



2017 SENATE BILL 459

October 18, 2017 - Introduced by Senators STROEBEL, CRAIG, NASS and KAPENGA, cosponsored by Representatives KREMER, HORLACHER, GANNON, KNODL, KUGLITSCH, SKOWRONSKI, HUTTON, BERNIER, MURPHY, JARCHOW, AUGUST, R. BROOKS and BORN. Referred to Committee on Government Operations, Technology and Consumer Protection.

1 **AN ACT** *to amend* 285.11 (1), 285.13 (7) and 990.01 (30m); and *to create* 285.20
2 of the statutes; **relating to:** Department of Natural Resources rules and
3 regulation of air pollutants.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Natural Resources to identify and repeal all administrative rules promulgated by DNR that relate to the regulation of air pollutants that are not regulated under federal law. The bill also provides that any rule promulgated by DNR that relates to the regulation of an air pollutant that is not regulated under federal law expires ten years after the rule takes effect. The bill provides that DNR may promulgate a rule to readopt an expiring rule using the standard rule-making process no sooner than the year prior to the rule's expiration.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

4 **SECTION 1.** 285.11 (1) of the statutes is amended to read:
5 285.11 (1) Promulgate Subject to s. 285.20, promulgate rules implementing
6 and consistent with this chapter and s. 299.15.

SENATE BILL 459**SECTION 2**

1 **SECTION 2.** 285.13 (7) of the statutes is amended to read:

2 285.13 (7) ~~Establish~~ Subject to s. 285.20, establish by rule, consistent with the
3 federal clean air act, the amount of offsetting emissions reductions required under
4 s. 285.63 (2) (a).

5 **SECTION 3.** 285.20 of the statutes is created to read:

6 **285.20 Air pollution control administrative rules.** (1) If the department
7 promulgates a rule relating to the control of an air pollutant that is not regulated
8 under federal law, the rule expires on January 1 of the 10th year after the year in
9 which the promulgation or readoption of the rule takes effect as provided in s. 227.22,
10 unless the rule provides for an earlier repeal date.

11 (2) No earlier than January 1 and no later than March 1 of the year preceding
12 the expiration date of a rule as provided under sub. (1), the department may, using
13 the rule-making process in ch. 227, promulgate a rule to readopt the rule that is
14 expiring.

15 (3) An agency may not promulgate an emergency rule under s. 227.24 for the
16 purpose of extending a rule that is subject to expiration under this section.

17 **SECTION 4.** 990.01 (30m) of the statutes is amended to read:

18 990.01 (30m) PROMULGATE. "Promulgate," when used in connection with a rule,
19 as defined under s. 227.01 (13), means to repeal; renumber; consolidate, renumber
20 and amend; renumber and amend; amend; repeal and recreate; readopt; or create.

21 **SECTION 5. Nonstatutory provisions.**

22 (1) The department of natural resources shall identify all administrative rules
23 promulgated by the department that relate to the regulation of an air pollutant that
24 is not regulated under federal law and shall repeal identified rules no later than
25 December 31, 2018.

