

**1999 DRAFTING REQUEST**

**Assembly Amendment (AA-AB776)**

Received: **03/02/2000**

Received By: **traderc**

Wanted: **Today**

Identical to LRB:

For: **DuWayne Johnsrud (608) 266-3534**

By/Representing: **Scott**

This file may be shown to any legislator: NO

Drafter: **traderc**

May Contact:

Alt. Drafters:

Subject: **Environment - miscellaneous**

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Limitation concerning air permits

**Instructions:**

Like 99a15 19 (they lost the stripes)

**Drafting History:**

| <u>Vers.</u> | <u>Drafted</u>        | <u>Reviewed</u>       | <u>Typed</u>         | <u>Proofed</u> | <u>Submitted</u>           | <u>Jacketed</u>            | <u>Reaured</u> |
|--------------|-----------------------|-----------------------|----------------------|----------------|----------------------------|----------------------------|----------------|
| /?           | traderc<br>03/02/2000 | jgeller<br>03/02/2000 |                      | _____          |                            |                            |                |
| /1           |                       |                       | hhagen<br>03/02/2000 | _____          | lrb-docadmin<br>03/02/2000 | lrb-docadmin<br>03/02/2000 |                |

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|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
| /?           | traderc        | 1 3/2 jlg       |              | _____          |                  |                 |                 |

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**1999 DRAFTING REQUEST**

**Assembly Amendment (AA-AB776)**

Received: **02/29/2000**

Received By: **traderc**

Wanted: **Soon**

Identical to LRB:

For: **Stephen Freese (608) 266-7502**

By/Representing: **Mark Patronsky**

This file may be shown to any legislator: NO

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Alt. Drafters:

Subject: **Environment - miscellaneous**

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Limitation concerning air permits

**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>Reauired</u> |
|--------------|-----------------------|-----------------------|-----------------------|----------------|----------------------------|----------------------------|-----------------|
| /1           | traderc<br>02/29/2000 | gilfokm<br>02/29/2000 | martykr<br>02/29/2000 | _____          | lrb_docadmin<br>02/29/2000 | lrb_docadmin<br>02/29/2000 |                 |

FE Sent For:

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WISCONSIN LEGISLATIVE COUNCIL STAFF  
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DATE: 2/29/2000

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PLEASE DELIVER TO: BECKY TINDEN

FAX NUMBER:

FROM: MARK PATRICK

MESSAGE:

FOR REP FREESE  
WED 3/1 EXEC (AFTERNOON)

\*\*\* THIS SECTION IS CURRENT THROUGH 106-170, APPROVED 12/17/99 \*\*\*

TITLE 42. THE PUBLIC HEALTH AND WELFARE  
CHAPTER 85. AIR POLLUTION PREVENTION AND CONTROL  
PROGRAMS AND **ACTIVITIES**  
AIR **QUALITY** AND EMISSION LIMITATIONS

42 USCS § 7428 (1999)

§ 7428. State boards ..

[(a)] Not later than the date one year after the date of the enactment of this section [enacted Aug. 7, 1977], each applicable implementation plan shall contain requirements that--

(1) any board or body which approves permits or enforcement orders under this Act shall have at least a majority of members who represent the public interest and do not **derive** any significant portion of their income **from** persons subject to permits or enforcement orders under this Act, and

(2) any potential conflicts of interest by members of such board or body or the head of an executive agency with similar powers be adequately disclosed.

A State may adopt any requirements respecting conflicts of interest for such boards or bodies or heads of executive agencies, or any other **entities** which are more stringent than the **requirements** of paragraph (1) and (2), and the **Administrator** shall approve any such more stringent requirements submitted as part of an implementation plan.

HISTORY: (July 14, 1955, ch 360, Title I, Part A, § 128, as added Aug. 7, 1977, P.L. 95-95, Title I, § 125, 91 Stat. 725.)

HISTORY; ANCILLARY LAWS AND **DIRECTIVES**

References in text:

“This Act”, referred to in this section, is Act July 14, 1955, ch 360, 69 Stat. 322, as generally amended by Act **D** 17, 1963, P.L. 88-206, 77 Stat. 392, which formerly **appeared** as 42 **USCS §§** 1857 **et seq.** prior to its **general** amendment by Act Aug. 7, 1977, P.L. 95-95, 91 Stat. 685, and now appears as 42 **USCS §§** 7401 **et seq.**

Explanatory notes:

The subsection designator (a) was enclosed in brackets inasmuch as the section was enacted with a **subsec. (b)**.

Effective date of section:

Act Aug. 7, 1977, P.L. 95-95, Title IV, § 406(d), 91 Stat. 795, which appears as 42 **USCS § 7401** note, provided that this section is effective on the date of enactment on Aug. 7, 1977.

NOTES:

CROSS REFERENCES

This section is referred to in 42 **USCS § 7410**.

**INTERPRETIVE NOTES AND DECISIONS**

Persons appointed to positions specified in 42 **USCS § 7428** can **potentially** meet first requirement of § 7428 that they represent public interest based on sectors they presumably represent; however, to ensure second requirement of § 7428 is met, regulation should be written requiring **each board member to** disclose **his** or her financial interests in legal entities subject to Clean Air Act permitting or enforcement requirements. Section 125 of 1977 Clean Air Act Amendments, **USEPA RCO (Region 4)** December 9, 1977.

Natural Resources Board

WLCS: 0255/1

MCP:tu:jal;ksm

02/29/2000

**ASSEMBLY AMENDMENT ,  
TO 1999 ASSEMBLY BILL 776**

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

2 1. Page 3, line 5: delete lines 5 to 7 and substitute:

3 “15.34 (2) (d) The majority of members of the natural resources board may not derive  
4 a significant portion of their incomes **from persons** subject to permits or enforcement orders  
5 under ch. **285**. Each board **member** shall inform the governor of any significant change in the  
6 income that he or **she** derives from persons subject to permits or **enforcement** orders under ch.  
7 285.”.

8 (END)



State of Wisconsin  
1999 - 2000 LEGISLATURE

*Today*

LRBa1519/1

RCT:jf

*SMG  
my*

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

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

2 1. Page 3, line 5: delete lines 5 to 7 and substitute:

*text: treat*

3 "15.34 (2) (d) The majority of members of the natural resources board may not  
4 derive a significant portion of their incomes from persons <sup>who are</sup> subject to permits or  
5 enforcement orders under ch. 285. Each board member shall inform the governor of  
6 any significant change in the income that he or she derives from persons <sup>who are</sup> subject to  
7 permits or enforcement orders under ch. 285."

8 (END)



