

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0295/1insrk
RNK:.....

INSERT 9-17

^

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

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

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

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

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

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

INSERT 20-5

^

SECTION 2. 30.123 (6s) of the statutes is created to read:

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

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

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

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

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

INSERT 33-15

^

SECTION 3. 30.20 (1k) of the statutes is created to read:

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

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

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

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

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

SECTION 60. ~~30.12 (3) (bt) 1. to 9. of the statutes are renumbered 30.2027 (2) (a) to (i).~~

SECTION 61. 30.12 (3) (c) of the statutes is renumbered 30.12 (3m) (a) and amended to read:

30.12 (3m) (a) The department may promulgate rules deemed that are necessary to carry out the purposes of par. (a) 6. for issuing individual permits under this section for permanent boat shelters, including rules to establish minimum standards to govern the architectural features of boat shelters and the number of boat shelters that may be constructed adjacent to a parcel of land. The rules may not govern the aesthetic features or color of boat shelters. The standards shall be designed to assure the structural soundness and durability of a boat shelter. A municipality may enact ordinances not inconsistent with this section or with rules promulgated under this section regulating the architectural features of boat shelters.

INS
14-2

SECTION 62. 30.12 (3) (d) of the statutes is repealed.
SECTION 63. 30.12 (3m) (title) of the statutes is created to read:
30.12 (3m) (title) PERMANENT BOAT SHELTERS.
SECTION 64. 30.121 (3w) of the statutes is created to read:
30.121 (3w) EXCEPTION; COMMERCIAL BOATHOUSES. Notwithstanding subs. (2) and (3), a person may construct, repair, or maintain a boathouse if all of the following apply:

✓

SECTION 51. 30.12 (3) (a) 3. of the statutes is renumbered 30.12 (1r) (c) and amended to read:

30.12 (1r) (c) Place riprap or similar material, ~~other than riprap as described in sub. (1m) (dm) and (e), on the bed and bank of navigable waters adjacent to an owner's property for the purpose of protecting~~ if the riprap or similar material is necessary to protect the bank and adjacent land from erosion.

SECTION 52. 30.12 (3) (a) 4. of the statutes is renumber 30.12 (1r) (a).

SECTION 53. 30.12 (3) (a) 5. of the statutes is renumbered 30.12 (1r) (b).

SECTION 54. 30.12 (3) (a) 6. of the statutes is renumbered 30.12 (3m)[^] (b) and amended to read:

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

INS
12-11

SECTION 55. 30.12 (3) (a) 7. of the statutes is renumbered 30.12 (1m) (f).

SECTION 56. 30.12 (3) (a) 8. of the statutes is renumbered 30.12 (1m) (g).

SECTION 57. 30.12 (3) (b) of the statutes is repealed.

SECTION 58. 30.12 (3) (bn) of the statutes is repealed.

SECTION 59. 30.12 (3) (bt) (intro.) of the statutes is renumbered 30.2027 (2) (intro.) and amended to read:

30.2027 (2) (intro.) A riparian owner is exempt from the permit requirements under sub. (2) and ~~this subsection s. 30.12~~ for a structure that is placed on the bed

✓

✓



State of Wisconsin
2003 - 2004 LEGISLATURE

Maday, Sam

LRBa1923/1

RCT.....

is

DNate

~~ASSEMBLY AMENDMENT,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2003 ASSEMBLY BILL 655~~

*INS 59-5
RCT*

At the locations indicated, amend the substitute amendment as follows:

1. Page 59, line 5: after "strategy" insert "that imposes or may result in regulatory requirements"

2. Page 60, line 4: delete "by other".

3. Page 60, line 5: delete "states".

4. Page 61, line 3: after "standards" insert "or will be subjected to those levels"

if the department fails to promulgate the ambient air quality standard

of the department delete "regulatory programs reasonably expected to meet".

of the department delete "regulatory programs" and substitute "standards".

of the department delete "or" and substitute "and".

*INS 61-3
RCT*

1 ✓ 8. Page 61, line 25: delete the material beginning with "or" and ending with
2 "area" on page 62, line 1.

3 ✓ 9. Page 62, line 2: after "atmosphere" insert "in that county".

INS
64-5
RCT

4 10. Page 64, line 5: after "standards" insert "or will be subjected to those levels
5 if the department fails to promulgate the ^{proposed} emission standard for the hazardous air
6 contaminant".

7 ✓ 11. Page 64, line 10: delete "requirements related to".

