

**1999 DRAFTING REQUEST**

**Assembly Amendment (AA-AB133)**

Received: **05/12/99**

Received By: **traderc**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Bonderud**

This file may be shown to any legislator: **NO**

Drafter: **traderc**

May Contact:

Alt. Drafters:

Subject: **Environment - water quality**

Extra Copies:

**Pre Topic:**

LFB:.....Bonderud -

**Topic:**

Wastewater discharge fees

**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>
/1	traderc 05/14/99	gilfokm 05/18/99	mclark 05/20/99	_____	lrb_docadmin 05/20/99		

FE Sent For:

<END>

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1?	traderc	1-5-18-99 kmg	5-19 MRC	MRC/km 5/19			

FE Sent For:

<END>

## **Tradewell, Becky**

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**From:** Bonderud, Kendra  
**Sent:** Tuesday, May 11, 1999 4:47 PM  
**To:** Tradewell, Becky  
**Cc:** Hinz, Daryl  
**Subject:** DNR-Water LRB Drafting Request

JFC acted today on our papers related to DNR-Water Quality, except for David's nonpoint paper, which was deferred to Thursday. JFC also deferred action on freestanding motions until Thursday.

On Paper #709, JFC adopted motion #271, which will need LRB drafting. I will fax it to you. If you want to discuss the motion, please give me a call.

On Paper #710, JFC adopted alternatives A.2.b and B.1, which does not need LRB drafting.

Thanks for fitting in this drafting request into your schedule.

Kendra Bonderud  
Legislative Fiscal Bureau  
(608) 266-3847  
[Kendra.Bonderud@legis.state.wi.us](mailto:Kendra.Bonderud@legis.state.wi.us)



**Legislative Fiscal Bureau**

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

Date: 5/11/99

DELIVER TO: Becky Tradewell LRB

Addressee Fax #: 4-8522 Addressee Phone #: \_\_\_\_\_

# of Pages, Including Cover: 3 Sender's Initials: \_\_\_\_\_

From: Kendra Bonderud

Message:

JFC approved  
5/11/99 16-0

Senator Burke

**NATURAL RESOURCES -- WATER QUALITY****Wastewater Discharge (NR 101) Fees  
[LFB Paper #709]****Motion:**

Move to maintain the current statutory cap of \$7,450,000 for wastewater discharge (NR 101) fees in 1999-00, for fees assessed in the spring of 2000 for calendar year 1999 discharges. Increase the statutory cap to \$7,925,000 in 2000-01.

Require DNR to promulgate administrative rule changes for wastewater discharge fees for fees assessed in the spring of 2001 for calendar year 2000 discharges. Direct that the rules include all of the following provisions: (a) use the fees billed in 2000 for calendar year 1999 wastewater discharges for each discharger as the basis of the new fee system; (b) establish a fee system applicable to each discharger based on a fee per unit of discharge, utilizing a five year rolling average of the amount of discharges by the discharger; (c) establish a performance-based approach, under which if an individual discharger's amount of wastewater discharges increases from one year to the next, the amount of fees paid by the discharger would increase proportionally, and if an individual discharger's amount of wastewater discharges decrease from one year to the next, the amount of fees paid by the discharger would decrease proportionally; (d) establish that the performance-based system will not include the use of multipliers or other similar measures to increase fees above the level based on actual discharge levels; and (e) specify that the wastewater discharge fee per unit of discharge set in the rule may not be changed. Direct DNR to submit the proposed administrative rule changes to the Legislative Council staff no later than February 1, 2000, and to complete promulgation of the final rules by January 1, 2001.

Direct DNR to submit a report by February 1, 2000, to the appropriate standing committees of the Legislature and to the Joint Committee on Finance. Direct that the report include DNR's recommendation on whether any statutory changes would be needed to implement a performance-based approach to assessing wastewater discharge fees, including whether the statutory cap should be changed.

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**Note:**

The statutory cap for wastewater discharge fees would be increased to \$7,925,000 in 2000-01 (rather than 1999-00 under AB 133) for calendar year 2000 discharges.

DNR would be required to promulgate administrative rules to change the wastewater discharge fee system effective for fees assessed in 2000-01 for calendar year 2000 discharges. The rules would be required to establish a performance-based approach under which decreases in the amount of discharges would result in decreases in fees and increases in the amount of discharges would result in increases in fees.

DNR would be required to submit a report by February 1, 2000, to the appropriate standing committees of the Legislature and to the Joint Committee on Finance, that includes DNR's recommendation on whether any statutory changes would be needed to implement a performance-based approach to assessing wastewater discharge fees, including whether the statutory cap should be changed.

