

2003 DRAFTING REQUEST

Bill

Received: **10/14/2002**

Received By: **btradewe**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Mawdsley**

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

Drafter: **btradewe**

May Contact:

Addl. Drafters:

Subject: **Environment - air quality**

Extra Copies:

Submit via email: **NO**

Pre Topic:

DOA:.....Mawdsley - BB0106

Topic:

Asbestos fee increase

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>
/?				_____			State
/1	btradewe 10/30/2002	jdye 10/31/2002	pgreensl 11/01/2002	_____	sbasford 11/01/2002		State
/2	btradewe 01/31/2003	jdye 01/31/2003	jfrantze 01/31/2003	_____	amentkow 01/31/2003		

FE Sent For:

<END>

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12/31 jld

12/31

12/31
<END>

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2003 DRAFTING REQUEST

Bill

Received: 10/14/2002

Received By: **btradewe**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Schaeffer**

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

Drafter: **btradewe**

May Contact:

Addl. Drafters:

Subject: **Environment - air quality**

Extra Copies:

Submit via email: **NO**

Pre Topic:

DOA:.....Schaeffer - BB0106,

Topic:

Asbestos fee increase

Instructions:

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FE Sent For:

<END>

2003 DRAFTING REQUEST

Bill

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Received By: btradewe

Wanted: As time permits

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For: Administration-Budget

By/Representing: Schaeffer

This file may be shown to any legislator: NO

Drafter: btradewe

May Contact:

Addl. Drafters:

Subject: Environment - air quality

Extra Copies:

Submit via email: NO

Pre Topic:

DOA:.....Schaeffer - BB0106,

Medium priority

Topic:

Asbestos fee increase

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>
		<i>1/10/31 jld</i>	<i>1/31 P8</i>	<i>11/1</i>			
FE Sent For:				<i><END> P8/R</i>			

2003-05 Statutory Language Proposals:

DIVISION:	Air and Waste
BUREAU:	Air Management
ISSUE/TOPIC:	Asbestos Fee Increase
PROPOSED CHANGE: (Changes highlighted in italics.)	ss. 285.69 (3) The department may promulgate rules for the payment and collection of fees for <i>notification or re-notification of and inspecting nonresidential asbestos demolition and renovation projects regulated by the department. The fees under this subsection shall not exceed \$450 for an inspection where a combined square and linear footage is less than 5,000. For an inspection where the combined square footage and linear footage is at or greater than 5,000, the fee shall not exceed \$750. Fees for initial re-notification shall not exceed one-half the original notification and inspection fee.</i>
EXPLANATORY NOTE:	Statutory language change is needed to allow for collection of additional Asbestos Program fees. Additional staff and funding are needed to effectively run the federally delegated Asbestos Program. Currently, the Air Program is using staff resources, totaling from two to four extra FTE positions, answering asbestos related complaints. The funding request also includes an automated notification system and funding for County and City Health Departments to conduct inspections for Air Management. The Budget Bill for 1999-2001 authorized a \$10 fee increase rather than the \$100 requested and has provided minimal funding. This fee increase was effective on February 1, 2002.
DESIRED EFFECTIVE DATE:	March 1, 2003
CONTACT PERSON:	Lance Potter, MB/5 (7-7418); Mark Davis, AM/7 (6-3658); Patrick Kirsop, AM/7 (6-2060)



State of Wisconsin

2003 - 2004 LEGISLATURE

SOON (in 10/30)

LRB-0415/1

RCT:.....

JLD

DOA:.....Schaeffer - BB0106, Asbestos fee increase

FOR 2003-05 BUDGET - NOT READY FOR INTRODUCTION

DNote

don't gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

AIR QUALITY

Current law authorizes DNR to establish, by rule, fees for inspecting nonresidential asbestos demolition and renovation projects that regulate. The fees may not exceed \$210 per project. This bill increases the maximum fee to \$450 or \$750, depending on the size of the project. The bill also authorizes DNR to establish reinspection fees. The fee for an initial reinspection may not exceed one-half of the original inspection fee.