8 ✓ 12. Page 64, line 11: delete "regulatory".

9 ✓ 13. Page 64, line 12: delete "programs" and substitute "standards".

10 ✓ 14. Page 64, line 17: after "under" insert "section 112 of".

11 ✓ 15. Page 64, line 18: after "under" insert "section 112 of".

12 ✓ 16. Page 65, line 10: delete "(5m)" and substitute "(2g), (5m)".

13 ✓ 17. Page 65, line 17: after "actual" insert "or potential".

INS.
65-22
RCT

14 ✓ 18. Page 65, line 22: after "permits." insert "In the rules, the department may
15 exempt ~~applicants~~ ^{persons who qualify for registration permits} from the requirement to obtain a ~~permit that authorizes~~
16 construction ^{permit}."

17 ✓ 19. Page 67, line 6: delete "allow a person" and substitute "promulgate rules
18 under which a person is allowed".

19 ✓ 20. Page 69, line 3: after "(a)" insert "1".

20 ✓ 21. Page 69, line 5: delete "Request for additional information. Within 20
21 days" and substitute "1. Within 20 days, excluding statewide legal holidays specified
22 in s. 895.20."

INS 69-5
RCT

1 ✓ **22.** Page 69, line 10: delete the material beginning with "If" and ending with
2 "request." on line 13.

3 ✓ **23.** Page 69, line 14: delete lines 14 to 21 and substitute:

INS
69-22
RCT

4 SECTION 205C. 285.61 (2) (a) (title) of the statutes is created to read:
5 (+title)

6 285.61 (2) (a) *Request for additional information.*

7 SECTION 205E. 285.61 (2) (a) 2. of the statutes is created to read:

8 285.61 (2) (a) 2. If the department requests additional information under subd.
9 1., the department shall notify the applicant, within 15 days after receiving
10 additional information from the applicant, whether that additional information
11 satisfies the department's request. ✓

12 SECTION 206B. 285.61 (2) (b) of the statutes is created to read:

13 285.61 (2) (b) *When application is considered to be complete.* 1. If the
14 department does not indicate to an applicant within the time provided in par. (a) 1.
15 that additional information is needed, the application is considered to be complete
16 for the purposes of the time limits in sub. (3) 20 days after receipt of the application.

17 2. If the department indicates to an applicant within the time provided in par.
18 (a) 1. that additional information is needed but the department does not indicate to
19 the applicant within the time provided in par. (a) 2. that ~~the~~ additional information
20 provided is deficient, the application is considered to be complete for the purposes of
21 the time limits in sub. (3) 15 days after receipt of the additional information. ✓

22 3. If neither subd. 1. nor subd. 2. applies, an application is considered to be
23 complete for the purposes of the time limits in sub. (3) when the department notifies
24 the applicant under par. (a) 2. that the additional information ^{provided by the applicant} satisfies the
department's request.



INS 69-5 RCT
pg. 2

4. This paragraph does not prevent the department from requesting additional information from an applicant after the time limit in par. (a) 1. or 2.

24. Page 70, line 9: delete "directly".

25. Page 70, line 10: delete "aggrieved" and substitute "affected".

26. Page 70, line 25: delete the material beginning with "including" and ending with "application," on page 71, line 1.

27. Page 71, line 4: delete the material beginning with "joint" and ending with "basis" on line 5 and substitute "standing committees of the legislature with jurisdiction over environmental matters semiannually"

INS
71-5
RCT

28. Page 71, line 19: after "(a)" insert "1."

29. Page 71, line 21: delete "Request for additional information. Within 20 days" and substitute "1. Within 20 days, excluding statewide legal holidays specified in s. 895.20."

INS
71-21
RCT

30. Page 71, line 21: after "days" insert "excluding statewide legal holidays specified in s. 895.20."

31. Page 72, line 1: delete the material beginning with "If" and ending with "request." on line 10.

(B) no CS

32. Page 72, line 5: delete lines 5 to 12 and substitute:

213c

SECTION 213C. 285.62 (2) (a) (title) of the statutes is created to read:

(B) no CS

285.62 (2) (a) (title) Request for additional information.

213e

SECTION 213E. 285.62 (2) (a) 2. of the statutes is created to read:

285.61 (2) (a) 2. If the department requests additional information under subd.

1., the department shall notify the applicant, within 15 days after receiving

Don Martell



INS 72-13 RCT page 2

1 additional information from the applicant, whether that additional information
2 satisfies the department's request.

