



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

Appendix A ... segment I

LRB BILL HISTORY RESEARCH APPENDIX

 The drafting file for 2011 LRBs0254/2 (For: Senator Kedzie)


has been copied/added to the drafting file for

2011 LRBs0263 (For: Senator Kedzie)



RESEARCH APPENDIX -
PLEASE KEEP WITH THE DRAFTING FILE

Date Transfer Requested: 12/05/2011 (Per: RNK)

 The attached draft was incorporated into the new draft listed above. For research purposes the attached materials were added, as a appendix, to the new drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

2011 Set DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB24)

Received: 11/03/2011

Received By: rkite

Wanted: As time permits

Companion to LRB:

For: Neal Kedzie (608) 266-2635

By/Representing: Dan Johnson

May Contact:

Drafter: rkite

Subject: Nat. Res. - miscellaneous
Nat. Res. - nav. waters
Environment - other

Addl. Drafters: mglass

Extra Copies:

Submit via email: YES

Requester's email: Sen.Kedzie@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Navigable waters and environmental permit changes

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rkite 11/11/2011	kfollett 11/15/2011		_____			
/P1			jfrantze 11/16/2011	_____			
/P2	mglass 11/17/2011	csicilia 11/17/2011	rschluet 11/17/2011	_____	sbasford 11/17/2011		
/P3	rkite	csicilia	rschluet	_____	lparisi		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	11/22/2011	11/23/2011	11/23/2011	_____	11/23/2011		
/1	rkite 11/29/2011	csicilia 11/30/2011	rschluet 11/30/2011	_____	lparisi 11/30/2011	lparisi 11/30/2011	
/2	rkite 12/02/2011	kfollett 12/02/2011	jfrantze 12/02/2011	_____	sbasford 12/02/2011	sbasford 12/02/2011	

FE Sent For:

<END>

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/P1			jfrantze 11/16/2011	_____			
/P2	mglass 11/17/2011	csicilia 11/17/2011	rschluet 11/17/2011	_____	sbasford 11/17/2011		
/P3	rkite	csicilia 12/5/11 12/3	rschluet 	_____	lparisi		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	11/22/2011	11/23/2011	11/23/2011	_____	11/23/2011		
/1	rkite 11/29/2011	csicilia 11/30/2011	rschluet 11/30/2011	_____	lparisi 11/30/2011	lparisi 11/30/2011	

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	11/22/2011	11/23/2011	11/23/2011	_____	11/23/2011		

FE Sent For:

1 gjs 11/30/11

<END>

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Handwritten notes: P3, cjs, 11/23, 11/3/11

LRBs0254

11/17/2011 01:40:59 PM

Page 2

FE Sent For:

<END>

Kite, Robin

From: Johnson, Dan
Sent: Wednesday, November 02, 2011 9:07 AM
To: Kite, Robin; Gibson-Glass, Mary
Subject: Senate Amendment request - SS SB 24

Attachments: Drafting Request - Senate Amendment to SS SB 24.doc

Hello,

Senator Kedzie would like to request an amendment to Special Session Bill 24, as per the attached drafting instructions. These instructions may change, as we're waiting to hear from the Assembly author on our requested changes. But we want to at least get this into your hands so you can begin working on it. I believe this can be a simple amendment to the bill, but if you believe a substitute amendment is more appropriate, please let me know.

Thanks, and please call or e-mail with any questions.

Dan Johnson
Chief of Staff
State Senator Neal Kedzie
11th Senate District
608.266.2635



Drafting Request
- Senate Amen...

Senate Amendment to SS SB 24
Drafting Request – Senator Neal Kedzie

RNK

Revision to Class 1 and Web-based notices.

In regards to the requirement that public notices be done either through the newspaper as a class 1 notice or the DNR Web site, I would request that requirement be revised to meet an intent that both be done, rather than an either/or option.

0

The notification in the newspaper would follow similar criteria found under ss. 59.14(1m)(a). The newspaper notification would provide basic information about the permit application, and where additional information could be found on the Web.

or by summary where to get more info.

For example, the current language under the bill:

“Notice of the hearing shall be given to the applicant and shall be published as a class 1 notice under ch. 985 or as a notice on the department’s Internet Web site.”

Would be changed to read:

in electronic form accessible on the Internet

“Notice of the hearing shall be given to the applicant and shall be published as a class 1 notice under ch. 985 and as a notice on the department’s Internet Web site and by circulating the notice by use of an electronic notification system established by the department. The class 1 notice published under this subsection shall contain the time, date, and location of any public or administrative hearing; the name and address of the applicant; a brief summary of the subject matter contained in the application; and information indicating where the full text of the application may be viewed on the electronic notification system maintained by the department.”

