SENATE AMENDMENT 1,

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2007 SENATE BILL 523

March 6, 2008 – Offered by Senator MILLER.

1   At the locations indicated, amend the substitute amendment as follows:

2   **1.** Page 71, line 9: delete the material beginning with "or if" and ending with

3   "state" on line 11.

4   **2.** Page 82, line 8: delete "inadvertently".

5   **3.** Page 104, line 13: delete the material beginning with "or if" and ending with

6   "state" on line 15.

7   **4.** Page 107, line 9: delete lines 9 to 11 and substitute:

8   "2.   Provisions for estimating and, if necessary, monitoring substantial

9   increases in water loss resulting from increases in withdrawal amounts during the

10   term of a permit and reporting the results of the estimating and monitoring, as

11   provided in rules promulgated by the department.".

12   **5.** Page 107, line 18: after that line insert:

1   "5m. If a decision−making standard under sub. (5m) or (6) applies to the

2   withdrawal, any limit on the amount of the withdrawal necessary to ensure

3   compliance with the decision−making standard.".

4   **6.** Page 118, line 18: after "proposal" insert "or until 90 days after the

5   department submits the proposal for regional review, whichever is sooner".

6   **7.** Page 132, line 20: delete "inadvertently".

7   **8.** Page 132, line 22: after "(i)" insert ", unless the amount by which the

8   withdrawal exceeds the withdrawal amount would result in the application of the

9   state decision−making standard under sub. (5m) or the compact decision−making

10   standard under sub. (6)".

11   **9.** Page 136, line 3: delete "maximize the use of" and substitute "utilize".

12   **10.** Page 136, line 18: delete "maximize the use of" and substitute "utilize".

13   **11.** Page 138, line 10: after that line insert:

14   "**SECTION 14m.** 281.35 (1) (cm) of the statutes is created to read:

15   281.35 **(1)** (cm) "Facility" means an operating plant or establishment providing

16   electricity to the public or carrying on any manufacturing activity, trade, or business

17   on one site, including similar plants or establishments under common ownership or

18   control located on contiguous properties.".

19   **12.** Page 138, line 12: delete that line and substitute:

20   "**SECTION 16b.** 281.35 (2) (b) of the statutes is renumbered 281.35 (2) and

21   amended to read:

22   281.35 **(2)** In calculating the total amount of an existing or proposed water loss

23   for purposes of determining the applicability of sub. (4), a person shall include all

24   separate interbasin diversions and consumptive uses, or combinations thereof,

1   which the person makes or proposes to make ~~for a single use or for related uses~~ <u>to</u>

2   <u>supply a single facility or public water supply system</u>.".

3   **13.** Page 144, line 2: after that line insert:

4   "SECTION **38m. Nonstatutory provisions.**

5   (1) APPROVAL OF CERTAIN APPLICATIONS. The department of natural resources

6   shall determine whether to grant an approval under section 281.344 (4) (c) or (e) of

7   the statutes, as created by this act, of an application under section 281.344 (4) (b) 1.

8   of the statutes, as created by this act, that is submitted before the department

9   promulgates the rules required under s. 281.344 (4) (g), as created by this act, or July

10   1, 2010, whichever is earlier, through the water supply service area planning process

11   under s. 281.348 of the statutes, as created by this act, considering the items in

12   section 281.344 (4) (c) 1., 2., and 3., (e) 1. a. to e., and (f) 1. to 6. of the statutes, as

13   created by this act, that apply to the proposal for which the application is made as

14   factors in the cost–effectiveness analysis under section 281.348 (3) (d) 1. of the

15   statutes, as created by this act, notwithstanding the requirements in section 281.344

16   (4) (c) (intro.) or (e) (intro.) of the statutes, as created by this act, and section 281.344

17   (4) (f) (intro.) of the statutes, as created by this act, that all of the items following

18   those introductory provisions must apply to the proposal for which the application

19   is made.".

20   **(END)**