

1999 DRAFTING REQUEST

Assembly Amendment (AA-AB133)

Received: 05/27/99

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 - air quality

Extra Copies:

Pre Topic:

LFB:.....Bonderud -

Topic:

Air emission 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 06/4/99	gilfokm 06/4/99	martykr 06/6/99	_____	lrb_docadmin 06/7/99		
/2	traderc 06/9/99	gilfokm 06/9/99	ismith 06/10/99	_____	lrb_docadmin 06/10/99		

FE Sent For:

<END>

1999 DRAFTING REQUEST

Assembly Amendment (AA-AB133)

Received: **05/27/99**

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 - air quality**

Extra Copies:

Pre Topic:

LFB:.....Bonderud -

Topic:

Air emission 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 06/4/99	gilfokm 06/4/99	martykr 06/6/99	_____	lrb_docadmin 06/7/99		
FE Sent For:		<i>12-6-99 Kmg</i>	<i>IS 6/10/99</i>	<i>IS/JLG 6/10/99</i>			<END>

1999 DRAFTING REQUEST

Assembly Amendment (AA-AB133)

Received: 05/27/99

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 - air quality

Extra Copies:

Pre Topic:

LFB:.....Bonderud -

Topic:

Air emission 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	1-6-4-99 kmg	Kmg	JAL Kmg			

FE Sent For:

<END>

JFC Approved
5/26/99 16-0
Representative Gard
Senator Burke

NATURAL RESOURCES -- AIR, WASTE AND CONTAMINATED LAND

Air Management Staff and Fees [LFB Paper #711]

Motion:

Move to Approve Alternative A.3.b. In addition, include the following:

1. Require DNR to promulgate administrative rule changes for air emissions fees for fees assessed in 2002 for calendar year 2001 emissions. Direct that the rules include all of the following provisions: (a) use the fees billed in 2001 for calendar year 2000 emissions for each facility as the basis of the new fee system; (b) establish a fee system applicable to each facility based on a fee per unit of emissions, based on a five year rolling average of the amount of emissions by the facility; (c) establish a performance-based approach, under which if an individual facility's amount of emissions increases from one year to the next, the amount of fees paid by the facility would increase proportionately, and if an individual facility's air emissions decreased from one year to the next, the amount of fees paid by the facility would decrease proportionately; (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 emission levels; and (e) specify that the emission fee per ton 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 July 1, 2001, and to complete promulgation of the final rules by March 1, 2002. Require DNR to submit any statutory language changes necessary to implement the rule changes as part of the Department's 2001-03 budget submittal.

2. Request the Joint Committee on Audit to request the Legislative Audit Bureau to review the DNR's Air Management programs, looking particularly at a comparison of federally required duties compared to state-only requirements.

3. Direct DNR to adopt objective performance measurements for the Air Management Bureau relating to the issuance of construction and operation permits, as well as overall bureau performance. Require that DNR form an advisory committee to develop the performance measurements and that the advisory committee include industry representatives who are knowledgeable in performance and productivity assessment in the area of environmental management, as well as other interested members of the public.

Note:

The motion would approve the Governor's recommendation to delete \$600,000 FED annually with 8.0 FED positions. Instead of creating the new facility fee under AB 133, the motion would increase the cap for assessment of emissions tonnage fees from 4,000 to 5,000 tons per billable pollutant, to generate revenues of approximately \$716,700 PR in 1999-00 and \$824,100 PR in 2000-01. In addition, the motion would delete \$686,000 PR in 1999-00 and \$654,100 PR in 2000-01 with 8.0 PR positions in the Air Management Bureau and provide \$104,800 PR in 1999-00 and \$73,000 PR in 2000-01 for permit processing software upgrades. This would result in a reduction of 11.0 Air Management Bureau positions instead of 3.0 under the bill. It would allow DNR to fill approximately 5.0 positions above current staff levels.

The motion would direct DNR to develop administrative rules for a performance-based system of air emissions fees, beginning with fees assessed in 2002 for calendar year 2001 emissions. DNR would be required to submit any statutory language changes necessary to implement the rule changes as part of the Department's 2001-03 biennial budget submittal. Potential sources of revenue or expenditure reductions that may be necessary under a performance based fee system are not identified (the industry has suggested GPR as a possible option).