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:

2 SECTION 1. 285.69 (3) of the statutes is renumbered 285.69 (3) (a) and amended
3 to read:

4 285.69 (3) (a) The department may promulgate rules for the payment and
5 collection of fees for inspecting and reinspecting nonresidential asbestos demolition

1 and renovation projects regulated by the department. The fees[✓] under this subsection
 2 for an initial inspection[✓] may not exceed \$210[✓] per \$450[✓] if the combined square[✓] and
 3 linear footage of friable asbestos[✓]-containing material involved in the project is less
 4 than 5,000. The fees[✓] under this subsection for an initial inspection may not exceed
 5 \$750 if the combined (and) square linear footage of friable asbestos[✓]-containing
 6 material involved in the project is 5,000 or more. The fee^s under this subsection[✓] for
 7 a first reinspection may not exceed one-half of the original inspection fee^s. The fees[✓]
 8 collected under this subsection shall be credited to the appropriation under s. 20.370
 9 (2) (bi) for the direct and indirect costs of conducting inspections of nonresidential
 10 asbestos demolition and inspection renovation[✓] projects regulated by the department.

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; 1999 a. 9; 2001 a. 16.

11 SECTION 2. 285.69 (3) (b) of the statutes is created to read:

12 285.69 (3) (b) For the purpose of par. (a),[✓] combined (and) square (and) linear^{plain}
 13 footage shall be determined by adding the number of square feet of friable
 14 asbestos^{hyphen}-containing material on areas other than pipes to the number of linear feet
 15 of friable asbestos^{hyphen}-containing material on pipes.

16 (END)

ONote

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0415/1dn

RCT: ^:....

JLD

Carole Scheffer:

This is the draft relating to increasing asbestos fees. The instructions did not explain how "combined square and linear feet" should be measured or what material was to be measured. I based the language relating to this on DNR's rules (see Wis. Adm. Code NR 410.05).

I do not understand what DNR is getting at in referring to fees for notification and renotification. I do not see any reference to renotification in the asbestos rules. The statutes authorize DNR to collect two fees from persons who want to conduct asbestos demolition and renovation projects: a fee for reviewing and acting on a request for an exemption from having to obtain an air emission fee (see s. 285.69 (1) (c)); and the inspection fee. If the idea behind this request is to charge for something other than an inspection or reinspection, perhaps DNR should increase the exemption review fee. At any rate, you may wish to discuss this matter with the DNR contact persons, or let me know and I will contact them.

Please do not hesitate to call if you have questions about this draft.

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**

LRB-0415/1dn
RCT:jld:pg

October 31, 2002

Carole Schaeffer:

This is the draft relating to increasing asbestos fees. The instructions did not explain how "combined square and linear feet" should be measured or what material was to be measured. I based the language relating to this on DNR's rules (see Wis. Adm. Code NR 410.05).

I do not understand what DNR is getting at in referring to fees for notification and renotification. I do not see any reference to renotification in the asbestos rules. The statutes authorize DNR to collect two fees from persons who want to conduct asbestos demolition and renovation projects: a fee for reviewing and acting on a request for an exemption from having to obtain an air emission fee (see s. 285.69 (1) (c)); and the inspection fee. If the idea behind this request is to charge for something other than an inspection or reinspection, perhaps DNR should increase the exemption review fee. At any rate, you may wish to discuss this matter with the DNR contact persons, or let me know and I will contact them.

Please do not hesitate to call if you have questions about this draft.

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

1/31/03 Per Kate Mawdsley - 1. Delete references to re-inspections.

2. Authorize DNR to also charge the costs of testing (currently done by State Lab of Hygiene).



I have changed this

State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-0415/2
RCT:jld:pg

SOON (in 1/31)

CM

Mawdsley

DOA:.....Schaeffer - BB0106, Asbestos fee increase

FOR 2003-05 BUDGET - NOT READY FOR INTRODUCTION

NO ~~separately~~ charge for the costs it incurs for laboratory testing for these projects.

Don't gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

AIR QUALITY

Current law authorizes DNR to establish, by rule, fees for inspecting nonresidential asbestos demolition and renovation projects that DNR regulates. The fees may not exceed \$210 per project. This bill increases the maximum fees to \$450 or \$750, depending on the size of the project. The bill also authorizes DNR to establish reinspection fees. ~~The fees for an initial reinspection may not exceed one-half of the original inspection fees.~~

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:

✓ Insert 1

2 SECTION 1. 285.69 (3) of the statutes is renumbered 285.69 (3) (a) and amended
3 to read:

4 285.69 (3) (a) The department may promulgate rules for the payment and
5 collection of fees for inspecting ~~and reinspecting~~ nonresidential asbestos demolition

