

**2019 DRAFTING REQUEST****Bill**

For: **Administration-Budget 266-2213** Drafter: **mpfotenh**  
 By: **Hutter** Secondary Drafters:  
 Date: **2/13/2019** May Contact:

Same as LRB:

Submit via email: **YES**  
 Requester's email:  
 Carbon copy (CC) to: **doasbostatlanguage@wisconsin.gov**  
**mary.pfotenhauer@legis.wisconsin.gov**  
**zachary.wyatt@legis.wisconsin.gov**  
**elisabeth.shea@legis.wisconsin.gov**

**Pre Topic:**

DOA:.....Hutter, BB0367 -

**Topic:**

Concentrated Animal Feeding Operations

**Instructions:**

See attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mpfotenh 2/14/2019	wjackson 2/14/2019			
/P1	mpfotenh 2/15/2019	wjackson 2/17/2019	mbarman 2/15/2019		State
/P2			chanaman 2/17/2019		State

FE Sent For:

<END>

## **Pfotenhauer, Mary**

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**From:** Shea, Elisabeth  
**Sent:** Wednesday, February 13, 2019 4:40 PM  
**To:** Wyatt, Zachary; Pfotenhauer, Mary  
**Subject:** FW: Statutory Language Drafting Request - 2019-21

**From:** Hanaman, Cathlene <Cathlene.Hanaman@legis.wisconsin.gov>  
**Sent:** Wednesday, February 13, 2019 4:39 PM  
**To:** Shea, Elisabeth <Elisabeth.Shea@legis.wisconsin.gov>; Wyatt, Zachary <Zachary.Wyatt@legis.wisconsin.gov>  
**Subject:** FW: Statutory Language Drafting Request - 2019-21

**From:** Hutter, Ryan M - DOA <Ryan.Hutter@wisconsin.gov>  
**Sent:** Wednesday, February 13, 2019 4:38 PM  
**To:** Hanaman, Cathlene <Cathlene.Hanaman@legis.wisconsin.gov>  
**Cc:** Potts, Andrew - DOA <Andrew.Potts@wisconsin.gov>; Hutter, Ryan M - DOA <Ryan.Hutter@wisconsin.gov>  
**Subject:** Statutory Language Drafting Request - 2019-21

Biennial Budget: 2019-21

Topic: Concentrated Animal Feeding Operations

Tracking Code: BB0367

SBO Team: AEJ

SBO Analyst: Hutter, Ryan  
Phone: 608-266-2213  
E-mail: [ryan.hutter@wisconsin.gov](mailto:ryan.hutter@wisconsin.gov)

Agency Acronym: 370

Agency Number: 370

Priority: High

Intent:

- ✓ 1. Create a new all moneys received program revenue appropriation for the regulation of concentrated animal feeding operations.
- ✓ 2. Change the fee a holder of a permit is required to pay under 283.31(8)(a) from \$345 to \$660.
- ✓ 3. Draft language under 283.31(8) that transfers \$315 to the appropriation account under the newly created program revenue appropriation.
- ✓ 4. Draft language under 283.31 that requires an operator upon application for a permit to operate a Concentrated Animal Feeding Operation to pay a fee of \$3,270. The operator is also required to

pay this fee upon renewal every five years. 5/ Finally, the initial application/renewal fee should be credited to the newly created program revenue appropriation.

Attachments: False

Please send completed drafts to [SBOSatlanguage@spmail.enterprise.wistate.us](mailto:SBOSatlanguage@spmail.enterprise.wistate.us)



State of Wisconsin  
2019 - 2020 LEGISLATURE

1P1  
LRB-2021(?)  
MCP: WJ

In 2/14

DOA:.....Hutter, BB0367 - Concentrated Animal Feeding Operations  
**FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION**

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

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*Analysis by the Legislative Reference Bureau*  
**ENVIRONMENT**  
**WATER QUALITY**