[Change to Bill: - \$475,000 GPR-REV]



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb0301/1

RCT:.....  
*King*

*soon*

*DNote*

LFB:.....Bonderud – Wastewater discharge fees

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

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

2 ✓1. Page 1203, line 16: after that line insert:

3 "SECTION 2680v. 299.15 (3) (cm) 1. of the statutes is created to read:

4 299.15 (3) (cm) 1. In fiscal year 1999-~~00~~<sup>2000</sup>, the department may not charge total  
5 fees under par. (am) that exceed \$7,450,000."

6 ✓2. Page 1203, line 18: after "year" insert "after fiscal year 1999-~~00~~<sup>2000</sup>".

7 ✓3. Page 1203, line 19: after that line insert:

8 "SECTION 2681e. 299.15 (3) <sup>e</sup>(~~d~~) of the statutes is created to read:

9 299.15 (3) <sup>e</sup>(~~d~~) In the rules under par. (am) 3. for fees required to be paid in fiscal  
10 years beginning with fiscal year 2000-<sup>1</sup>01, the department shall do all of the  
11 following:

2000

1 1. Use the fees paid by a person in fiscal year 1999-~~2000~~ as the basis for the  
2 person's fees.

3 2. Determine the fee for each person based on the number of units of pollutants  
4 discharged by the person, using a 5-year rolling average.

5 *Use a performance based approach that*  
6 3. ~~Increase~~ a person's fees in proportion to increases in the number of units of  
7 pollutants discharged by the person, as determined under subd. 2., and decrease<sup>s</sup> a  
8 person's fees in proportion to decreases in the number of units of pollutants  
9 discharged by the person, as determined under subd. 2.

10 4. Omit any multiplier or similar mechanism that would increase a person's  
11 fees in order to compensate for decreases in overall amounts of discharges.

12 5. Omit any provision that would increase the fee per unit of pollutant  
13 discharged in order to compensate for decreases in overall amounts of discharges.”.

✓ 4. Page 1411, line 22: after that line insert:

“(3)<sup>x</sup> WASTEWATER DISCHARGE FEES.

Amended

15 (a) *Report.* The department of natural resources shall prepare a report on  
16 wastewater discharge fees under section 299.15 (3) (am) of the statutes. The  
17 department shall include any recommendation for statutory changes needed to  
18 implement section 299.15 (3) (~~a~~<sup>fe</sup>) of the statutes, as created by this act. The  
19 department shall submit its report to the appropriate standing committees of the  
20 legislature in the manner provided under section 13.172 (3) of the statutes and to the  
21 joint committee on finance no later than February 1, 2000.

22 (b) *Rules.* The department of natural resources shall submit in proposed form  
23 the rules required under section 299.15 (3) (~~a~~<sup>fe</sup>) of the statutes, as created by this act,  
24 to the legislative council staff under section 227.15 (1) of the statutes no later than



1 February 1, 2000, and shall promulgate the rules no later than January 1, 2001,  
2 unless action by the legislature under chapter 227 of the statutes prevents the  
3 department from meeting this deadline.”.

4 (END)

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

LRBb0301/1dn

RCT:.....  
kmg

Kendra Bonderud:

This is the wastewater discharge fee draft. It is not clear to me what it means to say that the fees paid in the spring of 2000 are the basis for the future fees (because the fees paid in the spring of 2000 are not calculated in accordance with the new requirements). In particular, I'm not sure how that requirement interacts with the requirement that the fees be based on a 5-year rolling average of discharge amounts. I tried to specify that the provision about proportional changes in fees was based on changes in the rolling average rather than on changes from one year to the next. Otherwise, I think that these two provisions would conflict.

Please look at current s. 299.15 (3) (am) 3, ~~and~~ (b) <sup>and (cm) 3.</sup> to see whether they are at all inconsistent with the intent of this proposal.

We cannot really require an agency to have final rules in effect by a certain date because action by other actors can prevent that even if the agency does all that it can to comply. That is why I added the language at the end of the nonstatutory provision.

Rebecca C. Tradewell  
Managing Attorney  
Phone: (608) 266-7290  
E-mail: Becky.Tradewell@legis.state.wi.us

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

LRBb0301/1dn  
RCT:kmg:mrc

May 19, 1999

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Managing Attorney  
Phone: (608) 266-7290  
E-mail: [Becky.Tradewell@legis.state.wi.us](mailto:Becky.Tradewell@legis.state.wi.us)



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb0301/1  
RCT:kmg:mrc

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6 proportion to increases in the number of units of pollutants discharged by the person,  
7 as determined under subd. 2., and decreases a person’s fees in proportion to  
8 decreases in the number of units of pollutants discharged by the person, as  
9 determined under subd. 2.

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11 fees in order to compensate for decreases in overall amounts of discharges.

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(END)