

2019 DRAFTING REQUEST**Senate Amendment (SA-SB91)**

For: **Thomas Tiffany (608) 266-2509** Drafter: **mpfotenh**
 By: **Anna Henning** Secondary Drafters:
 Date: **5/8/2019** May Contact:

Same as LRB:

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

Pre Topic:

No specific pre topic given

Topic:

Trading ratio and trading area for water quality trading

Instructions:

Change trading ratio from 1.0:1.2 to 1.0:1.0; change trading area to largest possible area allowed by EPA or allowed under federal law, regulations, or guidance.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mpfotenh 5/8/2019	aernstr 5/8/2019			
/P1	mpfotenh 5/9/2019	aernstr 5/9/2019	dwalker 5/8/2019		
/P2	mpfotenh 5/10/2019	aernstr 5/10/2019	lparisi 5/9/2019		
/1			mbarman 5/10/2019	mbarman 5/10/2019	

FE Sent For:

<END>



State of Wisconsin
2019 - 2020 LEGISLATURE

In 5/8 Today

LRBa0205/?
MCP:...
ahe

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE AMENDMENT ,
TO SENATE BILL 91

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 4, line 6: delete "1.2 times".

3 **2.** Page 7, line 12: delete the material beginning with "largest area" and
4 ending with "load allocations" on line 15 and substitute "largest possible area

5 allowed by the federal Environmental Protection Agency, by federal law or
6 regulation, or by guidance issued by the federal Environmental Protection Agency".

7

(END)

5/9/19

40205/P1

Anna @ Leg. Council:

- Change 1.2 to 1.0 (include number)
- Prohibit DNR from allowing someone to exceed the limits in their permit until DNR has promulgated rules to administer the new provisions in (1) (f) and (g)
- Allow DNR to promulgate emergency rules w/out finding of emergency.
- Exempt permanent rules from scope statement requirement.

- MCP



State of Wisconsin
2019 - 2020 LEGISLATURE

1/P2
LRBa0205/P1
MCP:ahc

In 5/9 Today

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE AMENDMENT ,
TO SENATE BILL 91

Insert

Ins 1 →

At the locations indicated, amend the bill as follows:

2

1. Page 4, line 6: delete "1.2 times". Ins 1-2

3

2. Page 7, line 12: delete the material beginning with "largest area" and

4

ending with "load allocations" on line 15 and substitute "largest possible area

5

allowed by the federal environmental protection agency".

6

Ins 1-6

(END)

**2019-2020 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa0205/P1ins
MCP:ahe

1

2

INSERT A

3

✓**1.** Page 1, line 3: after “clearinghouse” insert “, providing an exemption from
4 emergency rule procedures, and providing an exemption from rule-making
5 procedures”.

6

7

INSERT 1-2

8

2. Page 4, line 6: delete “1.2” and substitute “1.0”.

9

10

INSERT 1-6

11

3. Page 8, line 2: after that line insert:

12

“(2) The department of natural resources may not authorize a person required
13 to obtain a permit to increase the discharge of pollutants above levels that would
14 otherwise be authorized in the permit under s. 283.84 (1) (f) or (g) unless the
15 department has promulgated emergency or permanent rules to administer s. 283.84
16 (1) (f) or (g).

17

(3) Using the procedure under s. 227.24, the department of natural resources
18 may promulgate the rules necessary to implement s. 283.84 (1) (f) and (g) as
19 emergency rules. Notwithstanding s. 227.24 (1) (a), (2) (b), and (3), the department
20 of natural resources is not required to provide evidence that promulgating a rule
21 under this subsection as an emergency rule is necessary for the preservation of the
22 public peace, health, safety, or welfare and is not required to provide a finding of
23 emergency for a rule promulgated under this subsection.

1 (4) Notwithstanding s. 227.135 (2), the department of natural resources is not
2 required to present the statement of scope of the rules necessary to implement s.
3 283.84 (1) (f) and (g) to the department of administration for review by the
4 department of administration and approval by the governor. Notwithstanding s.
5 227.135 (2), the department of natural resources is not required to present the
6 statement of scope, as provided in s. 227.135 (2), to the natural resources board for
7 approval.”.



State of Wisconsin
2019 - 2020 LEGISLATURE

In 5/10 Today

11
LRBa0205/P2
MCP:ahe

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE AMENDMENT ,
TO SENATE BILL 91**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 3: after “clearinghouse” insert “, providing an exemption from
3 emergency rule procedures, and providing an exemption from rule-making
4 procedures”.

5 **2.** Page 4, line 6: delete “1.2” and substitute “1.0”.

6 **3.** Page 7, line 12: delete the material beginning with “largest area” and
7 ending with “load allocations” on line 15 and substitute “largest possible area
8 allowed by the federal environmental protection agency”.

9 **4.** Page 8, line 2: after that line insert:

10 “(2) The department of natural resources may not authorize a person required
11 to obtain a permit to increase the discharge of pollutants above levels that would
12 otherwise be authorized in the permit under s. 283.84 (1) (f) or (g) unless the

1

department has promulgated emergency or permanent rules to administer s. 283.84

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(1) (f) *and* (g).

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(3) Using the procedure under s. 227.24, the department of natural resources may promulgate the rules necessary to implement s. 283.84 (1) (f) and (g) as emergency rules. Notwithstanding s. 227.24 (1) (a), (2) (b), and (3), the department of natural resources is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

(4) Notwithstanding s. 227.135 (2), the department of natural resources is not required to present the statement of scope of the rules necessary to implement s. 283.84 (1) (f) and (g) to the department of administration for review by the department of administration and approval by the governor. Notwithstanding s. 227.135 (2), the department of natural resources is not required to present the statement of scope, as provided in s. 227.135 (2), to the natural resources board for approval.”.

(END)

Pfotenhauer, Mary

From: Henning, Anna
Sent: Friday, May 10, 2019 9:54 AM
To: Pfotenhauer, Mary
Subject: LRBa0205/P2

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Mary,

Thanks for all of your quick amendment drafting! One minor change from the Tiffany office before you give them a /1: on page 2, line 2, will you replace "or" with "and"?

Thanks, Mary, and happy Friday,
Anna

Anna Henning
Senior Staff Attorney
Wisconsin Legislative Council
(608) 504-5716
anna.henning@legis.wisconsin.gov