

Modifications From Agency

REPORT TO LEGISLATURE

NR 166, Wis. Adm. Code

Board Order No. CF-13-19
Clearinghouse Rule No. 22-068

Germane Modifications

CR 22-068 is related to another proposed permanent rule, CR 22-045. While the proposed rule CR 22-045 was under review by the Senate Committee on Natural Resources and Energy, concerns were raised about the language describing the requirements for submitting a notice of intent to apply (ss. NR 162.05 (1) and 166.08 (1) of the proposed rules), given the potential that the department may eliminate the intent to apply requirement in the foreseeable future, and the differences in the language regarding submittal of land ownership and easements documentation in the two codes (ss. NR 162.055 and 166.09 of the proposed rules). On March 3, 2023, the department recalled CR 22-068 and related rule, CR 22-045, to make germane modifications to address these concerns in accordance with s. 227.19 (4) (b) 3m., Stats.

The department has made the following germane modifications:

1. In SECTIONS NR 166.01, 166.08 (1) intro and 166.08 (4) (c), modified the notes following the section text to provide more precise information to our loan customers.
2. In SECTIONS NR 166.03 (4) and 166.03 (41), modified text to add the phrase “as required by the department” to provide flexibility in streamlining the application process without causing implementation issues.
3. In SECTION NR 166.08 (1) intro., revised text to allow flexibility for the possibility of removing the notice of intent to apply requirement as part of an application process streamlining effort.
4. In SECTION NR 166.08 (1) (e), made a minor modification for clarity in timing of submittal of approval numbers of project plans and specifications.
5. In SECTION NR 166.08 (1) intro. and (1) (f), replaced references to the department’s “online intent to apply and priority evaluation and ranking system” with references to the “online application systems”. With streamlining efforts, it may no longer be necessary to maintain a separate system for the information currently collected through the intent to apply and priority evaluation and ranking information system.
6. In SECTION NR 166.25 (1), modified text to remove an intent to apply reference in preparation for the potential discontinuation of the notice of intent to apply submittal requirement.

Resubmittal of the Proposed Rule

The department resubmits the proposed rule pursuant to s. 227.19 (2), Stats., with germane modifications.

Brief Timeline Review

- February 6, 2023 – The department submitted the proposed rule to the chief clerk of each house of the legislature.
- March 3, 2023 – The department recalled CR 22-068, and related rule CR 22-045, for germane modifications pursuant to s. 227.19 (4) (b) 3m., Stats.
- May 24, 2023 – The Natural Resources Board adopted the germane modifications.