

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB133)

Received: 06/23/99

Received By: traderc

Wanted: Soon

Identical to LRB:

For: Assembly Republican Caucus

By/Representing: Anderson

This file may be shown to any legislator: NO

Drafter: traderc

May Contact: LFB

Alt. Drafters:

Subject: Environment - water quality

Extra Copies:

Pre Topic:

ARC:.....Kratochwill - Am # 199,

Topic:

Loan to Village of Marathon for drinking water treatment plant

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>
/?	traderc 06/24/99	ygeller 06/24/99		_____			
/1			hhagen 06/24/99	_____	ismith 06/24/99		
/2	traderc 06/25/99	ygeller 06/25/99	ismith 06/25/99	_____	lrb_docadmin 06/25/99		

FE Sent For:

<END>

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1?	traderc	1 6/24 jg		cmh & SK - 6/24			

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<END>

Budget Amendments 1999- 2000

Statement of Intent Environmental Improvement Fund. Provide funding for a water treatment/purification plant for Village of Marathon.

Legislator Petrowski

Amendment# 199

Staff contact Chad

Status Pass-Amen

Agency EnvImpFund

Tax Cut

Summary This amendment provides \$1.1 million in a 0% interest loan from the Wisconsin Fund to the Village of Marathon for the purpose of upgrading its water treatment/purification plant. The Village of Marathon has been mandated by the Wisconsin DNR to upgrade/replace its water treatment/purification plant, but the plant has not been declared a health risk. Therefore, traditional funding (federal) sources are not available.

This amendment would prohibit the DNR from charging any interest on this loan or requiring the Village of Marathon to repay this loan until the village receives a grant from the Environmental Protection Agency or Congress for the project.

The Village of Marathon, working with the Wisconsin DNR, will seek to recover these funds from Congress and EPA.

If EPA or Congress provides the grant, the Village of Marathon shall repay the loan to the state.

Amend the motion to specify that if the Village does not receive reimbursement from the EPA or Congress, the Village must repay a 0% interest loan provided to the Village by the DNR.

Fiscal Impact Provides \$1.1 million in a 0% interest loan from the Wisconsin Fund to the Village of Marathon for the purpose of upgrading its water treatment/purification plant.

ARC Analyst Nicole Anderson

Request#: 207

Budget Amendments 1999- 2000

Statement of Intent Environmental Improvement Fund. Provide funding for a water treatment/purification plant for Village of Marathon.

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Amendment# 199

Staff contact Chad

Status

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Tax Cut

Summary

This amendment provides \$1.1 million in a 0% interest loan from the Wisconsin Fund to the Village of Marathon for the purpose of upgrading its water treatment/purification plant. The Village of Marathon has been mandated by the Wisconsin DNR to upgrade/replace its water treatment/purification plant, but the plant has not been declared a health risk. Therefore, traditional funding (federal) sources are not available.

This amendment would prohibit the DNR from charging any interest on this loan or requiring the Village of Marathon to repay this loan until the village receives a grant from the Environmental Protection Agency or Congress for the project.

The Village of Marathon, working with the Wisconsin DNR, will seek to recover these funds from Congress and EPA.

If EPA or Congress provides the grant, the Village of Marathon shall repay the loan to the state. If the Village does not receive a grant from the EPA or Congress, the loan would be forgiven.

Fiscal Impact

Provides \$1.1 million in a 0% interest loan from the Wisconsin Fund to the Village of Marathon for the purpose of upgrading its water treatment/purification plant.

Stipulation:

If EPA or Congress provides a grant to the Village, for the purposes of this project, the village must repay the loan to the state. However, if the Village does not receive a grant from the EPA or Congress, the loan would be forgiven.

ARC Analyst

Nicole Anderson

If EPA does not reimburse, village must repay a 0% interest loan.

Request#:

207

SOON

1199/1
LRB 02/28
Ret ✓ ISR:lg:jf
↑
Says

ARC
LFB.....Bonderud - Wisconsin fund assistance

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

Note

Caucus ✓ LFB AMENDMENT
TO ASB I

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

MOVE

#. Page 403, line 21: after "s. 281.57" insert " and to upgrade
or replace a drinking-water ^{treatment} plant . under s. 281.57(10t) ".

#. Page 403, line 25: delete " and (10r) " and substitute
" , (10r) and (10t) " . ✓

✓ substitute amendment

1

At the locations indicated, amend the bill as follows:

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1. Page 474, line 19: after that line insert:

"SECTION 629m. 20.866 (2) (tc) of the statutes is amended to read:

20.866 (2) (tc) *Clean water fund program.* From the capital improvement fund,
 a sum sufficient for the ~~purpose~~ purposes of s. 281.57 (10m) and (10r) and to be
 transferred to the environmental improvement fund for the purposes of the clean
 water fund program under ss. 281.58 and 281.59. The state may contract public debt
 in an amount not to exceed \$552,743,200 for this purpose. Of this amount, the
 amount needed to meet the requirements for state deposits under 33 USC 1382 is
 allocated for those deposits. Of this amount, \$8,250,000 is allocated to fund the
 minority business development and training program under s. 66.905 (2) (b).
 Moneys from this appropriation account may be expended for the ~~purpose~~ purposes

1 of s. 281.57 (10m) and (10r) only in the amount by which the department of natural
 2 resources and the department of administration determine that monies available
 3 under par. (tn) are insufficient for the purpose for purposes of s. 281.57 (10m) and
 4 (10r).”.