The motion would request the Joint Committee on Audit to request the Legislative Audit Bureau to perform an audit of the DNR Air Management programs.

The motion would direct DNR to develop and adopt objective performance measurements for the Air Management Bureau.

[Change to Bill: - \$1,646,300 PR-REV, - \$1,162,300 PR, -8.0 PR positions]

<u>Alternative A2a</u>	<u>PR</u>
1999-01 REVENUE (Change to Bill)	- \$1,593,700
1999-01 FUNDING (Change to Bill)	- \$1,129,900
2000-01 POSITIONS (Change to Bill)	- 6.50

b. Delete \$650,900 PR in 1999-00 and \$619,000 PR in 2000-01 with 7.5 PR positions in the Air Management Bureau and provide \$104,800 PR in 1999-00 and \$73,000 PR in 2000-01 for permit processing software upgrades. This alternative would result in a reduction of 10.5 Air Management Bureau positions instead of 3.0 under the bill.

<u>Alternative A2b</u>	<u>PR</u>
1999-01 REVENUE (Change to Bill)	- \$1,593,700
1999-01 FUNDING (Change to Bill)	- \$1,092,100
2000-01 POSITIONS (Change to Bill)	- 7.50

3. Approve the Governor's recommendation to delete \$600,000 FED annually with 8.0 FED positions. However, instead of creating a new facility fee, increase the cap for assessment of emissions tonnage fees from 4,000 tons to 5,000 tons per billable pollutant, to generate new revenues of approximately \$716,700 PR in 1999-00 and \$824,100 in 2000-01. In addition, provide one of the following:

a. Delete \$615,900 PR in 1999-00 and \$584,000 PR in 2000-01 with 7.0 PR positions in the Air Management Bureau. This alternative would result in a reduction of 10.0 Air Management Bureau positions instead of 3.0 under the bill. No funding would be provided for permit processing software upgrades.

<u>Alternative A3a</u>	<u>PR</u>
1999-01 REVENUE (Change to Bill)	- \$1,646,500
1999-01 FUNDING (Change to Bill)	- \$1,199,900
2000-01 POSITIONS (Change to Bill)	- 7.00

b. Delete \$686,000 PR in 1999-00 and \$654,100 PR in 2000-01 with 8.0 PR positions in the Air Management Bureau and provide \$104,800 PR in 1999-00 and \$73,000 PR in 2000-01 for permit processing software upgrades. This alternative would result in a reduction of 11.0 Air Management Bureau positions instead of 3.0 under the bill.

<u>Alternative A3b</u>	<u>PR</u>
1999-01 REVENUE (Change to Bill)	- \$1,646,500
1999-01 FUNDING (Change to Bill)	- \$1,162,300
2000-01 POSITIONS (Change to Bill)	- 8.00



State of Wisconsin
1999 - 2000 LEGISLATURE

5000

LRBb0441/1

RCT/k...
(Signature)

LFB:.....Bonderud – Air emission fees

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

ONote

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

2 ✓ 1. Page 402, line 14: delete lines 14 to 21.

3 ✓ 2. Page 403, line 24: delete the material beginning with that line and ending
4 with page 404, line 4.

5 ✓ 3. Page 407, line 25: delete the material beginning with that line and ending
6 with page 408, line 4.

7 ✓ 4. Page 409, line 10: delete lines 10 to 14.

8 ✓ 5. Page 1166, line 10: after that line insert:

9 “SECTION 2554e. 285.11 (18) of the statutes is created to read:

*20-370
(2)(b)*
20-370(3)
(b)
*20-370
(8)(mg)*
*20-370
(9)(m)*

1 285.11 (18) Adopt and apply objective performance measurements, for the
2 subunit of the department that administers this chapter, relating to the issuance of
3 permits under subch. VII and to overall performance of the subunit.”

4 ✓ 6. Page 1166, line 19: delete the material beginning with that line and ending
5 with page 1167, line 12 and substitute:

6 “SECTION 2555n. 285.69 (2) (a) 1. of the statutes is amended to read:

7 285.69 (2) (a) 1. That fees collected in a year before 2002 are based on actual
8 emissions of all regulated pollutants and any other air contaminant specified by the
9 department in the rules in the preceding year.

10 History: 1979 c. 34, 221; 1987 a. 27; 1989 a. 56; 1991 a. 39, 269; 1993 a. 16; 1995 a. 27; 1995 a. 227 ss. 495 to 499; Stats. 1995 s. 285.69; 1997 a. 27, 35.

