

2019 DRAFTING REQUEST

Bill

For: **Stephen Nass (608) 266-2635** Drafter: **mpfotenh**
 By: **Adam** Secondary Drafters:
 Date: **11/11/2019** May Contact:

Same as LRB:

Submit via email: **YES**
 Requester's email: **Sen.Nass@legis.wisconsin.gov**
 Carbon copy (CC) to: **mary.pfotenhauer@legis.wisconsin.gov**
zachary.wyatt@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Rules for setting lab fees

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mpfotenh 11/21/2019	swinder 11/25/2019			
/P1			lparisi 11/25/2019		
/1			mbarman 1/6/2020	mbarman 1/6/2020	

FE Sent For: *Not Needed* <END>

2019 DRAFTING REQUEST

Bill

For: Natural Resources

Drafter: mpfotenh

By: Erin Ruby

Secondary Drafters:

Date: 11/11/2019

May Contact:

Same as LRB:



Submit via email: YES
 Requester's email: Erin.Ruby@wisconsin.gov
 Carbon copy (CC) to: mary.pfotenhauer@legis.wisconsin.gov
 zachary.wyatt@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Rules for setting lab fees

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See attached

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/?	mpfotenh 11/21/2019	swinder 11/25/2019			
/P1			lparisi 11/25/2019		

FE Sent For:

<END>

Pfotenhauer, Mary

From: Ruby, Erin A - DNR
Sent: Monday, November 11, 2019 1:40 PM
To: Pfotenhauer, Mary
Subject: RE: Drafting Request

Follow Up Flag: Follow up
Flag Status: Flagged

Thanks, Mary!

I'll do my best to give you some context that will hopefully answer your question.

NR 149.21 currently establishes a formula-based graduated schedule of fees designed to collect fees on an annual basis in an amount equal to the costs of administering the program. DNR has been working on updating NR 149 under a complete repeal and rewrite. While the new rule makes no changes to NR 149.21, the Legislative Council Rules Clearinghouse has raised a question regarding the department's statutory authority to promulgate a formula based schedule of fees that changes from year-to-year.

Currently, and under the proposed new rule, the Natural Resources board and a nine-member Council created under s. 15.107 (12), Wis. Stats., reviews the department's annuals costs and the department's application of the formula to assess fees to participating labs. The formula in the rule remains the same every year. The only thing that changes is the fee amount for each lab, which are based on the projected annual operating cost figures and the number of labs participating (these both fluctuate annually).

It is my understand that the goal of this proposed statutory language is to specifically authorize the department to establish a formula in rule under which fees would be set on an annual basis.

Does that help? I'm happy to connect you with the appropriate folks if needed.

Thanks again!
Erin

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Erin Ruby
Phone: (608) 266-7566
Erin.Ruby@wisconsin.gov

From: Pfotenhauer, Mary <Mary.Pfotenhauer@legis.wisconsin.gov>
Sent: Monday, November 11, 2019 1:21 PM
To: Ruby, Erin A - DNR <Erin.Ruby@wisconsin.gov>
Subject: Re: Drafting Request

Thanks, Erin, I'll get this started for you.

One question: it looks like, currently, the fee schedule itself is adopted by rules; under the proposed change, only the method for creating a fee schedule would be adopted by rule, not the fee schedule itself-- under that change, would the fee schedule itself still need to be adopted by rule, or do you want the creation of the fee schedule to be exempt from rulemaking procedures?

Thanks,
Mary

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On Mon, Nov 11, 2019 at 1:16 PM -0600, "Ruby, Erin A - DNR" <Erin.Ruby@wisconsin.gov> wrote:

Good afternoon, Mary!

On behalf of the Department of Natural Resources, I would like to make the following request for a preliminary bill draft.

Amend s. 299.11 (9) as follows:

(9) FEES. The department shall promulgate by rule a methodology for producing an annual graduated schedule of fees for certified and registered laboratories which is ~~are~~ designed to recover the costs of administering this section.

Please let me know if you have any questions.

Thank you!
Erin

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Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Erin Ruby
Assistant Legislative Liaison
Wisconsin Department of Natural Resources
Phone: (608) 266-7566
Erin.Ruby@wisconsin.gov





State of Wisconsin
2019 - 2020 LEGISLATURE

1/P1-g
LRB-4923?
MCP:....
skw

In 11/21
Out 11/25

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

generate catalog

1 AN ACT ...; relating to: creating a fee schedule for certain laboratories.

Analysis by the Legislative Reference Bureau

Current law requires the Department of Natural Resources to promulgate by rule a schedule of fees for certified and registered laboratories that perform certain environmental testing.

Under this bill, DNR must promulgate by rule a method for producing an annual schedule of fees for such laboratories. The bill exempts the creation of the annual fees schedules from the rule-making process.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 227.01 (13) (pt) of the statutes is created to read:

3 227.01 (13) (pt) Creates an annual schedule of fees under s. 299.11 (9).

4 SECTION 2. 299.11 (9) of the statutes is amended to read:

1 299.11 (9) FEES. The department shall promulgate by rule a graduated method
2 for producing an annual schedule of fees for certified and registered laboratories
3 which are is designed to recover the costs of administering this section.

History: 1983 a. 410; 1985 a. 22 s. 11; 1985 a. 29 s. 3202 (39); 1985 a. 84 s. 8; 1985 a. 182 s. 57; 1989 a. 31; 1991 a. 32, 39; 1993 a. 27, 491; 1995 a. 27; 1995 a. 227 s. 818; Stats. 1995 s. 299.11; 1995 a. 417 s. 52; 2015 a. 186.

Cross-reference: See also chs. NR 149 and 219, Wis. adm. code.

4

(END)



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-4923/P1
MCP:skw

No
change

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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2 **relating to:** creating a fee schedule for certain laboratories.

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4

(END)

Barman, Mike

From: Pfothenauer, Mary
Sent: Monday, January 06, 2020 12:09 PM
To: LRB.Legal
Subject: -4923/1

Hello:

Could you please jacket -4923/1 for the senate and send it to Senator Nass?

Thanks!

Mary Pfothenauer
Senior Legislative Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 504-5854
mary.pfothenauer@legis.wisconsin.gov

Barman, Mike

From: LRB.Legal
To: Sen.Nass
Subject: Draft review: LRB -4923/1
Attachments: 19-4923/1

**State of Wisconsin - Legislative Reference Bureau
One East Main Street - Suite 200 - Madison**

The attached draft was prepared at your request. Please review it carefully to ensure that it satisfies your intent. If you have any questions concerning the draft or would like to have it redrafted, please contact Mary Pfothenauer, Legislative Attorney, at (608) 504-5854, at mary.pfothenauer@legis.wisconsin.gov, or at One East Main Street, Suite 200.

We will jacket this draft for introduction in the Senate.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will submit a request to DOA when the draft is introduced. You may obtain a fiscal estimate on the draft prior to introduction by contacting our program assistants at LRB.Legal@legis.wisconsin.gov or at (608) 266-3561. If you requested a fiscal estimate on an earlier version of this draft and would like to obtain a fiscal estimate on the current version before it is introduced, you will need to request a revised fiscal estimate from our program assistants.

Please call our program assistants at (608) 266-3561 if you have any questions regarding this email.