3 SECTION 214B. 285.62 (2) (b) of the statutes is created to read:

4 285.62 (2) (b) When application is considered to be complete. 1. If the
5 department does not indicate to an applicant within the time provided in par. (a) 1.
6 that additional information is needed, the application is considered to be complete
7 for the purposes of the time limit in sub. (7) (b) 20 days after receipt of the
8 application.

9 2. If the department indicates to an applicant within the time provided in par.
10 (a) 1. that additional information is needed but the department does not indicate to
11 the applicant within the time provided in par. (a) 2. that additional information
12 provided is deficient, the application is considered to be complete for the purposes of
13 the time limit in sub. (7) (b) 15 days after receipt of the additional information.

14 3. If neither subd. 1. nor subd. 2. applies, an application is considered to be
15 complete for the purposes of the time limit in sub. (7) (b) when the department
16 notifies the applicant under par. (a) 2. that the additional information ^{provided by the appl.} satisfies the
17 department's request.

18 4. This paragraph does not prevent the department from requesting additional
19 information from an applicant after the time limit in par. (a) 1. or 2.

end of INS 72-13 RCT

20 33. Page 72, line 17: delete "directly aggrieved" and substitute "affected".

21 34. Page 73, line 15: delete "that the operation permit expires" and substitute
22 "specified in s. 285.66 (3) (a)".

23 35. Page 73, line 24: delete the material beginning with ", including" and
24 ending with "application," on line 25.

INS 74-4 RCT

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36. Page 74, line 3: delete the material beginning with "joint" and ending with "basis" on line 4 and substitute "standing committees of the legislature with jurisdiction over environmental matters semiannually".

37. Page 75, line 16: delete "If" and substitute "(a) Subject to par. (b), if".

38. Page 75, line 20: after that line insert:

(b) An emission limitation contained in a permit ^{becomes i/e} takes effect despite a challenge under par. (a), unless the permit holder or applicant challenging the emission limitation obtains a stay of the emission limitation from the hearing examiner or court considering the challenge.

INS.
75-
21
RCT

39. Page 79, line 5: after that line insert:

(2m) PROMULGATION OF EMISSION STANDARDS FOR HAZARDOUS AIR CONTAMINANTS.
The ~~treatment~~ of section 285.27 (2) (b) 1. to 4. ~~and the~~ renumbering and amendment of section 285.27 (2) (b) of the statutes ^{first applies} to rules submitted to the legislative council staff under section 227.15 (1) of the statutes on the effective date of this subsection.

and the creation of the statutes

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APP

(END)

INS
79-6 RCT

Note

#. Page 79, line 3: delete "(b) and 285.62(2)" and substitute "(a)2. and (b) and 285.62(2)(a)2. and".

✓

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0295/?ins
MGG:.....

Insert 34-25

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

Insert 40-20

The department may make a request for information one time during the 30-day period. If the department makes a request during the 30-day period is tolled from the date the person applying for authorization to proceed receives the request until the date on which the department receives the information.

no 9

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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0295/Adn
MCC.....

1
cjs
TRM
/RCT

- I
1. Regarding change in s. 30.12 (3) (a) 6.: assume that you want permanent boat shelters to be covered by individual permits. This required changes in s. 30.12 (3) (a) 6. and (c). Please review. ✓
 2. The suggested language for s. 30.291 (4) did not make sense to me. If a person who is wishing to proceed has already been given authorization, why would he or she seek authorization again? I changed some language in s. 30.291 (1) to try to make all of this clearer. Please review and let me know if this is not your intent.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

3. With regard to the provisions creating the rule-making authority for exemption, I had to make some assumptions in implementing the drafting instructions.

Please review this draft carefully to ensure it complies with your intent.

RCT

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0295/1dn
MGG&RCT:cjs:ch

January 12, 2004

1. Regarding change in s. 30.12 (3) (a) 6.: I assume that you want permanent boat shelters to be covered by individual permits. This required changes in s. 30.12 (3) (a) 6. and (c). Please review.
2. The suggested language for s. 30.291 (4) did not make sense to me. If a person who is wishing to proceed has already been given authorization, why would he or she seek authorization again? I changed some language in s. 30.291 (1) to try to make all of this clearer. Please review and let me know if this is not your intent.
3. With regard to the provisions creating rule-making authority for exemption, we had to make some assumptions in implementing the drafting instructions.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

Please review this draft carefully to ensure that it complies with your intent.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.state.wi.us

Nelson, Robert P.