11 SECTION 2555q. 285.69 (2) (a) 4. of the statutes is amended to read:

12 285.69 (2) (a) 4. That the fees collected in each year after 1994 and before 2002
13 are calculated by increasing the fees collected in the preceding year by the percentage
14 by which the consumer price index, as defined in 42 USC 7661a (b) (3) (B) (v),
increased in the preceding year.

15 History: 1979 c. 34, 221; 1987 a. 27; 1989 a. 56; 1991 a. 39, 269; 1993 a. 16; 1995 a. 27; 1995 a. 227 ss. 495 to 499; Stats. 1995 s. 285.69; 1997 a. 27, 35.

16 SECTION 2555s. 285.69 (2) (a) 5. of the statutes is amended to read:

17 285.69 (2) (a) 5. That fees are not based on emissions by an air contaminant
18 source in excess of 4,000 5,000 tons per year of each regulated pollutant, except that,
19 subject to par. (b), this limitation does not apply to a major utility, as defined in s.
20 285.41 (1) (f), that owns or operates a phase I affected unit as listed in Table A of 42
USC 7651c.

21 SECTION 2555u. 285.69 (2) (a) 7. to 11. of the statutes are created to read:

22 285.69 (2) (a) 7. That the fees billed for a stationary source in ^{each year after} 2001 are the basis
23 ^{based on} for the fees billed for the stationary source in ^{each year after} 2001.

285.69
(a)(c)(iii)
(e)

1 8. That the fee billed for each stationary source in each year after 2001 is based
 2 on the actual emissions of all regulated pollutants, and any other air contaminant
 3 specified by the department in the rules, in the preceding 5 years, using a 5-year
 4 rolling average.

5 9. That fees billed in years after 2001 are determined using a
 6 performance-based approach that increases a stationary source's fees in proportion
 7 to increases in the amount of pollutants emitted by the stationary source, as
 8 determined under subd. 8., and decreases a stationary source's fees in proportion to
 9 decreases in the amount of pollutants emitted by the stationary source, as
 10 determined under subd. 8.

11 10. That no multiplier or similar mechanism is used that would increase a
 12 stationary source's fees to compensate for decreases in overall amounts of emissions.

13 11. That no provision is used that would increase the fee per unit of pollutant
 14 emitted in order to compensate for decreases in overall amounts of emissions.

15 **SECTION 2555w.** 285.69 (2) (b) of the statutes is amended to read:

16 285.69 (2) (b) The department may not charge a major utility fees on emissions
 17 in excess of ~~4,000~~ 5,000 tons per year of each regulated pollutant beyond the amount
 18 necessary to recover the fees that would have been charged for any phase I affected
 19 unit listed in Table A of 42 USC 7651c owned by that major utility if the prohibition
 20 in par. (a) 6. did not exist.”.

History: 1979 c. 34, 221; 1987 a. 27; 1989 a. 56; 1991 a. 39, 269; 1993 a. 16; 1995 a. 27; 1995 a. 227 ss. 495 to 499; Stats. 1995 s. 285.69; 1997 a. 27, 35.

21 7. Page 1410, line 12: after that line insert:

22 “(f) ^{2t} AUDIT OF AIR MANAGEMENT PROGRAM. The joint legislative audit committee
 23 is requested to direct the legislative audit bureau to perform a performance
 24 evaluation audit of the department of natural resource's air management program,

1 including a comparison of federally required aspects of the program and aspects
2 required only by state law. If the committee directs the legislative audit bureau to
3 perform an audit, the bureau shall file its report as described in section 13.94 (1) (b) ✓
4 of the statutes by January 1, 2001.”

5 **8.** Page 1414, line 15: after that line insert:

6 ^{tt}
7 “(8) AIR EMISSION FEE RULES. The department of natural resources shall submit
8 in proposed form the rules required under section 285.69 (2) (a) 7. to 11. ✓ ✓ of the
9 statutes, as created by this act, to the legislative council staff under section 227.15
10 (1) of the statutes no later than July 1, 2001, and shall promulgate the rules no later
11 than March 1, 2002, unless action by the legislature under chapter 227 of the
12 statutes prevents the department from meeting this deadline.

