

2013 DRAFTING REQUEST

Senate Amendment (SA-SSA2-SB1)

Received: 2/25/2013 Received By: btradewe
Wanted: As time permits Same as LRB:
For: Robert Jauch (608) 266-3510 By/Representing: Jeff Burandt
May Contact: Lehman's office Drafter: btradewe
Subject: Environment - mining Addl. Drafters:
Extra Copies:
Submit via email: YES
Requester's email: Sen.Jauch@legis.wisconsin.gov
Carbon copy (CC) to: Beau.Stafford@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Increase DNR discretion

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>
/P1	btradewe 2/26/2013	kfollett 2/25/2013	jmurphy 2/25/2013	_____	lparisi 2/25/2013		
/1		kfollett 2/26/2013	jfrantze 2/26/2013	_____	mbarman 2/26/2013	mbarman 2/26/2013	

FE Sent For:

<END>

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/P1	mglass 2/25/2013	kfollett 2/25/2013	jmurphy 2/25/2013	_____	lparisi 2/25/2013		

FE Sent For:

1/15/13
2/26
Jb 2/24
<END>

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/P1	btradewe	1P1/JF 2/25	Jm 2/25	self			
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FE Sent For:

<END>

Tradewell, Becky

From: Buhrandt, Jeff
Sent: Monday, February 25, 2013 9:11 AM
To: Tradewell, Becky
Subject: DNR discretion

Per our discussion last week, here are the specific examples we'd like to address in the DNR discretion amendment.

Let me know if you have any questions.

Senate Bill 1 changes the word "**may**" to **shall** in the following locations:

Regarding the department's authority grant exemptions from environmental regulations - Page 126 in section 295.56

The department shall issue a decision on a request for an exemption no later than the 15th day after the day on which it received the request under par. (a). Subject to par. (b) and except as provided in par. (d), the department **shall** grant the exemption if it is consistent with the purposes of this subchapter and will not violate any applicable environmental law outside of this subchapter and if one of the following applies: Page 156-7

Regarding the withdrawal of surface water - Page 162-163 in section 295.61

(bn) Plan review; finding. In reviewing the plan, the department may require that conservation measures that are in addition to, or in conjunction with, one or more of the conservation measures specified in par. (b) 1. to 12. be included in the plan. After reviewing the plan and application, if the department finds that the requirements under par. (a) will be met by implementing some or all of the conservation measures contained in the plan, the department shall determine which measures shall be required, shall approve a schedule for implementation, and **shall** issue the permit.

Regarding the filling in of wetlands on page 148 section 295.60

p. 125 of sub.

(6) DECISION BY DEPARTMENT. (a) The department shall make a finding that a discharge of dredged material or fill material is in compliance with all applicable water quality

Jeff Buhrandt
Chief of Staff - Office of State Senator Bob Jauch
(608)266-3510



State of Wisconsin
2013 - 2014 LEGISLATURE

O-Note
Today

EMCG

LRBa0151/P1
RCT

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE AMENDMENT ,
TO SENATE SUBSTITUTE AMENDMENT 2,
TO SENATE BILL 1

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 **1.** Page 101, line 6: substitute "may" for "shall".
- 3 **2.** Page 125, line 1: substitute "may" for "shall".
- 4 **3.** Page 125, line 3: substitute "may" for "shall".
- 5 **4.** Page 125, line 15: substitute "may" for "shall".
- 6 **5.** Page 138, line 9: substitute "may" for "shall".
- 7 **6.** Page 140, line 11: after "plan," insert "the department may issue the permit.
- 8 If the department decides to issue the permit,".
- 9 **7.** Page 140, line 12: delete "required," and substitute "required and".

1

8. Page 140, line ¹² delete the material beginning with “, and” and ending with
“permit” on line 13.

2

3

(END)

D-Note

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

LRBa0151/P1dn
RCT: fof

MGG

Date

Jeff Burandt:

In order to give DNR discretion over whether to issue water withdrawal permits, it is also necessary to change the "shall" in s. 295.61 (4) (a) to "may." I also changed s. 295.61 (4) (bn) so that DNR is not required to determine which measures must be implemented if it does not issue the permit.

Please contact me with any questions or redraft instructions.

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

I changed "shall" to "may" twice in s. 295.60 (6) (a) and once in s. 295.60 (6) (b). Please review.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215
E-mail: mary.gibson-glass@legis.wisconsin.gov

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

LRBa0151/P1dn
RCT&MGG:kjf:jm

February 25, 2013

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

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Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215
E-mail: mary.gibson-glass@legis.wisconsin.gov

Tradewell, Becky

From: Buhrandt, Jeff
Sent: Tuesday, February 26, 2013 1:25 PM
To: Tradewell, Becky
Subject: FW: Draft review: LRB a0151/P1 Topic: Increase DNR discretion
Attachments: 13a0151/P1; DraftersNote1

This looks good – can we get the stripes?

Thanks-

jeff

Jeff Buhrandt
Chief of Staff - Office of State Senator Bob Jauch
(608)266-3510

From: LRB.Legal
Sent: Monday, February 25, 2013 12:54 PM
To: Sen.Jauch
Subject: Draft review: LRB a0151/P1 Topic: Increase DNR discretion

Following is the PDF version of draft LRB a0151/P1 and drafter's note.



Today



*YIM ✓
no change*

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