

**2011 DRAFTING REQUEST**

**Senate Amendment (SA-SSA1-SB326)**

Received: 03/02/2012

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. - nav. waters  
Environment - air quality

Adl. Drafters: btradewe  
mglass

Extra Copies:

Submit via email: YES

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

Carbon copy (CC:) to: larry.konopacki@legis.wisconsin.gov

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Chapter 30 and other DNR permitting

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**Instructions:**

Same as LRBa2578 with changes to the general permit suspension language

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**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 03/02/2012	jdye 03/05/2012		_____			
/1			phenry 03/05/2012	_____	mbarman 03/05/2012	mbarman 03/05/2012	

FE Sent For:

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FE Sent For:

<END>

**Kite, Robin**

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**From:** Johnson, Dan  
**Sent:** Friday, March 02, 2012 3:54 PM  
**To:** Konopacki, Larry; Smith, Ryan  
**Cc:** Kite, Robin; Gibson-Glass, Mary  
**Subject:** RE: Draft review: LRB 11a2578/P1 Topic: Compiled amendment for SSA1; chapter 30 and other DNR permitting

Mary and Robin,

I have reviewed this amendment and believe it meets the intent of the drafting request. Thus, please convert this preliminary draft into an introducible Senate Amendment to SSA 1 to SB 326, including any of the minor tweaks Larry is suggesting regarding the committee suspension section.

Thank you.

Dan Johnson  
Chief of Staff  
**State Senator Neal Kedzie**  
11<sup>th</sup> Senate District  
608.266.2635

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**From:** Konopacki, Larry  
**Sent:** Friday, March 02, 2012 2:47 PM  
**To:** Johnson, Dan; Smith, Ryan  
**Cc:** Kite, Robin; Gibson-Glass, Mary  
**Subject:** FW: Draft review: LRB 11a2578/P1 Topic: Compiled amendment for SSA1; chapter 30 and other DNR permitting

Ryan and Dan, attached is the amendment we discussed. I will suggest a few very minor language tweaks to the committee suspension section, but they should not affect your evaluation of the amendment. This amendment is not in the name of either of your offices, so if you decide to move forward with it just ask Mary Gibson-Glass or Robin Kite to create a clean amendment for your purposes.

Thanks, and let me know if you need anything else. I will be in mining meetings the rest of the day so you may want to talk to Robin and Mary directly.

Note that there is some language in the amendment that just mirrors what is currently in the bill and is only there because of the drafting process (see for instance lines 11-17 on page 5), so don't get worried if you see something you don't recognize from the request list.

LK

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Larry A. Konopacki  
Wisconsin Legislative Council  
(608) 267-0683  
larry.konopacki@legis.wisconsin.gov



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LRB62578/P

MGC:all:ph

KEEP  
/RNK/RCT

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

**SENATE AMENDMENT ,  
TO SENATE SUBSTITUTE AMENDMENT 1,  
TO 2011 SENATE BILL 326**

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 **1.** Page 2, line 16: delete the material beginning with "areas" and ending with
- 3 "interest;" on line 17.
- 4 **2.** Page 2, line 22: delete that line.
- 5 **3.** Page 3, line 1: delete lines 1 and 2.
- 6 **4.** Page 4, line 17: delete the material beginning with that line and ending with
- 7 page 5, line 7.
- 8 **5.** Page 11, line 20: after that line insert:
- 9 **"SECTION 41m.** 30.206 (1) (aj) of the statutes is created to read:

1           30.206 (1) (aj) Paragraph (ag) applies only to general permits issued under par.  
2 (a).”.

3           **6.** Page 11, line 24: after “subchapter.” insert “In issuing general permits  
4 under this paragraph, the department shall establish requirements and conditions  
5 to ensure that the activities subject to the permit will cause only minimal adverse  
6 environmental impacts, will not materially interfere with navigation, and will not  
7 have an adverse impact on the riparian property rights of adjacent riparian owners.”.

8           **7.** Page 12, line 11: after that line insert:

9           “**SECTION 43m.** 30.206 (1) (c) of the statutes is renumbered 30.206 (1) (ag).”.

10          **8.** Page 15, line 3: after that line insert:

11          “**SECTION 50m.** 30.206 (5m) of the statutes is created to read:

12          30.206 (5m) LEGISLATIVE REVIEW OF GENERAL PERMITS. (a) In this subsection:

13           1. “Appropriate senate committee” means the standing committee of the senate  
14 with jurisdiction over natural resources matters as determined by the presiding  
15 officer of the senate.

16           2. “Appropriate assembly committee” means the standing committee of the  
17 assembly with jurisdiction over natural resources matters as determined by the  
18 presiding officer of the assembly.

