



# State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

## **RESEARCH APPENDIX - PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 04/20/2009 (Per: CMH)

### Compile Draft – Appendix **D** ... Part 02 of 02

- |  |   |
|--|---|
| A ☞ The <u>2009</u> drafting file for LRB-2519 | E ☞ The <u>2009</u> drafting file for LRB-2680                |
| B ☞ The <u>2009</u> drafting file for LRB-2551 | F ☞ The <u>2009</u> drafting file for LRB-2686                |
| C ☞ The <u>2009</u> drafting file for LRB-2566 | G ☞ The <u>2009</u> drafting file for LRB-2687                |
| D ☞ The <u>2009</u> drafting file for LRB-2522 | H ☞ The <u>2009</u> drafting file for LRB-2556 (as an insert) |

**2009 LRB-2522** has been copied/added to the drafting file for

**2009 LRB-2697**



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-2522/2

RCT:kjfjf

rnr  
nwn

Today

DOA:.....Miner, ARRA06 - Clean water fund and safe drinking water changes

**FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION**

don't gen.

- 1 **AN ACT relating to:** financial assistance under the Clean Water Fund Program
- 2 and the Safe Drinking Water Loan Program.

*Analysis by the Legislative Reference Bureau*

**ENVIRONMENT**

Under the Clean Water Fund Program, this state provides financial assistance for projects for controlling water pollution, including sewage treatment plants, using state and federal funds. One form of financial assistance provided under the Clean Water Fund Program is a loan at a subsidized interest rate. The law specifies the interest rates at which loans are provided. The Clean Water Fund Program also provides grants to municipalities that satisfy financial hardship criteria. The budget bill for each fiscal biennium establishes the present value of the subsidies that may be provided under the Clean Water Fund Program during that fiscal biennium. Current law prohibits applications from being approved and funds from being expended for clean water fund projects in a fiscal biennium before the budget bill is enacted.

The federal American Recovery and Reinvestment Act (ARRA) provides funds for state programs like the Clean Water Fund Program. This bill authorizes those funds to be expended under the Clean Water Fund Program. The bill allows the funds to be provided as loans at interest rates that may differ from the rates provided under current law. The bill also allows the funds to be provided as grants, without

>

and allows forgiveness of a portion of the principal

amount of a loan

regard to the financial hardship criteria. The bill allows applications to be approved and funds to be expended before the budget bill is enacted.

Under the Safe Drinking Water Loan Program, this state provides loans to local governmental units for projects for the construction or modification of public water systems, using state and federal funds. The loans are provided at subsidized interest rates. The law specifies the interest rates at which loans are provided. The budget bill for each fiscal biennium establishes the present value of the subsidies that may be provided under the Safe Drinking Water Loan Program during that fiscal biennium. Current law prohibits applications from being approved and funds from being expended for safe drinking water projects in a fiscal biennium before the budget bill is enacted.

The ARRA provides funds for state programs like the Safe Drinking Water Loan Program. This bill authorizes those funds to be expended under the Safe Drinking Water Loan Program. The bill allows the funds to be provided as loans at interest rates that may differ from the rates provided under current law. The bill also allows the funds to be provided as grants. The bill allows applications to be approved and funds to be expended before the budget bill is enacted.

For further information see the *state and local* 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:*

1           **SECTION 9137. Nonstatutory provisions; Natural Resources.**

2           (1) AMERICAN RECOVERY AND REINVESTMENT ACT FUNDING FOR CLEAN WATER FUND  
3 PROJECTS.

4           (a) If this state receives moneys under P.L. 111-5 as a capitalization grant for  
5 clean water state revolving loan funds under the federal Water Pollution Control Act,  
6 the department of natural resources and the department of administration may, as  
7 provided in this subsection, allocate the funds, before July 1, 2011, for financial  
8 assistance to municipalities under section 281.58 of the statutes for projects eligible  
9 to receive financial assistance under that section.

10           (b) Notwithstanding sections 281.58 (9m) (c) and 281.59 (3e) (a) of the statutes,  
11 applications may be approved and funds may be allocated and expended for projects  
12 under this subsection before the 2009-11 biennial budget act is enacted. The amount

1 of present value of the subsidy for financial assistance provided under this  
2 subsection equals \$105,948,300. This is in addition to any amounts specified under  
3 section 281.59 (3e) (b) of the statutes. The department of natural resources may  
4 establish a percentage limit on the amount of financial assistance available under  
5 this subsection that may be received by any eligible applicant.

6 (c) The department of natural resources and the department of administration  
7 may provide financial assistance under this subsection in the form of grants or loans.  
8 Eligibility for grants under this subsection is not limited to municipalities eligible  
9 under section 281.58 (13) of the statutes. <sup>Insert 3-9</sup> Loans under this subsection may be  
10 provided at rates that differ from the rates under section 281.58 (12) of the statutes,  
11 including negative interest rates that result in total payments that are less than the  
12 principal amounts of the loans. A financial assistance agreement for a loan under  
13 this subsection may provide for forgiveness of a portion of the principal amount of  
14 the loan.