From: Nowak, Ellen
Sent: Monday, January 12, 2004 12:06 PM
To: Nelson, Robert P.
Subject: RE: New sub comments

Sounds good to me!

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

From: Nelson, Robert P.
Sent: Monday, January 12, 2004 12:05 PM
To: Nowak, Ellen
Subject: FW: New sub comments
Importance: High

Ellen;

This is what I have received from John L. and John S. I am going to go with JL's language unless I hear otherwise.

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

From: Stolzenberg, John
Sent: Monday, January 12, 2004 11:59 AM
To: Nelson, Robert P.
Subject: FW: New sub comments
Importance: High

Bob,

Here's the latest e-mail from John Lorence on the s. 30.025 definition of "permit." When we were just talking about this, I hadn't realized that he and the others working on this definition made an additional change that stuck "approval" into the ch. 30 portion of the definition. That additional insert is wanted by the group and Sen. Cowles; it looks ok to me.

John

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

From: Lorence, John PSC [mailto:John.Lorence@psc.state.wi.us]
Sent: Monday, January 12, 2004 11:15 AM
To: Stuart, Todd; Stolzenberg, John
Cc: LHBochert@MBF-LAW.com; Cain, Michael J; Lorence, John PSC
Subject: New sub comments
Importance: High

Todd:

Thanks for sending me the two pages from LRBs0295/1, the new substitute amendment. This new draft gets the subchapter references correct, but is missing a couple words that are necessary for readability and clarity. I'm copying in John Stolzenberg at the Legislative Council so that he is also aware of this.

The following suggestions simply correct the current draft to reflect what was discussed in our several e-mails last Friday, most notably John's e-mail summarizing the proposed revisions.

For s0295/1:

Page 5, line 15: strike "or" and insert an underlined comma.

Page 5, line 16: Insert "or" at the beginning of the line; after "contract" insert "required" and; delete "an" and substitute "a permit or".

With these revisions, the text would match what John Stolzenberg suggested last Friday.

NOTE ALSO, Linda Bochert determined that under s. 30.21, the DNR grants "approvals." She asks that this word also be used in the "permit" definition. Linda and I spoke to Michael Cain at DNR and he is OK with adding that term. We would suggest it be inserted at page 5, line 15, by adding at the end of the line, after the underscored comma, "an approval,".

With all these revisions the two lines would read as follows in drafting format:

30.025 (1b) (b) "Permit" means ~~a~~ an individual permit or , a general permit, an approval, or a contract required under this subchapter or subchapter II, a permit or approval required under this"

Based on our conversation, Linda and Michael are OK with all these revisions. Please let me know if you have any questions.

John Lorence
Assistant General Counsel
Public Service Commission of Wisconsin
610 N. Whitney Way
P.O. Box 7854
Madison, WI 53707-7854

Phone: (608) 266-8128

Fax: (608) 266-3957

E-mail: john.lorence@psc.state.wi.us

Web page: <http://psc.wi.gov>

Nelson, Robert P.

From: Stolzenberg, John
Sent: Monday, January 12, 2004 11:59 AM
To: Nelson, Robert P.
Subject: FW: New sub comments

Importance: High

Bob,

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John

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

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Sent: Monday, January 12, 2004 11:15 AM
To: Stuart, Todd; Stolzenberg, John
Cc: LHBochert@MBF-LAW.com; Cain, Michael J; Lorence, John PSC
Subject: New sub comments
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Todd:

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Gibson-Glass, Mary

Subject: FW: draft change?

Importance: High

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

From: Nowak, Ellen
Sent: Monday, January 12, 2004 11:54 AM
To: Gibson-Glass, Mary
Subject: draft change?
Importance: High

Mary:

Unless it is absolutely necessary to reference, can you remove the reference to the 2001 statutes on page 19, line 11 of LRB 0295/1? The reason is that Pat Henderson and Paul Kent thought that the way it is worded, one may read it as limiting the paragraph to permits issued in the last two years.

We may have one more change coming.

Gibson-Glass, Mary

From: Nowak, Ellen
Sent: Monday, January 12, 2004 11:54 AM
To: Gibson-Glass, Mary
Subject: draft change?

Importance: High

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We may have one more change coming.

Gibson-Glass, Mary

From: Nowak, Ellen
Sent: Monday, January 12, 2004 12:02 PM
To: Gibson-Glass, Mary
Subject: New Change

Importance: High

Page 25, line 7,
After the word "waterway" ADD "including stormwater management ponds that do not discharge into navigable waters except as a result of storm events."