19           (b) If, by a majority vote of a quorum of the appropriate senate committee and  
20 the appropriate assembly committee, each of those committees suspends any general  
21 permit, the committees shall jointly publish a Class 1 notice under ch. 985 of the  
22 suspension in the official state newspaper and give any other notice that the  
23 committees consider appropriate.

1 (c) If the appropriate senate committee and the appropriate assembly  
2 committee suspend a general permit as provided in par. (b), each of the committees  
3 shall, within 30 days after the suspension, meet and take executive action regarding  
4 the introduction in the respective house of the legislature of a bill to support the  
5 suspension. The appropriate senate committee and the appropriate assembly  
6 committee shall each introduce a bill within 5 working days after taking executive  
7 action in favor of introduction of the respective bill unless the bill cannot be  
8 introduced during this time period under the rules of the respective house of the  
9 legislature. If a bill cannot be introduced during this time period, the bills shall be  
10 introduced on the first day on which the rules of the respective house of the  
11 legislature allow introduction.

12 (d) 1. If both of the bills introduced under par. (c) are ~~defeated~~ <sup>adversely disposed of</sup>, or fail to be  
13 enacted in any other manner before the last day of the regular session of the  
14 legislature in which the bills are introduced, the general permit remains in effect and  
15 ~~the appropriate senate committee and the appropriate assembly committee~~ <sup>may not</sup>  
16 ~~vote to suspend~~ <sup>be suspended under this subsection</sup> again. If either bill is enacted, the general permit is permanently  
17 suspended and may not be issued again unless a subsequent law specifically  
18 authorizes issuance of the general permit.

19 2. If a person commences to conduct an activity under the authority of a general  
20 permit, and the general permit is subsequently suspended under this subsection, the  
21 person may continue to conduct the activity in the manner, and for the period,  
22 originally authorized under the general permit notwithstanding the suspension of  
23 the general permit.”.

24 **9.** Page 15, line 8: after that line insert:

1           **“SECTION 51m.** 30.206 (8) of the statutes is created to read:

2           30.206 **(8)** REPORT. (a) Within 30 days after issuing, renewing, modifying, or  
3           revoking a general permit, the department shall prepare a report that gives  
4           notification of the department’s action. If the action being reported is the issuance,  
5           renewal, or modification of a general permit, the department shall include a copy of  
6           the permit with the report. If the action being reported is the renewal, modification,  
7           or revocation of a general permit, the report shall include an analysis of the  
8           implementation and activities conducted under the general permit and shall contain  
9           all of the following information:

10           1. The number of times notifications to proceed under the general permit were  
11           received by the department under sub. (3) (a).

12           2. The number of times the department requested additional information  
13           under sub. (3) (b).

14           3. The number of times the department informed applicants under sub. (3) (b)  
15           that individual permits would be required.

16           (b) A report under par. (a) shall cover the time period beginning with the date  
17           of original issuance of the general permit, or the date of the most recent prior  
18           modification or renewal, and ending with the date of the revocation, modification, or  
19           renewal that causes the report to be required.

20           (c) The department shall distribute the report to the governor and to the  
21           appropriate standing committees of the legislature in the manner provided under s.  
22           13.172 (3).”.

23           **10.** Page 18, line 18: delete “If the decision”.

24           **11.** Page 18, line 19: delete lines 19 to 23 and substitute:

1           **SECTION 60g.** 30.208 (3) (eg) of the statutes is created to read:

2           30.208 (3) (eg) 1. The department and the applicant may agree to extend the  
3           20–day or 30–day time period specified in par. (e) one time for a specific number of  
4           additional days. The extension may not exceed 30 days.

5           2. The department may also extend the 20–day or 30–day time period specified  
6           in par. (e) if adverse weather conditions prevent the department from conducting an  
7           accurate on–site inspection during the 20–day or 30–day time period. The  
8           department shall give notice to the applicant of this extension. The department shall  
9           complete the inspection as soon as weather conditions permit, but the extension may  
10          not exceed 30 days under any circumstances.

11          **SECTION 60r.** 30.208 (3) (er) of the statutes is created to read:

12          30.208 (3) (er) If the decision rendered by the department under par. (e) is a  
13          denial or disapproval, the department shall include in the decision the specific  
14          grounds and reasons as to how the applicable provisions of this subchapter were not  
15          met. If the denial or disapproval is based on an incomplete application, the  
16          department shall inform the applicant of the areas of the application that were  
17          incomplete.”.

18          **12.** Page 31, line 20: delete the material beginning with “subs.” and ending  
19          with “so” on line 21 and substitute “sub. (1) for a minor source unless modeling is  
20          specifically provided for”.

21          **13.** Page 31, line 21: after “act” insert “, rules promulgated under this chapter,  
22          or a federal or state agreement”.

23          **14.** Page 40, line 14: after “(e),” insert “(eg), (er),”.



