

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

LRB-0139/P2dn  
RCT:bjk:md

November 19, 2008

Beth Bier:

This is another version of the proposal for changes in the Environmental Results Program (ERP).

This draft includes a process for an entity participating in the Environmental Cooperation Pilot Program under s. 299.80 to become a participant in tier II of ERP. See proposed s. 299.83 (6) (L). The draft requires the entity to begin the process before its cooperative agreement under s. 299.80 expires. As a practical matter, the entity will have to begin the process some time before the cooperative agreement expires to avoid a gap between its participation in the two programs.

Point 3 of the January 13, 2008, document called for the creation of another kind of charter. However, the kind of agreement called for in that point would not have the fundamental objectives of a charter under current law and calling it a charter would be confusing. The main purpose of point 3, as I understand it, is to allow DNR to recognize organizations that assist their members to implement and improve environmental management systems. This draft authorizes such an organization to become an ERP "partner." See proposed s. 299.83 (7j). If different terminology is desired, it can easily be changed in a later version.

The treatments of s. 299.83 (3) (d) 1. and (5) (c) 1. are included because of DNR's request to have the language about the scale of an environmental management system be included in the definition of "functionally equivalent management system."

In eliminating the sunset for s. 299.85, called the Environmental Improvement Program, I realized that s. 20.320 is also titled Environmental Improvement Program and the name is used to refer to the group of programs (including the Clean Water Fund Program) funded from the segregated environmental improvement fund. DNR calls the program under s. 299.85 the Environmental Compliance Audit Program, which is certainly more descriptive than the current statutory name. It seems like a good idea to change the name of the program under s. 299.85. For that matter, since everyone refers to ERP as "Green Tier," it might make sense to make that name change in the statutes as well.

Please let me know if you have any questions.

Rebecca C. Tradewell  
Managing Attorney  
Phone: (608) 266-7290  
E-mail: [becky.tradewell@legis.wisconsin.gov](mailto:becky.tradewell@legis.wisconsin.gov)