193.523

transmission of the information by electronic means? text message e-mail

interested & potentially interested members of public

Additionally, I would like to address proof and computation of time for the DNR directly in statute. I would request the following language to accomplish that goal:

may to have authority published

“The department shall include in the notice the computation of time appropriate for the required notice. If the department provides notice by posting on the department internet website or by circulation using an electronic notification system, the department shall complete an affidavit of proof.”

7

What about 291.57(6)(a) (3)(a) 212.31(2)(b)

In regards to other notice requirements under 285.61(c), 285.76(a) 289.25(3), 289.41(g), and 291.97(3), simply change “or publish” to “and publish”.

Finally, in regards to when the clock begins on these notices, I would like the Web-based posting to serve as the starting point for the applicable time period.

0

RNK

Fees for Web-based application process

I would like to request a provision to allow the DNR to charge an additional convenience fee for their Web-based application process. The fee shall be no more than the cost to operate and maintain the Web site, or \$3, whichever is less.

add fees to apps to fund internet info

only for EA 30 permits

This convenience fee could be addressed by creating provisions in the following chapters and sections of state statute: 30.28(2)(c); 281.22(1m); 281.34(2) and (3); 281.346(12)(e); 283.33(9)(a)3 or (br); 283.37(7) or 283.31(9); 283.35(4)

Other Revisions to SS SB 24

MGG Page 9, line 20; After "30.26.", insert "and 30.27."

RNK Page 9, lines 21-25, and page 10, lines 1-10; (Section 6) - Delete.

RNK Page 11, line 25; Make the effective date of the paragraph "the first day of publication."

RNK Page 13, after line 25: **New Request:** Repeal 30.12(3m)(ar)

RNK Page 16, lines 9-12; (Section 40) - Delete.

RNK Page 16, lines 19-22; (Section 42) - Delete.

RNK Page 16, line 23-25, and Page 17, lines 1-2 (Section 43) - Delete.

MGG Page 17, line 25; after "activity is completed", insert "but no more than 5 years from the date of authorization"

MGG Page 23, lines 17-19; Replace this: "The notice of denial or disapproval may not be based on a determination that the application for the permit or contract was incomplete."

With this: "If the notice of denial or disapproval is solely based on a determination that the application for the permit or contract was incomplete, the department shall provide specific information regarding that determination of incompleteness within 10 days. If the department fails to do so within that time period, the permit or contract shall not be considered denied or disapproved."

RNK Page 26, line 3; after, "under this section, if", insert "the department determines"

RNK Page 26, line 14; after "an easement", create (f) to read, "The plan design is unlikely to cause adverse impacts to the environment."

RNK Page 27, line 9; after, "under this section, if", insert "the department determines"

RNK ✓ Page 27, line 16; after "design features", create (e) to read, "The plan design is unlikely to cause adverse impacts to the environment."

RNK ✓ Page 27, lines 23; after, "may renew the permit", insert, "for no more than an additional 5 years" {provided the department follows the appropriate public notice process}

RNK ✓ Page 34, lines 4-25, all of page 35, and page 36, lines 1-18 (Section 93) – **Delete.**

→ each renewal no more than 5 years but can be renewed any number of times

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

Meeting w/ Dan Johnson from Sen. Kedzie's office
11/4/11:

- ✓ 281.344 - new language - summary -
- ✓ 281.346 - " " " "
- ✓ 283.39(1)(a) " " " "
- ✓ 285.62(3)(c) " " " "
- ✓ 289.31(4)(a) " " " "

D-Note
don't need

✓ 285.61(5)(c) - Class I notice & Internet

✓ 285.76(2)(a) - notice must also include
where on Internet can find redesignation
request for
eg URL

✓ 289.25(3) - just change or to and

289.31(4)

✓ 289.41(1m)(g)1. - ~~is~~ change to and but
also - see my typed note

✓ 291.87(3) change or to and

291.87(6)(a) " " " "

292.31(3)(F) change or to and &
see notes

Ch. 30 - change or to and - then
new language

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

time for determining when notice
runs - :
when posted on Internet Web site

make all changes in 30.12(1k) - day
after publication

modeling - 285.63(11) -
unless required by Clean Air Act,...

11/4/11

Per Meeting w/ Dan Johnson from Sen. Kedzie's office

After last sentence of 289.41 (1m) (g) 1., add: The class I notice published under this subsection shall contain the time, date and location of any public hearing; notice of opportunity for public comment; the name and address of the owner applying for termination of obligation; a brief summary of the subject matter contained in the application; and information indicating where the full text of the application may be viewed on the department's Internet Web site

After last sentence of 292.31 (3) (f) add: The class 1 notice published under this subsection shall contain the time, date, and location of any public hearing; the name, and address of the facility that is the subject of the proposed remedial action; a brief description of the proposed remedial action; and information indicating where more information regarding the proposed remedial action may be viewed on the department's Internet website