13 ^{tu}
14 (8) AIR EMISSION FEE STATUTORY CHANGES. In submitting information under
15 section ~~1000~~ ^{16.41 16.42} (1) of the statutes for purposes of the 2001–03 biennial budget act, the
16 department of natural resources shall include any proposed statutory changes that
17 the department determines are necessary to implement the proposed rules under
18 section 285.69 (2) (a) 7. to 11. ✓ of the statutes as created by this act. ²

19 ^{tv}
20 (8) ADVISORY COMMITTEE FOR AIR MANAGEMENT PERFORMANCE STANDARDS. The
21 natural resources board shall establish a committee under section 15.04 (1) (c) of the
22 statutes to advise the department of natural resources in the development of the
23 performance measurements under section 285.11 (18) ✓ of the statutes, as created by
24 this act. The board shall include on the committee industry representatives who are
knowledgeable about performance and productivity assessment in the area of
environmental management, as well as other interested persons.”

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0441/1dn

RCT:.....

Kmg

Kendra Bonderud:

This is the air emission fee draft. As with the wastewater discharge fee draft, it is not clear to me what it means to say that the fees paid in 2001 are the basis for future fees when the draft sets out other bases for the future fees that are different from the bases for the fees paid in 2001.

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**

LRBb0441/1dn
RCT:kmg:km

June 6, 1999

Kendra Bonderud:

This is the air emission fee draft. As with the wastewater discharge fee draft, it is not clear to me what it means to say that the fees paid in 2001 are the basis for future fees when the draft sets out other bases for the future fees that are different from the bases for the fees paid in 2001.

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

Tradewell, Becky

From: Bonderud, Kendra
Sent: Wednesday, June 09, 1999 1:48 PM
To: Tradewell, Becky
Subject: redraft 441/1 please

Would you please redraft LRBb0441/1 related to air emission fee to delete a due date for the LAB audit of the DNR air management programs (page 4 lines 214). It is the only change I need before forwarding the draft to Daryl for final review. Thanks.

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



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0441/2
RCT:kmg:km

SO ON

RMR

LFB:.....Bonderud - Air emission 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 402, line 14: delete lines 14 to 21.
- 3 **2.** Page 403, line 24: delete the material beginning with that line and ending
- 4 with page 404, line 4.
- 5 **3.** Page 407, line 25: delete the material beginning with that line and ending
- 6 with page 408, line 4.
- 7 **4.** Page 409, line 10: delete lines 10 to 14.
- 8 **5.** Page 1166, line 10: after that line insert:
- 9 **"SECTION 2554e.** 285.11 (18) of the statutes is created to read:

1 285.11 (18) Adopt and apply objective performance measurements, for the
2 subunit of the department that administers this chapter, relating to the issuance of
3 permits under subch. VII and to overall performance of the subunit.”.

4 **6.** Page 1166, line 19: delete the material beginning with that line and ending
5 with page 1167, line 12, and substitute:

6 “**SECTION 2555n.** 285.69 (2) (a) 1. of the statutes is amended to read:

7 285.69 (2) (a) 1. That fees collected in a year before 2002 are based on actual
8 emissions of all regulated pollutants and any other air contaminant specified by the
9 department in the rules in the preceding year.

10 **SECTION 2555q.** 285.69 (2) (a) 4. of the statutes is amended to read:

11 285.69 (2) (a) 4. That the fees collected in each year after 1994 and before 2002
12 are calculated by increasing the fees collected in the preceding year by the percentage
13 by which the consumer price index, as defined in 42 USC 7661a (b) (3) (B) (v),
14 increased in the preceding year.

15 **SECTION 2555s.** 285.69 (2) (a) 5. of the statutes is amended to read:

16 285.69 (2) (a) 5. That fees are not based on emissions by an air contaminant
17 source in excess of ~~4,000~~ 5,000 tons per year of each regulated pollutant, except that,
18 subject to par. (b), this limitation does not apply to a major utility, as defined in s.
19 285.41 (1) (f), that owns or operates a phase I affected unit as listed in Table A of 42
20 USC 7651c.

21 **SECTION 2555u.** 285.69 (2) (a) 7. to 11. of the statutes are created to read:

22 285.69 (2) (a) 7. That the fees billed for a stationary source in each year after
23 2001 are based on the fees billed for the stationary source in 2001.