# ***Concentrated animal feeding operations***

Under current law, a person who operates a concentrated animal feeding operation (CAFO) must have a Wisconsin Pollutant Discharge Elimination System (WPDES) permit from DNR. A CAFO is a livestock operation that contains at least 1,000 animal units, that discharges pollutants to a navigable water, or that contaminates a well. Current law requires a CAFO operator with a WPDES permit to pay an annual fee of \$345 to DNR. The bill increases the amount of this annual fee to \$660 except that, upon receiving a WPDES permit and every five years after that, the fee is \$3,270. Under current law, \$95 of every annual fee is deposited into an appropriation account for general program operations relating to DNR's environmental quality functions. Under the bill, \$315 of the annual \$660 fee and the full amount of the \$3,270 fee is deposited into an account for the purpose of DNR's regulation of CAFOs.

↑ appropriation

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

em

1 SECTION 1. 20.370 (9) (ag) of the statutes is created to read:

2 20.370 (9) (ag) Water resources concentrated animal feedings operations.

3 From the general fund, all moneys received under s. 283.31 (8) (am) and all moneys  
4 required under s. 283.31 (8) (b) to be credited to this appropriation account for actions  
5 relating to concentrated animal feeding operations.

\*\*\*\*NOTE: Do you want to make the purpose of this appropriation more specific?  
For example, "for permitting activities related to concentrated animal feeding operations  
under s. 281.31" or "for implementing and enforcing s. 281.31 in relation to concentrated  
animal feeding operations"?

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

6 SECTION 2. 283.31 (8) (a) of the statutes is amended to read:

7 283.31 (8) (a) The Except as provided under par. (am), the holder of a permit  
8 under this section for a concentrated animal feeding operation shall annually pay to  
9 the department a fee of ~~\$345~~ \$660.

\*\*\*\*NOTE: Under this draft, in the years that the CAFO operator is paying the  
\$3,270 fee, they do not pay the \$660 fee. Is that okay?

History: 1973 c. 74; 1975 c. 349; 1983 a. 410; 1993 a. 16.; 1995 a. 227 s. 851, 857; Stats. 1995 s. 283.31; 1997 a. 27; 1999 a. 85; 2009 a. 28; 2011 a. 207; 2013 a. 70; 2015  
a. 196; 2017 a. 21.

Cross-reference: See also chs. NR 203, 204, 206, 208, 213, 214, 231, and 236 and s. NR 200.01, Wis. adm. code.

10 SECTION 3. 283.31 (8) (am) of the statutes is created to read:

11 283.31 (8) (am) The holder of a permit under this section for a concentrated  
12 animal feeding operation shall pay to the department an initial fee of \$3,270 and a  
13 fee of \$3,270 every 5 years thereafter.

14 SECTION 4. 283.31 (8) (b) of the statutes is amended to read:

15 283.31 (8) (b) Of each fee paid under par. (a), \$95 shall be credited to the  
16 appropriation account under s. 20.370 (4) (mi) and \$315 shall be credited to the  
17 appropriation account under s. 20.370 (9) (ag).

History: 1973 c. 74; 1975 c. 349; 1983 a. 410; 1993 a. 16.; 1995 a. 227 s. 851, 857; Stats. 1995 s. 283.31; 1997 a. 27; 1999 a. 85; 2009 a. 28; 2011 a. 207; 2013 a. 70; 2015  
a. 196; 2017 a. 21.

Cross-reference: See also chs. NR 203, 204, 206, 208, 213, 214, 231, and 236 and s. NR 200.01, Wis. adm. code.

18 (END)

## **Pfotenhauer, Mary**

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**From:** Hutter, Ryan M - DOA  
**Sent:** Friday, February 15, 2019 10:35 AM  
**To:** Pfotenhauer, Mary  
**Cc:** Potts, Andrew - DOA  
**Subject:** LRB-2021

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Mary,

Some replies to questions included in the Concentrated Animal Feeding Operations draft.

- ✓ Section 1: Please include the suggested "for implementing and enforcing s. 281.31 in relation to concentrated animal feeding operations."
- ✓ Section 2: The intent is for the operator to pay the annual fee every year regardless of whether a renewal is due.
- ✓ Section 4: Please change the appropriation where the \$95 is credited from 20.370(4)(mi) to 20.370(9)(mi).

