



SB 700 Modification to the Method for Setting the Fee Schedule for Certified and Registered Laboratories

Testimony of Senator Steve Nass
Senate Committee on Natural Resources & Energy
January 22, 2020 • 330 Southwest, State Capitol

Thank you chairman Cowles and committee members for holding a public hearing and allowing me to testify in support of SB 700. This bill was introduced at the request of the Department of Natural Resources (DNR). It modifies state statute to correct an issue that was discovered as part of the JCRAR Administrative Rule review process.

Current law requires the DNR to promulgate by rule a schedule of fees for certified and registered laboratories that perform environmental testing. The fee amount is allowed to recover the costs of administering the program only. It cannot run a surplus or deficit. Because of this, the fees need to be updated annually. The Department proposed in CR 17-046 to have a set formula by which the fee is equitably determined each year, instead of promulgating a new rule each year with the specific fees.

During the Legislative review process of CR 17-046, relating to laboratory accreditation, Legislative Council raised the concern that the method by which the DNR proposed to set these fees, while desirable from a policy standpoint, did not comply with the statute as written. SB 700 modifies the statute to allow the Department to promulgate by rule a formula for producing an annual schedule of fees for these laboratories.

After meeting with the JCRAR co-chairs (myself and Rep. Joan Ballweg) on this issue, the Department agreed to temporarily withdraw CR 17-046 and seek an update to the statute from the Legislature. Once SB 700 is passed, CR 17-046 will be resubmitted and be able to proceed through the review process.

Thank you for the opportunity to provide testimony in support of SB 700. DNR officials will provide additional technical information on the laboratory accreditation fee formula and the need for this minor modification.

“In God We Trust”

11th Senate District

P.O. Box 7882 • Madison, WI 53707-7882 • (608) 266-2635
Toll Free: (800) 578-1457 • E-mail: Sen.Nass@legis.wi.gov



JOAN BALLWEG

PO Box 8952, State Capitol
Madison, Wisconsin 53708-8952
Toll-free: (888) 534-0041
Fax: (608) 282-3641
Rep.Ballweg@legis.wi.gov

CO-CHAIR, JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

41st ASSEMBLY DISTRICT

Senate Bill 700: Creating a fee schedule for certain laboratories
Committee on Natural Resources and Energy
Testimony of Representative Joan Ballweg
January 22, 2020

Thank you, Chairman Cowles and members of the Committee on Natural Resources and Energy, for holding this hearing on Senate Bill 700. This bill is a fix for an issue found during the Joint Committee for Review of Administrative Rules' (JCRAR) review period of Clearinghouse Rule 17-046. Legislative Council identified a statutory authority issue within the Clearinghouse Report to the Agency. With this issue identified, we as JCRAR Co-Chairs asked for a meeting with the Department of Natural Resources (DNR) to address the concern.

SB 700 is the result of that meeting. This bill makes tweaks to the language in s. 299.11 (9) to allow the department to promulgate a rule for creating a method to devise an annual fee schedule to recoup administration costs for laboratory inspections. Currently, the department may only promulgate the fee schedule itself and not the method or formula to arrive at those fee amounts.

This bill is a simple fix to the current statutory language and will allow the department to use its rulemaking authority more effectively for this particular fee schedule. The DNR representatives should be able to provide more clarity regarding the current rule provisions and how this change would allow them to keep the rules and legislative intent of the fee schedule in line with one another. Thank you for considering this bill and I am happy to answer any questions you may have.

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S. Webster Street
Box 7921
Madison WI 53707-7921

Tony Evers, Governor
Preston D. Cole, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



Senate Committee on Natural Resources and Energy

2019 Senate Bill 700 *Creating a fee schedule for laboratories* *January 22, 2020*

Good morning Chairman Cowles and members of the Committee. My name is Greg Pils, and I am the Director of the Bureau of Environmental Analysis and Sustainability with the Wisconsin Department of Natural Resources. Thank you for the opportunity to testify in support of Senate Bill 700 (SB 700), relating to creating a fee schedule for certain laboratories.

SB 700 will provide explicit statutory authorization for the annual laboratory certification and registration fee schedule calculation method currently promulgated under Chapter NR 149 of the Wisconsin Administrative Code. SB 700 will ensure that the department is able to annually adjust its fee schedule to allow for recovery of fiscal year operating costs without collecting surplus revenues or surpassing our Chapter 20 annual expenditure authority, as the number of fee-paying certified and registered laboratories changes from year-to-year. This is a true zero-based budgeting approach to funding state program operations that has enjoyed strong support from the regulated community for over 20 years.

The department would like to express our appreciation to Senator Nass for his leadership in developing this legislation, to Senator Larson for his co-authorship, and to Representatives Ballweg and Hebl for their co-sponsorship.

On behalf of the Bureau for Environmental Analysis and Sustainability, I would like to thank you for your time today. We would be happy to answer any questions you may have.