1 and renovation projects regulated by the department. The fees under this subsection
 2 for an ~~initial~~ inspection may not exceed \$210 per \$450 if the combined square and
 3 linear footage of friable asbestos-containing material involved in the project is less
 4 than 5,000. The fees under this subsection for an ~~initial~~ inspection may not exceed
 5 \$750 if the combined square and linear footage of friable asbestos-containing
 6 material involved in the project is 5,000 or more. ^{plain} The fees under this subsection for
 7 a first reinspection may not exceed one-half of the original inspection fees. The fees
 8 collected under this subsection shall be credited to the appropriation under s. 20.370
 9 (2) (bi) for the direct and indirect costs of conducting inspections of nonresidential
 10 asbestos demolition and ~~inspection~~ renovation projects regulated by the department.

11 SECTION 2. ^x 285.69 (3) (b) ^{and (c)} of the statutes ^{are} is created to read:

12 285.69 (3) ^{first} (b) For the purpose of par. (a), combined square and linear footage
 13 shall be determined by adding the number of square feet of friable
 14 asbestos-containing material on areas other than pipes to the number of linear feet
 15 of friable asbestos-containing material on pipes.

16 (END)

(b) In addition to the fees under par. (a),
 the department may charge the costs it incurs for
 laboratory testing for a nonresidential asbestos demolition
 and renovation project.

Insert 1

- 0415/2

Section #. 20.370 (2) (bi)^X of the statutes is amended to read:

* 20.370 (2) (bi) *Air management — asbestos management.* All moneys received from fees imposed under s. 285.69 (1) (c) on persons proposing asbestos abatement projects and all moneys received ~~from fees imposed~~[✓] under s. 285.69 (3)[✓] for asbestos abatement inspections, for costs related to exempting asbestos abatement projects from air pollution control permits and for inspections of asbestos demolition and renovation[✓] projects.

(end ins 1)

History: 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22nn to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248; 1999 a. 9, 32, 74, 92; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16, 56, 92, 108, 109.



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-0415/2
RCT:jld:jf

DOA:.....Mawdsley – BB0106 Asbestos fee increase

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

AIR QUALITY

Current law authorizes DNR to establish, by rule, fees for inspecting nonresidential asbestos demolition and renovation projects that DNR regulates. The fees may not exceed \$210 per project. This bill increases the maximum fees to \$450 or \$750, depending on the size of the project. The bill also authorizes DNR to separately charge for the costs it incurs for laboratory testing for these projects.

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:

2 **SECTION 1.** 20.370 (2) (bi) of the statutes is amended to read:

3 20.370 (2) (bi) *Air management — asbestos management.* All moneys received
4 from fees imposed under s. 285.69 (1) (c) on persons proposing asbestos abatement

1 projects and all moneys received ~~from fees imposed~~ under s. 285.69 (3) for asbestos
2 abatement inspections, for costs related to exempting asbestos abatement projects
3 from air pollution control permits and for inspections of asbestos demolition and
4 renovation projects.

5 **SECTION 2.** 285.69 (3) of the statutes is renumbered 285.69 (3) (a) and amended
6 to read:

7 285.69 (3) (a) The department may promulgate rules for the payment and
8 collection of fees for inspecting nonresidential asbestos demolition and renovation
9 projects regulated by the department. The fees under this subsection for an
10 inspection may not exceed ~~\$210 per \$450~~ if the combined square and linear footage
11 of friable asbestos-containing material involved in the project is less than 5,000. The
12 fees under this subsection for an inspection may not exceed \$750 if the combined
13 square and linear footage of friable asbestos-containing material involved in the
14 project is 5,000 or more. The fees collected under this subsection shall be credited
15 to the appropriation under s. 20.370 (2) (bi) for the direct and indirect costs of
16 conducting inspections of nonresidential asbestos demolition and ~~inspection~~
17 renovation projects regulated by the department.

18 **SECTION 3.** 285.69 (3) (b) and (c) of the statutes are created to read:

19 285.69 (3) (b) In addition to the fees under par. (a), the department may charge
20 the costs it incurs for laboratory testing for a nonresidential asbestos demolition and
21 renovation project.

22 (c) For the purpose of par. (a), combined square and linear footage shall be
23 determined by adding the number of square feet of friable asbestos-containing

1 material on areas other than pipes to the number of linear feet of friable
2 asbestos-containing material on pipes.

3 (END)