If you have any questions, please let me know.

Thanks,  
Ryan

Ryan Hutter  
Executive Policy and Budget Analyst  
Wisconsin Department of Administration  
(608) 266-2213



State of Wisconsin  
2019 - 2020 LEGISLATURE

In 2/15

1P2  
LRB-2021/P1  
MCP:wlj

DOA:.....Hutter, BB0367 - Concentrated Animal Feeding Operations

**FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION**

In addition to this annual fee, the bill requires an operator to pay a \$3,270 fee upon receiving a WPDES permit and every five years after that.

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

*Analysis by the Legislative Reference Bureau*

**ENVIRONMENT**

**WATER QUALITY**

**1. Concentrated animal feeding operations**

Under current law, a person who operates a concentrated animal feeding operation (CAFO) must have a Wisconsin Pollutant Discharge Elimination System (WPDES) permit from DNR. A CAFO is a livestock operation that contains at least 1,000 animal units, that discharges pollutants to a navigable water, or that contaminates a well. Current law requires a CAFO operator with a WPDES permit to pay an annual fee of \$345 to DNR. The bill increases the amount of this annual fee to \$660 except that, upon receiving a WPDES permit and every five years after that, the fee is \$3,270. Under current law, \$95 of every annual fee is deposited into an appropriation account for general program operations relating to DNR's environmental quality functions. Under the bill, \$315 of the annual \$660 fee and the full amount of the \$3,270 fee is deposited into an appropriation account for the purpose of DNR's regulation of CAFOs.

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:**

The bill requires \$95 of the annual \$660 fee to instead be deposited into an appropriation account for general program operations relating to DNR's external services. In addition,

1 SECTION 1. 20.370 (9) (ag) of the statutes is created to read:

2 20.370 (9) (ag) *Water resources — concentrated animal feedings operations.*

3 From the general fund, all moneys received under s. 283.31 (8) (am) and all moneys  
4 required under s. 283.31 (8) (b) to be credited to this appropriation account for actions  
5 *implementing and enforcing s. 281.31 in relation*  
*relating* to concentrated animal feeding operations.

\*\*\*\*NOTE: Do you want to make the purpose of this appropriation more specific?  
For example, "for permitting activities related to concentrated animal feeding operations  
under s. 281.31" or "for implementing and enforcing s. 281.31 in relation to concentrated  
animal feeding operations"?

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

6 SECTION 2. 283.31 (8) (a) of the statutes is amended to read:

7 283.31 (8) (a) *plain* ~~The~~ Except as provided under par. (am), the holder of a permit  
8 under this section for a concentrated animal feeding operation shall annually pay to  
9 the department a fee of \$345 \$660.

\*\*\*\*NOTE: Under this draft, in the years that the CAFO operator is paying the  
\$3,270 fee, they do not pay the \$660 fee. Is that okay?

10 SECTION 3. 283.31 (8) (am) of the statutes is created to read:

11 283.31 (8) (am) *In addition to the fee under par. (a), the* ~~The~~ holder of a permit under this section for a concentrated  
12 animal feeding operation shall pay to the department an initial fee of \$3,270 and a  
13 fee of \$3,270 every 5 years thereafter.

14 SECTION 4. 283.31 (8) (b) of the statutes is amended to read:

15 283.31 (8) (b) Of each fee paid under par. (a), \$95 shall be credited to the  
16 appropriation account under s. 20.370-~~(4)~~<sup>9</sup>(mi) and \$315 shall be credited to the  
17 appropriation account under s. 20.370 (9) (ag).

18

(END)





State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-2021/P2  
MCP:wlj

DOA:.....Hutter, BB0367 - Concentrated Animal Feeding Operations

**FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION**

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

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*Analysis by the Legislative Reference Bureau*

**ENVIRONMENT**

**WATER QUALITY**

***1. Concentrated animal feeding operations***

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