
23 to deviate from, or create an exemption from, the requirements of the rules
24 promulgated under this section in determining what constitutes a bank at an
25 individual, specific site.

1 (b) In promulgating the rule under this subsection, the determination under
2 this subsection of what constitutes a bank may not include any land where the slope
3 or drainage of the land into the navigable waterway is completely interrupted.

4 (c) To the extent practicable, the rule under this subsection shall be consistent
5 with rules promulgated by the department that relate to shorelands, as defined in
6 s. 59.692 (1) (b), and floodplains, and rules promulgated under s. 281.16 (2) that
7 relate to protective areas for wetlands and waterways.

8 (d) In promulgating the rule under this subsection, the department shall
9 consider public rights and interests for the purpose of furthering the public trust in
10 navigable waters.

11 SECTION 90. 30.19 (1m) (intro.) of the statutes is amended to read:

12 30.19 (1m) ~~EXCEPTION~~ EXEMPTIONS. (intro.) ~~Subsection (1) does not apply to A~~
13 person is exempt from the permit requirements under this section for any of the
14 following:

15 SECTION 91. 30.19 (1m) (a) of the statutes is amended to read:

16 30.19 (1m) (a) The construction and or repair of any public highways highway.

17 SECTION 92. 30.19 (1m) (b) of the statutes is amended to read:

18 30.19 (1m) (b) Any agricultural ~~uses~~ use of land.

19 SECTION 93. 30.19 (1m) (c) of the statutes is amended to read:

20 30.19 (1m) (c) ~~Any~~ An activity that affects a navigable inland lake that is
21 located wholly or partly in any county having a population of 750,000 or more.

22 SECTION 94. 30.19 (1m) (cm) of the statutes is created to read:

23 30.19 (1m) (cm) Any activity that affects a portion of Lake Michigan or of Lake
24 Superior that is located within a county having a population of 750,000 or more.

25 SECTION 95. 30.19 (1m) (d) of the statutes is amended to read:

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

4 **SECTION 96.** 30.19 (1m) (e) of the statutes is amended to read:

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

8 **SECTION 97.** 30.19 (2) of the statutes is repealed.

9 **SECTION 98.** 30.19 (3) of the statutes is repealed.

10 **SECTION 99.** 30.19 (3r) of the statutes is created to read:

11 30.19 (3r) GENERAL PERMITS. (a) The department shall issue statewide general
12 permits under s. 30.206 that authorize persons to do all of the following:

13 1. Engage in an activity specified in sub. (1g) (am) substantially in accordance
14 with best management practices required for storm water discharge permits under
15 ch. 283.

16 2. Engage in an activity specified in sub. (1g) (c).

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

20 **SECTION 100.** 30.19 (4) (title) of the statutes is amended to read:

21 30.19 (4) (title) ~~ISSUANCE OF PERMIT~~ INDIVIDUAL PERMITS.

22 **SECTION 101.** 30.19 (4) of the statutes is renumbered 30.19 (4) (c) (intro.) and
23 amended to read:

24 30.19 (4) (c) (intro.) ~~If the~~ The department ~~finds that the project will not injure~~
25 ~~public rights or interest, including fish and game habitat, that the project shall issue~~

1 an individual permit pursuant to an application under par. (a) if the department
2 finds that all of the following apply:

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

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

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

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

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

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

18 30.19 (4) (b) The notice and hearing provisions of s. 30.208 (3) to (5) apply to
19 an application under par. (a).

20 **SECTION 104.** 30.19 (4) (c) 1. of the statutes is created to read:

21 30.19 (4) (c) 1. The activity will not be detrimental to the public interest.

22 **SECTION 105.** 30.19 (5) of the statutes is amended to read:

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

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

6 **SECTION 106.** 30.195 (1) of the statutes is amended to read:

7 30.195 (1) PERMIT REQUIRED. ~~No~~ Unless a permit has been issued under this
8 section or authorization has been granted by the legislature, no person may change
9 the course of or straighten a navigable stream without a permit issued under this
10 section or without otherwise being expressly authorized by statute to do so.