5 **2.** Page 475, line 25: after that line insert:

6 “SECTION 633g. 20.866 (2) (tn) of the statutes is amended to read:

7 20.866 (2) (tn) *Natural resources; pollution abatement and sewage collection*
 8 *facilities.* From the capital improvement fund, a sum sufficient to the department
 9 of natural resources to acquire, construct, develop, enlarge or improve point source
 10 water pollution abatement facilities and sewage collection facilities under s. 281.57
 11 including eligible engineering design costs. Payments may be made from this
 12 appropriation for capital improvement expenditures and encumbrances authorized
 13 under s. 281.57 before July 1, 1990, except for reimbursements made under s. 281.57
 14 (9m) (a) and except as provided in s. 281.57 (10m) and (10r). Payments may also be
 15 made from this appropriation for expenditures and encumbrances resulting from
 16 disputed costs under s. 281.57 if an appeal of an eligibility determination is filed
 17 before July 1, 1990, and the result of the dispute requires additional funds for an
 18 eligible project. The state may contract public debt in an amount not to exceed
 19 \$902,449,800 for this purpose.”.

20 **3.** Page 1152, line 9: after that line insert:

21 “SECTION 2490. 281.57 (10m) of the statutes is created to read:

22 281.57 (10m) LOAN FOR REPLACEMENT OF A FAILED SEQUENTIAL BATCH REACTOR.

23 Notwithstanding subs. (2), (4) to (10) and (12), during the 1999-2001 biennium, the
 24 department shall provide a loan of \$1,100,000 to a municipality for all of the
 drinking water plant ← CS
 the Village of Marathon

CS treatment

CS

1239 2

2

1 ~~administrative, planning, design and construction costs incurred after January 1,~~
2 ~~1997, for the replacement of a failed sequential batch reactor point source pollution~~
3 ~~abatement facility for which the department has issued written concurrence on or~~
4 ~~before March 26, 1999, that the construction of a new wastewater treatment plant~~
5 ~~is the most cost-effective option, and for which the municipality has on or before~~
6 ~~March 26, 1999, committed to work with the department towards securing~~
7 ~~reimbursement of the loan from the federal environmental protection agency under~~
8 ~~40 CFR 35.2032. The department may not charge any interest on the loan and may~~
9 ~~not require the municipality to repay the loan until the municipality receives a grant~~
10 ~~from the federal environmental protection agency for the replacement of the~~
11 ~~source pollution abatement facility.~~ ^{upgrading or drinking water treatment plant} ~~point~~
12 ~~denies the grant or a portion of the grant, the department shall forgive the amount~~
13 ~~of the loan that exceeds the amount of the grant.”.~~ ^{village of Marathon repay}

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBSample2/dn

b1199/dn
RET! jlg

Nicole Anderson!

It is possible that a Wisconsin court would find that this amendment is a "private or local law" which, under art. IV, sec. 18 of the Wisconsin Constitution, must be enacted as single-subject legislation. If so, this amendment cannot validly be enacted as part of the budget bill, which clearly encompasses more than one subject. Under *Milwaukee Brewers Baseball Club v. Wisconsin Dept. of Health and Social Services*, 130 Wis. 2d 79, 115 (1986), "a legislative provision which is specific to any person, place or thing is a private or local law within the meaning of art. 4, sec. 18, unless: 1) the general subject matter of the provision relates to a state responsibility of statewide dimension; and 2) its enactment will have direct and immediate effect on a specific statewide concern or interest". ~~As it is difficult to predict the potential for and outcome of any court action on this amendment, you may wish to consider introducing this proposal as a separate bill.~~

g
Query for: Document: LRBSample2/dn

RET

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1199/1dn
RCT:jlg:ksh

June 24, 1999

Nicole Anderson:

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Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: Becky.Tradewell@legis.state.wi.us



State of Wisconsin
1999 - 2000 LEGISLATURE

SOON

LRBb1199/1# 2

RCT:jlq:ksh

YMR

ARC:.....Kratochwill - Am # 199, Loan to Village of Marathon for ^{drinking} wastewater treatment plant
I fixed topic

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 403, line 21: after "s. 281.57" insert "and to upgrade or replace a
3 drinking water treatment plant under s. 281.57 (10t)".

4 2. Page 403, line 25: delete "and (10r)" and substitute ", (10r) and (10t)".

5 3. Page 1239, line 2: after that line insert:

6 "SECTION 2490z. 281.57 (10t) of the statutes is created to read:

7 281.57 (10t) LOAN FOR A DRINKING WATER TREATMENT PLANT. Notwithstanding
8 subs. (2), (4) to (10) and (12), during the 1999-2001 biennium, the department shall
9 provide a loan of \$1,100,000 to the village of Marathon for the upgrading or

1 replacement of a drinking water treatment plant. The department may not charge
2 any interest on the loan and ^{The department} may not require the municipality to repay the loan until
3 the municipality receives a grant from the federal environmental protection agency
4 for the upgrading or replacement of the drinking water treatment plant. If the
5 federal environmental protection agency denies the grant or a portion of the grant,
6 the village of Marathon shall repay the amount of the loan that exceeds the amount
7 of the grant.”.

8

(END)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1199/2
RCT;jlg:ijs

ARC:.....Kratochwill – Am # 199, Loan to Village of Marathon for drinking
water treatment plant

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

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4 protection agency for the upgrading or replacement of the drinking water treatment
5 plant. If the federal environmental protection agency denies the grant or a portion
6 of the grant, the village of Marathon shall repay the amount of the loan that exceeds
7 the amount of the grant.”.

8 (END)