1 8. That the fee billed for each stationary source in each year after 2001 is based
2 on the actual emissions of all regulated pollutants, and any other air contaminant
3 specified by the department in the rules, in the preceding 5 years, using a 5-year
4 rolling average.

5 9. That fees billed in years after 2001 are determined using a
6 performance-based approach that increases a stationary source's fees in proportion
7 to increases in the amount of pollutants emitted by the stationary source, as
8 determined under subd. 8., and decreases a stationary source's fees in proportion to
9 decreases in the amount of pollutants emitted by the stationary source, as
10 determined under subd. 8.

11 10. That no multiplier or similar mechanism is used that would increase a
12 stationary source's fees to compensate for decreases in overall amounts of emissions.

13 11. That no provision is used that would increase the fee per unit of pollutant
14 emitted in order to compensate for decreases in overall amounts of emissions.

15 **SECTION 2555w.** 285.69 (2) (b) of the statutes is amended to read:

16 285.69 (2) (b) The department may not charge a major utility fees on emissions
17 in excess of ~~4,000~~ 5,000 tons per year of each regulated pollutant beyond the amount
18 necessary to recover the fees that would have been charged for any phase I affected
19 unit listed in Table A of 42 USC 7651c owned by that major utility if the prohibition
20 in par. (a) 6. did not exist.”.

21 **7.** Page 1410, line 12: after that line insert:

22 “(2t) AUDIT OF AIR MANAGEMENT PROGRAM. The joint legislative audit committee
23 is requested to direct the legislative audit bureau to perform a performance
24 evaluation audit of the department of natural resource's air management program,

1 including a comparison of federally required aspects of the program and aspects
2 required only by state law. ~~If the committee directs the legislative audit bureau to~~
3 ~~perform an audit, the bureau shall file its report as described in section 13.94 (1) (b)~~
4 ~~of the statutes by January 1, 2001.”~~

5 **8.** Page 1414, line 15: after that line insert:

6 “(8tt) AIR EMISSION FEE RULES. The department of natural resources shall
7 submit in proposed form the rules required under section 285.69 (2) (a) 7. to 11. of
8 the statutes, as created by this act, to the legislative council staff under section
9 227.15 (1) of the statutes no later than July 1, 2001, and shall promulgate the rules
10 no later than March 1, 2002, unless action by the legislature under chapter 227 of
11 the statutes prevents the department from meeting this deadline.

12 (8tu) AIR EMISSION FEE STATUTORY CHANGES. In submitting information under
13 section 16.42 (1) of the statutes for purposes of the 2001–03 biennial budget act, the
14 department of natural resources shall include any proposed statutory changes that
15 the department determines are necessary to implement the proposed rules under
16 section 285.69 (2) (a) 7. to 11. of the statutes, as created by this act.

17 (8tv) ADVISORY COMMITTEE FOR AIR MANAGEMENT PERFORMANCE STANDARDS. The
18 natural resources board shall establish a committee under section 15.04 (1) (c) of the
19 statutes to advise the department of natural resources in the development of the
20 performance measurements under section 285.11 (18) of the statutes, as created by
21 this act. The board shall include on the committee industry representatives who are
22 knowledgeable about performance and productivity assessment in the area of
23 environmental management, as well as other interested persons.”.

24 (END)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0441/2
RCT:kmg:ijs

LFB:.....Bonderud - Air emission 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 402, line 14: delete lines 14 to 21.
- 3 **2.** Page 403, line 24: delete the material beginning with that line and ending
4 with page 404, line 4.
- 5 **3.** Page 407, line 25: delete the material beginning with that line and ending
6 with page 408, line 4.
- 7 **4.** Page 409, line 10: delete lines 10 to 14.
- 8 **5.** Page 1166, line 10: after that line insert:
- 9 “**SECTION 2554e.** 285.11 (18) of the statutes is created to read:

1 285.11 (18) Adopt and apply objective performance measurements, for the
2 subunit of the department that administers this chapter, relating to the issuance of
3 permits under subch. VII and to overall performance of the subunit.”.

4 **6.** Page 1166, line 19: delete the material beginning with that line and ending
5 with page 1167, line 12, and substitute:

6 **“SECTION 2555n.** 285.69 (2) (a) 1. of the statutes is amended to read:

7 285.69 (2) (a) 1. That fees collected in a year before 2002 are based on actual
8 emissions of all regulated pollutants and any other air contaminant specified by the
9 department in the rules in the preceding year.