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

12 30.195 (2) INDIVIDUAL PERMITS. (a) A riparian owner shall apply to the
13 department for an individual permit in order to engage in activities for which a
14 permit is required under sub. (1).

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

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

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

20 30.195 (2) (c) ~~Upon application therefor, the~~ The department shall grant a
21 issue an individual permit to the applied for under this section to a riparian owner
22 if the department determines that all of the following apply:

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

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

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

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

13 SECTION 110. 30.196 (intro.) of the statutes is amended to read:

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

21 SECTION 111. 30.20 (1) (title) of the statutes is repealed and recreated to read:

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

23 SECTION 112. 30.20 (1) (a) of the statutes is amended to read:

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

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

4 **SECTION 113.** 30.20 (1) (b) of the statutes is amended to read:

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

11 **SECTION 114.** 30.20 (1) (c) 1. and 2. of the statutes are consolidated, renumbered
12 30.20 (1g) (a) 1. and amended to read:

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

20 **SECTION 115.** 30.20 (1) (c) 3. of the statutes is renumbered 30.20 (1g) (a) 2.

21 **SECTION 116.** 30.20 (1) (d) of the statutes is renumbered 30.20 (1g) (c) and
22 amended to read:

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

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

6 **SECTION 117.** 30.20 (1g) (title) and (b) of the statutes are created to read:

7 **30.20 (1g) (title) EXEMPTIONS.**

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

12 1. The removal is the amount necessary to place or maintain a structure that
13 is exempt from any permitting requirements in this chapter.

14 2. The removal is by hand or by hand-held devices without the use or aid of
15 external or auxiliary power.

16 **SECTION 118.** 30.20 (1k) of the statutes is created to read:

17 **30.20 (1k) RULES.** (a) The department may promulgate rules concerning the
18 exempt activities under sub. (1g) that only do any of the following:

19 1. Establish reasonable procedures for undertaking the removal of material to
20 minimize environmental impacts.

21 2. Establish reasonable limitations on the location of the removal of material
22 at the site affected by the activity.

23 (b) Notwithstanding par. (a), the rules under par. (a) 1. may not establish
24 procedures that prohibit undertaking the removal of material or that render the
25 undertaking of the removal of material economically cost-prohibitive.

1 **SECTION 119.** 30.20 (1m) of the statutes is created to read:

2 **30.20 (1m) PERMITS OR CONTRACTS IN LIEU OF EXEMPTIONS.** The department may
3 decide to require that a person engaged in an activity that is exempt under sub. (1g)
4 apply for an individual permit or contract, or seek authorization under a general
5 permit if the department has conducted an investigation and visited the site of the
6 activity and has determined that conditions specific to the site require restrictions
7 on the activity in order to prevent any of the following:

8 (a) Significant adverse impacts to the public rights and interests.

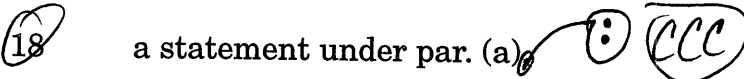
9 (b) Environmental pollution, as defined in s. 299.01 (4).

10 (c) Material injury to the riparian rights of any riparian owner.

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

12 **30.20 (1r) EXEMPTION DETERMINATIONS.** (a) A person may submit to the
13 department a written statement requesting that the department determine whether
14 a proposed activity is exempt under sub. (1g). The statement shall contain a
15 description of the proposed activity and site and shall give the department consent
16 to enter and inspect the site.

17 (b) The department shall do all of the following within 15 days after receipt of

18 a statement under par. (a) 

19 1. Enter and inspect the site on which the activity is located, subject to s. 30.291,
20 if the department determines such an inspection is necessary.

21 2. Make a determination as to whether the activity is exempt.

22 3. Notify in writing the person submitting the statement of which general
23 permit or individual permit will be required, or whether a contract will be required,
24 if the department determines that the activity is not exempt.

