



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX -

PLEASE DO NOT REMOVE FROM DRAFTING FILE

Date Transfer Requested: 02/04/2013 (Per: RCT)

☞ Compile Draft – Appendix J ... Part I

- | | |
|--|--|
| A ☞ The <u>2013</u> drafting file for LRBa0045 | F ☞ The <u>2013</u> drafting file for LRBa0055 |
| B ☞ The <u>2013</u> drafting file for LRBa0046 | G ☞ The <u>2013</u> drafting file for LRBa0057 |
| C ☞ The <u>2013</u> drafting file for LRBa0047 | H ☞ The <u>2013</u> drafting file for LRBa0074 |
| D ☞ The <u>2013</u> drafting file for LRBa0050 | I ☞ The <u>2013</u> drafting file for LRBa0081 |
| E ☞ The <u>2013</u> drafting file for LRBa0052 | J ☞ The <u>2013</u> drafting file for LRBa0082 |

2013 LRBa0082 has been copied/added to the drafting file for

2013 LRBa0085

2013 DRAFTING REQUEST

Senate Amendment (SA-SB1)

Received: 2/2/2013 Received By: btradewe
Wanted: As time permits Same as LRB:
For: Thomas Tiffany (608) 266-2509 By/Representing: Larry Konopacki
May Contact: Drafter: btradewe
Subject: Environment - mining Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Sen.Tiffany@legis.wi.gov
Carbon copy (CC) to: larry.konopacki@legis.wisconsin.gov
Anna.henning@legis.wisconsin.gov
robin.kite@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Ensure that utility projects are not considered approvals

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>
/P1	btradewe 2/2/2013	kfollett 2/2/2013		_____	chanaman 2/3/2013		

FE Sent For:

<END>

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/P1	btradewe	1/1/13	1/1/13	"			
		2/2	2/2				

FE Sent For:

<END>

Tradewell, Becky

From: Konopacki, Larry
Sent: Friday, February 01, 2013 8:58 PM
To: Kite, Robin
Cc: Tradewell, Becky; Henning, Anna
Subject: SB1 - amendment (Utilities projects)

Hi Robin, I am assuming that you are the utilities person for drafting requests. If so, would you please draft an amendment for Sen Tiffany (P draft please) that does the following:

- Modify s. 295.73 (1) (a) to begin "except as provided in par. (b) and (d)," (don't use par. (c) because Mary already used this in another one of the amendments)
- Creates s. 295.73 (1) (d) that provides "par. (a) does not apply to an application or filing fee required for an approval related to a project, as defined in s. 196.49 (3) (a), or a facility, as defined in s. 196.491 (1) (e)."
- Specify that the \$2M limit under s. 295.73 (3) (a) does not apply to the fees that the DNR may charge the applicant under par (1) (d).
- Renumber s. 295.57 (9) as s. 295.57 (9) (a) and begin that paragraph with "Except as provided in par. (b),"
- Create s. 295.57 (9) (b) that provides "par. (a) does not apply to an approval related to a project, as defined in s. 196.49 (3) (a), or a facility, as defined in s. 196.491 (1) (e)."

Thanks,
Larry

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

Tradewell, Becky

From: Konopacki, Larry
Sent: Saturday, February 02, 2013 1:29 PM
To: Tradewell, Becky
Cc: Kite, Robin; Henning, Anna
Subject: RE: SB1 - amendment (Utilities projects)

One way or another, the authors want to make sure that if DNR is asked to permit one of these larger utility projects, that the \$2M fee cap would not apply to that process, and the timelines in the bill for a mining permit and "other approvals" not apply. I agree that a better way to do this would be to exclude these types of projects from the definition of "approval". The concern is that if the mining company or any other entity applied for approval of one of these projects at the same time that a mining permit was requested, that the fee cap and timelines would apply, and it would get wrapped in with the mining permit's review process.

Thanks,

Larry

From: Tradewell, Becky
Sent: Sat 2/2/2013 1:01 PM
To: Konopacki, Larry
Cc: Kite, Robin
Subject: RE: SB1 - amendment (Utilities projects)

Larry,

Robin and I have been discussing this amendment request.

We think that the definitions referenced in the last bullet point only describe power plants, and so forth, that utilities construct (and that require a CPCN), and do not describe power plants that a company, like a mining company, would build to provide power for its own use.

More generally, can you give us more information on the concerns that are behind this request?

Robin is at the office. I am, too, but am leaving for lunch soon. I'll be back after lunch.

Thanks,

Becky

From: Konopacki, Larry
Sent: Friday, February 01, 2013 8:58 PM
To: Kite, Robin
Cc: Tradewell, Becky; Henning, Anna
Subject: SB1 - amendment (Utilities projects)

Hi Robin, I am assuming that you are the utilities person for drafting requests. If so, would you please draft an amendment for Sen Tiffany (P draft please) that does the following:



State of Wisconsin
2013 - 2014 LEGISLATURE

Today



LRBa0082/P1

RCT. *kg*

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE AMENDMENT,
TO SENATE BILL 1

Note

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

2 1. Page 56, line 9: delete ~~“Approval”~~ ^{or III} means” and substitute “(a) “Approval”
3 means, except as provided in par. (b).”

4 2. Page 56, line 14: delete “(a)” and substitute “1.”

5 3. Page 56, line 17: delete “(b)” and substitute “2.”

6 4. Page 56, line 18: delete “(c)” and substitute “3.”

7 5. Page 56, line 20: after that line insert:

8 “(b) “Approval” does not include a permit, license, certification, contract, or
9 other authorization related to the construction of any new plant, equipment,
10 property, or facility for the production, transmission, delivery, or furnishing of
11 power.”

12

(END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa0082/P1dn

RCT. *RF*

Date

57
This is a draft of the proposal related to utility facilities. This approach to the concern, as I understand it, seems straightforward and will avoid complications that would otherwise arise if this amendment and the one relating to subsequent permits are both adopted (that amendment affects s. 295.97 (9)).

Please contact me with questions or redraft instructions.

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

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

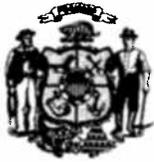
LRBa0082/P1dn
RCT:kjf:kf

February 2, 2013

This is a draft of the proposal related to utility facilities. This approach to the concern, as I understand it, seems straightforward and will avoid complications that would otherwise arise if this amendment and the one relating to subsequent permits are both adopted (that amendment affects s. 295.57 (9)).

Please contact me with questions or redraft instructions.

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



**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE AMENDMENT ,
TO SENATE BILL 1**

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10 property, or facility for the production, transmission, delivery, or furnishing of
11 power.”.

12 (END)