

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0303/P2dn
RCT:cjs:kjf

February 21, 2002

Tim Kalies:

This is a second preliminary version of the substitute amendment to AB 479. As we discussed, this version changes the name of the green tier program to the environmental results program but does not change the name of the environmental improvement program (EIP). This is because I could not see how it would work to have two separate programs with the same name.

I have eliminated the concept of environmental management systems from EIP and changed the term "environmental performance evaluation" to "environmental compliance audit." I have also added a sunset and an annual reporting requirement for EIP.

The instructions indicated that the total time allowed from the notification to DNR that an audit would be conducted until the violation is corrected should be 12 months (unless a compliance schedule was agreed to). The proposal already contains time limits for correcting violations once they are reported (see proposed s. 299.85 (3) (d), (6) (b), and (7) (a)). My impression was that what was intended was a time limit to prevent delay in completing an audit, which would delay reporting a violation to DNR. Therefore, I added a requirement to the introductory language to proposed s. 299.85 (3) stating that the report of the violations must be submitted to DNR within 270 days after the notice that an audit would be conducted. This, together with the 90 days required to correct a violation (assuming that there is no compliance schedule) adds up to 360 days from the initial notice to correction of the violation.

I added language about repeat violations as s. 299.85 (7) (b) 5., based on my understanding following our discussion of the redraft instructions.

Other than changing the name, this redraft makes only two changes to the language for the former green tier program. First it changes the sunset date to July 1, 2007, to provide for five years of operation. The other change relates to the concept of "single point of contact." Neither the version of green tier that was in the budget nor the green tier committee's draft used the term "single point of contact." I believe, however, that the concept that this term represents appears in proposed s. 299.83 (4m) (e). I have modified proposed s. 299.83 (4m) (e) based on the definition with which you provided me.

The issues raised in my drafter's note to the first version of this draft relating to green tier continue to exist with respect to what is now called the environmental results program.

Please let me know if you have any questions or redraft instructions.

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