1 (c) If the department does not take action under par. (b), the department may
2 not require at any time that the person proposing to engage in the activity apply for
3 an individual permit, seek authorization under a general permit, or apply to enter
4 a contract unless required to do so by a court or hearing examiner.

5 (d) If a statement under par. (a) is not given or if the statement does not give
6 consent to inspect, the 15-day time limit under par. (b) does not apply.

7 **SECTION 121.** 30.20 (1t) of the statutes is created to read:

8 **30.20 (1t) GENERAL PERMITS.** (a) The department shall issue statewide general
9 permits under s. 30.206 that authorize any person to remove material for
10 maintenance purposes from an area from which material has been previously
11 removed.

12 (am) No person may be authorized to proceed under a general permit issued
13 under par. (a) unless the person has demonstrated to the department that material
14 has been previously removed from the area for which the person has requested
15 authorization to proceed.

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

19 **SECTION 122.** 30.20 (2) (title) of the statutes is amended to read:

20 **30.20 (2) (title) CONTRACTS FOR REMOVAL AND INDIVIDUAL PERMITS.**

21 **SECTION 123.** 30.20 (2) (a) and (b) of the statutes are amended to read:

22 **30.20 (2) (a)** The department, ~~whenever consistent with public rights,~~ may
23 enter into ~~contracts~~ a contract on behalf of the state for the removal and lease or sale
24 of any material from the bed of any navigable lake or of any of the outlying waters,
25 and for the lease or sale of the material. ~~Every if the contract is consistent with public~~

1 rights. A person seeking to enter into such a contract shall apply to the department.
2 Each contract entered into under this paragraph shall contain such any conditions
3 as may be that the department determines are necessary for the protection of the
4 public interest and the interests of the state and. Each contract entered into under
5 this paragraph shall also fix the amount of compensation to be paid to the state for
6 the material so to be removed, except that no the contract may not require that any
7 compensation may be paid for the material if the contract is with a municipality as
8 defined in s. 281.01 (6) and the material is to be used for a municipal purpose and
9 not for resale. No if the material will not be resold. Each contract entered into under
10 this paragraph may not run for a longer period more than 5 years. The department
11 may allow one extension of a contract entered into under this paragraph, upon
12 application to the department. The extension shall be for the same period as the
13 original contract.

14 (b) ~~The department, whenever consistent with public rights, may enter into~~
15 ~~contracts~~ a contract on behalf of the state for the removal and lease or sale of any
16 mineral, ore ~~and, or other~~ material from beneath the bed of a navigable lakes and
17 ~~waters, where the waters would~~ water that the state may own if the contract will be
18 consistent with public rights and if the navigable water will not be disturbed in the
19 removal operation and for the lease and sale of such mineral, material and ore and
20 provide the necessary regulations for all acts incident thereto. Every such. A person
21 seeking to enter into such a contract shall apply to the department. Each contract
22 entered into under this paragraph shall contain such any conditions as may be that
23 the department determines are necessary for the protection of the public interest and
24 the interests interest of the state, and. Each contract entered into under this
25 paragraph shall also fix the compensation to be paid to the state for the material,

1 ~~mineral and ore so~~ mineral, ore, or other material to be removed. No Each contract
2 entered into, ~~pursuant to~~ under this paragraph, ~~shall~~ may not run for ~~a longer period~~
3 more than 75 years. Should any doubt exist as to whether the state, in fact, owns
4 such lake bed or stream bed such contract or lease shall be for such interests, if any,
5 as the state may own. Title to the royalties to be paid when mining operations are
6 begun shall be determined at such future time as royalties for ores so sold are paid
7 or are due and payable.

8 **SECTION 124.** 30.20 (2) (bn) of the statutes is created to read:

9 30.20 (2) (bn) For a removal that is not exempt under sub. (1g) and that is not
10 subject to a general permit under sub. (1t), a person may apply to the department for
11 an individual permit that is required under sub. (1) (b) in order to remove material
12 from the bed of any lake or stream not described under sub. (1) (a).