10 **SECTION 2555q.** 285.69 (2) (a) 4. of the statutes is amended to read:

11 285.69 (2) (a) 4. That the fees collected in each year after 1994 and before 2002
12 are calculated by increasing the fees collected in the preceding year by the percentage
13 by which the consumer price index, as defined in 42 USC 7661a (b) (3) (B) (v),
14 increased in the preceding year.

15 **SECTION 2555s.** 285.69 (2) (a) 5. of the statutes is amended to read:

16 285.69 (2) (a) 5. That fees are not based on emissions by an air contaminant
17 source in excess of ~~4,000~~ 5,000 tons per year of each regulated pollutant, except that,
18 subject to par. (b), this limitation does not apply to a major utility, as defined in s.
19 285.41 (1) (f), that owns or operates a phase I affected unit as listed in Table A of 42
20 USC 7651c.

21 **SECTION 2555u.** 285.69 (2) (a) 7. to 11. of the statutes are created to read:

22 285.69 (2) (a) 7. That the fees billed for a stationary source in each year after
23 2001 are based on the fees billed for the stationary source in 2001.

1 8. That the fee billed for each stationary source in each year after 2001 is based
2 on the actual emissions of all regulated pollutants, and any other air contaminant
3 specified by the department in the rules, in the preceding 5 years, using a 5-year
4 rolling average.

5 9. That fees billed in years after 2001 are determined using a
6 performance-based approach that increases a stationary source's fees in proportion
7 to increases in the amount of pollutants emitted by the stationary source, as
8 determined under subd. 8., and decreases a stationary source's fees in proportion to
9 decreases in the amount of pollutants emitted by the stationary source, as
10 determined under subd. 8.

11 10. That no multiplier or similar mechanism is used that would increase a
12 stationary source's fees to compensate for decreases in overall amounts of emissions.

13 11. That no provision is used that would increase the fee per unit of pollutant
14 emitted in order to compensate for decreases in overall amounts of emissions.

15 **SECTION 2555w.** 285.69 (2) (b) of the statutes is amended to read:

16 285.69 (2) (b) The department may not charge a major utility fees on emissions
17 in excess of ~~4,000~~ 5,000 tons per year of each regulated pollutant beyond the amount
18 necessary to recover the fees that would have been charged for any phase I affected
19 unit listed in Table A of 42 USC 7651c owned by that major utility if the prohibition
20 in par. (a) 6. did not exist.”.

21 **7.** Page 1410, line 12: after that line insert:

22 “(2t) AUDIT OF AIR MANAGEMENT PROGRAM. The joint legislative audit committee
23 is requested to direct the legislative audit bureau to perform a performance
24 evaluation audit of the department of natural resource's air management program,

1 including a comparison of federally required aspects of the program and aspects
2 required only by state law.”

3 **8.** Page 1414, line 15: after that line insert:

4 “(8tt) AIR EMISSION FEE RULES. The department of natural resources shall
5 submit in proposed form the rules required under section 285.69 (2) (a) 7. to 11. of
6 the statutes, as created by this act, to the legislative council staff under section
7 227.15 (1) of the statutes no later than July 1, 2001, and shall promulgate the rules
8 no later than March 1, 2002, unless action by the legislature under chapter 227 of
9 the statutes prevents the department from meeting this deadline.

10 (8tu) AIR EMISSION FEE STATUTORY CHANGES. In submitting information under
11 section 16.42 (1) of the statutes for purposes of the 2001–03 biennial budget act, the
12 department of natural resources shall include any proposed statutory changes that
13 the department determines are necessary to implement the proposed rules under
14 section 285.69 (2) (a) 7. to 11. of the statutes, as created by this act.

15 (8tv) ADVISORY COMMITTEE FOR AIR MANAGEMENT PERFORMANCE STANDARDS. The
16 natural resources board shall establish a committee under section 15.04 (1) (c) of the
17 statutes to advise the department of natural resources in the development of the
18 performance measurements under section 285.11 (18) of the statutes, as created by
19 this act. The board shall include on the committee industry representatives who are
20 knowledgeable about performance and productivity assessment in the area of
21 environmental management, as well as other interested persons.”

22 (END)