

1993 Senate Bill 4

Date of enactment: **June 24, 1993**

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## 1993 WISCONSIN ACT 9

AN ACT *to renumber* 144.96 (3) (c) 1; *to renumber and amend* 144.96 (3) (c) 2; *to amend* 144.96 (3) (am) 3; and *to create* 144.96 (3) (cm) 2 and 3 of the statutes, **relating to:** the annual wastewater discharge environmental fee and providing an exemption from and extending the time limit for emergency rule procedures.

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

**SECTION 1.** 144.96 (3) (am) 3 of the statutes is amended to read:

144.96 (3) (am) 3. After June 30, 1992, the fee under this paragraph shall be paid by each person required to obtain a permit under ch. 147. After June 30, 1992, the fee to be paid by a person under this paragraph shall be an amount determined under a rule promulgated by the department and shall be based on all those pollutants included in the permit under ch. 147 that are specified by the department by rule, the environmental harm caused by the pollutants discharged, the quantity of the pollutants discharged and the quality of the water receiving the discharge.

**SECTION 2.** 144.96 (3) (c) 1. of the statutes is renumbered 144.96 (3) (c).

**SECTION 3.** 144.96 (3) (c) 2. of the statutes is renumbered 144.96 (3) (cm) 1 and amended to read:

144.96 (3) (cm) 1. The Except as provided in subd. 2, the annual fee under par. (am) shall be designed to generate revenues equal to 100% of the amount appropriated under s. 20.370 (2) (ma) for water resources management and wastewater management and, 50% of the amount appropriated under s. 20.370 (2) (ma) for technical services and, of the amount appropriated under s. 20.370 (2) (ma) for water resources management, 100% of the amount related to surface water standards and monitor-

ing, none of the amount related to nonpoint source pollution control and lakes management and 50% of the balance for the fiscal year in which the fee is collected.

**SECTION 4.** 144.96 (3) (cm) 2 and 3 of the statutes are created to read:

144.96 (3) (cm) 2. In any fiscal year after fiscal year 1992-93, the department may not charge total fees under par. (am) that exceed the total fees that it charges under par. (am) for fiscal year 1992-93.

3. The department shall charge the fee under par. (am) so that municipalities that are subject to the fee pay 50% of the total charged and so that other persons who are subject to the fee pay 50% of the total charged.

**SECTION 5. Nonstatutory provisions.** (1) PROPOSED RULE. The department of natural resources shall submit in proposed form a rule implementing section 144.96 (3) (am) 3 and (cm) of the statutes, as affected by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than October 1, 1993.

(2) EMERGENCY RULE. The department of natural resources shall promulgate a rule implementing section 144.96 (3) (am) 3 and (cm) of the statutes, as affected by this act, using the procedure under section 227.24 of the statutes. Notwithstanding section 227.24 (1) (a) of the statutes, the department is not required to provide evidence that using the procedure under section 227.24 of the statutes is necessary to preserve the public peace, health, safety or welfare. Notwithstanding section 227.24 (1) (c) and (2) of the statutes, the rule promulgated

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under this subsection remains in effect until the rule  
under subsection (1) takes effect.

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