13 **SECTION 125.** 30.20 (2) (c) of the statutes is amended to read:

14 30.20 (2) (c) ~~A permit to remove material from the bed of any lake or stream~~
15 ~~not included in sub. (1) (a) may be issued by the department if it~~ The department
16 shall issue an individual permit pursuant to an application under par. (bn) if the
17 department finds that the issuance of ~~such a~~ the permit will be consistent with the
18 public interest in the ~~water involved~~. ~~A permit or contract issued under this~~
19 ~~paragraph may be issued for up to 10 years if the applicant notifies the department~~
20 ~~at least 30 days before removing any material~~ lake or stream.

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

22 30.20 (2) (d) If an applicant for a permit under par. (bn) submits the application
23 at least 30 days before the proposed date of the removal, the department may issue
24 the permit for a period of up to 10 years. The department may allow one extension

1 of a permit issued under this paragraph, upon application to the department. The
2 extension shall be for the same period of time as the original permit.

3 **SECTION 127.** 30.20 (2) (e) of the statutes is created to read:

4 30.20 (2) (e) The notice and hearing provisions of s. 30.208 (3) to (5) apply to
5 an application for a permit or contract under this subsection.

6 **SECTION 128.** 30.201 of the statutes is created to read:

7 **30.201 Financial assurance for nonmetallic mining.** (1) If the
8 department requires that financial assurance be provided as a condition for a permit
9 under s. 30.19, 30.195, or 30.20 or for a contract under s. 30.20 for nonmetallic mining
10 and reclamation, the financial assurance may be a bond or alternative financial
11 assurance. An alternative financial assurance may include cash or any of the
12 following:

13 (a) A certificate of deposit.

14 (b) An irrevocable letter of credit.

15 (c) An irrevocable trust.

16 (d) An escrow account.

17 (e) A government security.

18 (f) Any other demonstration of financial responsibility.

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

21 **SECTION 129.** 30.2022 (title) of the statutes is created to read:

22 **30.2022 (title) Activities of department of transportation.**

23 **SECTION 130.** 30.2026 (2) (d) of the statutes is amended to read:

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

4 **SECTION 131.** 30.2026 (3) (a) of the statutes is amended to read:

5 30.2026 (3) (a) The village of Belleville shall maintain any artificial barrier
6 created as authorized under sub. (1). If a landowner of more than 500 feet of Lake
7 Belle View shoreline, a portion of which is located within 1,000 feet of any such
8 artificial barrier, is dissatisfied with the manner in which the village of Belleville is
9 maintaining the barrier, the owner may maintain the barrier in lieu of the village,
10 upon approval of the department. The village or a landowner who maintains the
11 barrier shall comply with all state laws that relate to navigable bodies of water,
12 except s. 30.12 (1) and (2). The department may require the village of Belleville or
13 the landowner to maintain the barrier in a structurally and functionally adequate
14 condition.

15 **SECTION 132.** 30.206 (1) (title) of the statutes is created to read:

16 30.206 (1) (title) PROCEDURE FOR ISSUING GENERAL PERMITS.

17 **SECTION 133.** 30.206 (1) of the statutes is renumbered 30.206 (1) (a) and
18 amended to read:

19 30.206 (1) (a) ~~For activities which require a permit or approval under ss. 30.12~~
20 ~~(3) (a) and 30.19 (1) (a), the department may issue a general permit authorizing a~~
21 ~~class of activities, according to rules promulgated by the department. Before issuing~~
22 ~~general permits, the department shall determine after an environmental analysis~~
23 ~~and notice and hearing under ss. 227.17 and 227.18, that. The department shall~~
24 issue the statewide general permits as rules promulgated under ch. 227 required
25 under ss. 30.12 (3) (a), 30.123 (7) (a), and 30.20 (1t) (a). The statewide general

1 permits required under ss. 30.12 (3) (a), 30.123 (7) (a), and 30.20 (1t) (a) shall be
2 promulgated within 540 days after the effective date of this paragraph [revisor
3 inserts date]. The department shall submit in proposed form the rule containing the
4 statewide general permit under s. 30.19 (3r) (a) and the rule under s. 30.19 (1d) to
5 the legislative council staff under section 227.15 (1) no later than the first day of the
6 6th month beginning after the effective date of this paragraph[revisor inserts
7 date]. General permits issued under s. 30.206, 2001 stats., shall remain valid until
8 the date upon which the rules issuing these statewide general permits are
9 promulgated under this paragraph.

