



State of Wisconsin  
2011 - 2012 LEGISLATURE



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**ASSEMBLY AMENDMENT 2,  
TO 2011 ASSEMBLY BILL 426**

January 20, 2012 – Offered by Representative WILLIAMS.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 2: after “activities,” insert “procedures for obtaining approvals  
3 from the Department of Natural Resources for the construction of utility facilities,”.

4 **2.** Page 24, line 10: after that line insert:

5 “**SECTION 8b.** 30.025 (1e) (title) and (a) of the statutes are repealed.

6 **SECTION 8d.** 30.025 (1e) (b) of the statutes is renumbered 30.025 (4m) (b) and  
7 amended to read:

8 30.025 (4m) (b) This ~~section~~ subsection does not apply to a proposal to construct  
9 a utility facility if the only permit that the utility facility is required to obtain from  
10 the department is a storm water discharge permit under s. 283.33 (1) (a).

11 **SECTION 8f.** 30.025 (1m) (intro.) of the statutes is amended to read:

12 30.025 (1m) **PREAPPLICATION PROCESS.** (intro.) Before filing an a combined  
13 application under this section for permits under sub. (1s) with the department in lieu

1 of separate applications, a person proposing to construct a utility facility shall notify  
2 the department of the intention to file an a combined application under sub. (1s).  
3 After receiving such notice, the department shall confer with the person, in  
4 cooperation with the commission, to make a preliminary assessment of the project's  
5 scope, to make an analysis of alternatives, to identify potential interested persons,  
6 and to ensure that the person making the proposal is aware of all of the following:

7 **SECTION 8h.** 30.025 (1m) (c) of the statutes is amended to read:

8 30.025 **(1m)** (c) The timing of information submissions that the person will be  
9 required to provide in order to enable the department to participate in commission  
10 review procedures and to process the combined application for permits in a timely  
11 manner.

12 **SECTION 8i.** 30.025 (1s) (a) of the statutes is amended to read:

13 30.025 **(1s)** (a) Any person proposing to construct a utility facility ~~to which this~~  
14 ~~section applies shall~~ may, in lieu of separate application for permits, submit one  
15 combined application for permits together with any additional information required  
16 by the department. The combined application ~~shall~~ for permits may be filed with the  
17 department at the same time that an application for a certificate is filed with the  
18 commission under s. 196.49 or in a manner consistent with s. 196.491 (3) and shall  
19 include the detailed information that the department requires to determine whether  
20 ~~an a combined~~ application for permits is complete and to carry out its obligations  
21 under sub. (4). The department may require supplemental information to be  
22 furnished thereafter.

23 **SECTION 8j.** 30.025 (2) of the statutes is amended to read:

24 30.025 **(2)** HEARING. Once the applicant meets the requirements of sub. (1s) (a),  
25 the department may schedule the matter for a public hearing. Notice of the hearing

1 shall be given to the applicant and shall be published as a class 1 notice under ch.  
2 985. The department may give such further notice as it deems proper, and shall give  
3 notice to persons requesting same. One copy of the combined application for permits  
4 shall be available for public inspection at the office of the department, at least one  
5 copy in the regional office of the department, and at least one copy at the main public  
6 library, of the area affected. Notwithstanding s. 227.42, the hearing shall be an  
7 informational hearing and may not be treated as a contested case hearing nor  
8 converted to a contested case hearing.

9 **SECTION 8L.** 30.025 (2g) (b) (intro.) of the statutes is amended to read:

10 30.025 **(2g)** (b) (intro.) The department shall participate in commission  
11 investigations or proceedings under s. 196.49 or 196.491 (3) with regard to any  
12 proposed utility facility ~~that is subject to this section~~ for which a combined  
13 application for permits is filed under sub. (1s). In order to ensure that the  
14 commission's decision is consistent with the department's responsibilities, the  
15 department shall provide the commission with information that is relevant to only  
16 the following:

17 **SECTION 8n.** 30.025 (4m) of the statutes is created to read:

18 30.025 **(4m)** PROCEDURE FOR A SINGLE PERMIT APPLICATION. (a) A person  
19 proposing to construct a utility facility for which not more than one permit is required  
20 may submit an application for that single permit with the department in the same  
21 manner as a combined application for permits may be submitted under sub. (1s). If  
22 the applicant elects to submit the application in the same manner as a combined  
23 application for permits, the procedures under this section that apply to a combined  
24 application for permits shall apply to that application for a single permit.”.