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

16 **SECTION 134.** 30.206 (1) (c) 1. to 3. of the statutes are created to read:

17 30.206 (1) (c) 1. Construction and design requirements that are consistent with
18 the purpose of the activity authorized under the permit.

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

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

23 **SECTION 135.** 30.206 (2) of the statutes is repealed.

24 **SECTION 136.** 30.206 (3) (title) of the statutes is created to read:

1 30.206 (3) (title) PROCEDURES FOR CONDUCTING ACTIVITIES UNDER GENERAL
2 PERMITS.

3 **SECTION 137.** 30.206 (3) of the statutes is renumbered 30.206 (3) (a) and
4 amended to read:

5 30.206 (3) (a) A person wishing to proceed with an activity that may be
6 authorized by a general permit shall apply to the department, with written
7 notification of the person's wish to proceed, not less than ~~20 business~~ 30 days before
8 commencing the activity authorized by a general permit. ~~The department may~~
9 ~~request additional information from the applicant~~ notification shall provide
10 information describing the activity in order to allow the department to determine
11 whether the activity is ~~within the scope of a~~ authorized by the general permit and
12 shall ~~inform the applicant in writing of its determination within 10 business days~~
13 ~~after receipt of adequate information~~ give the department consent to enter and
14 inspect the site, subject to s. 30.291. The department may make a request for
15 additional information one time during the 30-day period. If the department makes
16 a request for additional information, the 30-day period is tolled from the date the
17 person applying for authorization to proceed receives the request until the date on
18 which the department receives the information.

19 **SECTION 138.** 30.206 (3) (c) of the statutes is created to read:

20 30.206 (3) (c) Upon completion of an activity that the department has
21 authorized under a general permit, the applicant for the general permit shall provide
22 to the department a statement certifying that the activity is in compliance with all
23 of the conditions of the general permit and a photograph of the activity.

24 **SECTION 139.** 30.206 (3m) of the statutes is repealed.

25 **SECTION 140.** 30.206 (3r) of the statutes is created to read:

1 30.206 (3r) INDIVIDUAL PERMIT IN LIEU OF GENERAL PERMIT. (a) The department
2 may decide to require a person who has applied under sub. (3) for authorization to
3 proceed under a general permit to apply for and be issued an individual permit or be
4 granted a contract if either of the following applies:

5 1. The department determines that the proposed activity is not authorized
6 under the general permit.

7 2. The department has conducted an investigation and visited the site and has
8 determined that conditions specific to the site require restrictions on the activity in
9 order to prevent significant adverse impacts to the public rights and interest,
10 environmental pollution, as defined in s. 299.01 (4), or material injury to the riparian
11 rights of any riparian owner.

12 (b) A decision by the department to require an individual permit under this
13 subsection shall be in writing.

14 SECTION 141. 30.206 (4) of the statutes is renumbered 30.206 (3) (b) and
15 amended to read:

16 30.206 (3) (b) ~~Upon receipt of the department's determination that the~~
17 ~~proposed activity is authorized by a general permit, If within 30 days after a~~
18 notification under par. (a) is submitted to the department the department does not
19 require any additional information about the activity that is subject to the
20 notification and does not inform the applicant that an individual permit will be
21 required, the activity will be considered to be authorized by the general permit and
22 the applicant may proceed without further notice, hearing, permit or approval if the
23 activity is carried out in compliance with all of the conditions of the general permit.

24 SECTION 142. 30.206 (5) (title) of the statutes is created to read:

25 30.206 (5) (title) FAILURE TO FOLLOW PROCEDURAL REQUIREMENTS.