15 (d) The department of natural resources may establish a different deadline for  
16 submitting notice of intent to apply for financial assistance for the purposes of this  
17 subsection than the deadline in section 281.58 (8m) of the statutes. The department  
18 may also establish a deadline for submitting applications for financial assistance  
19 under this subsection.

20 (e) In determining which projects to provide financial assistance under this  
21 subsection, the department of natural resources may consider any of the following:

- 22 1. Readiness of a project to proceed to construction.
- 23 2. The unemployment rate in the ~~county~~ <sup>area</sup> in which a project is located. ✓

1           3. The extent to which a project promotes water efficiency or energy efficiency;  
2 is environmentally innovative; or uses natural systems or engineered systems that  
3 mimic natural processes, also called green infrastructure.

4           4. The geographic distribution of projects.

5           (2) AMERICAN RECOVERY AND REINVESTMENT ACT FUNDING FOR SAFE DRINKING  
6 WATER PROJECTS.

7           (a) If this state receives moneys under P.L. 111-5 as a capitalization grant  
8 under the federal Safe Drinking Water Act, the department of natural resources and  
9 the department of administration may, as provided in this subsection, obligate the  
10 funds before July 1, 2011, for financial assistance to local governmental units under  
11 section 281.61 of the statutes for projects eligible to receive financial assistance  
12 under that section.

13           (b) Notwithstanding sections 281.59 (3s) (a) and 281.61 (7) (c) of the statutes,  
14 applications may be approved and funds may be allocated and expended for projects  
15 under this subsection before the 2009-11 biennial budget act is enacted. The amount  
16 of present value of the subsidy for financial assistance provided under this  
17 subsection equals \$37,750,000. This is in addition to any amounts specified under  
18 section 281.59 (3s) (b) of the statutes. The department of natural resources may  
19 establish a percentage limit on the amount of financial assistance available under  
20 this subsection that may be received by any eligible applicant.

21           (c) The department of natural resources and the department of administration  
22 may provide financial assistance under this subsection in the form of grants or loans,  
23 notwithstanding section 281.60 (2r) of the statutes. Loans under this subsection may  
24 be provided at rates that differ from the rates under section 281.61 (11) of the  
25 statutes, including negative interest rates that result in total payments that are less

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6 subsection than the deadline in section 281.61 (3) of the statutes. If the department  
7 of natural resources has not received sufficient applications by the deadline under  
8 section 281.61 (5) of the statutes to use all of the funds described in paragraph (a),  
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- 12 1. Readiness of a project to proceed to construction.
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16 mimic natural processes, also called green infrastructure.
- 17 4. The geographic distribution of projects.

18

(END)

2009-2010 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-2522/2ins  
RCT:.....

1

**Insert 3-9**

2

The department of natural resources may waive the limit under section 281.58

3

~~(f)~~ (g) of the statutes in providing financial assistance under this subsection to a

4

municipality eligible for financial assistance under section 281.58 (13) of the

5

statutes.

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

-2522/2

4/16/09 Per Jana Steinmetz - DOA!  
Change "area" back to county on page 4, line  
2 and page 5, line 15.  
JL



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-2522/3  
RCT:kjf&nwn:md /my

Newish

DOA:.....Miner, ARRA06 - Clean water fund and safe drinking water changes

**FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION**

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- 3 3. The extent to which a project promotes water efficiency or energy efficiency;
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- 5 mimic natural processes, also called green infrastructure.
- 6 4. The geographic distribution of projects.

7 (2) AMERICAN RECOVERY AND REINVESTMENT ACT FUNDING FOR SAFE DRINKING  
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17 is environmentally innovative; or uses natural systems or engineered systems that  
18 mimic natural processes, also called green infrastructure.  
19 4. The geographic distribution of projects.

20

(END)

**Tradewell, Becky**

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**From:** Wolff, Michael - DOA [michael.wolff@wisconsin.gov]  
**Sent:** Thursday, April 16, 2009 4:25 PM  
**To:** Steinmetz, Jana D - DOA; Tradewell, Becky  
**Cc:** Hanaman, Cathlene; Miner, Andrew - DOA  
**Subject:** RE: LRB Draft: 09-2522/3 Clean water fund and safe drinking water changes

Becky – I think the first statutory reference in section 2(c) (p.4, line 25) should be to 281.61 (2r) rather than 281.60.

If we still have time to change.

Thanks.

Michael D Wolff  
Finance Programs Administrator  
State of Wisconsin  
Department of Administration  
101 East Wilson Street 10th floor  
Madison WI 53703  
608.267.2734 608.266.7645  
michael.wolff@wi.gov

---

**From:** Steinmetz, Jana D - DOA  
**Sent:** Thursday, April 16, 2009 3:55 PM  
**To:** Tradewell, Becky - LEGIS  
**Cc:** Hanaman, Cathlene - LEGIS; Miner, Andrew - DOA; Wolff, Michael - DOA  
**Subject:** FW: LRB Draft: 09-2522/3 Clean water fund and safe drinking water changes  
**Importance:** High

Becky,

Please see below from DNR. Can we get this in?

Thanks,  
Jana

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**From:** Crawford, Susan - DNR  
**Sent:** Thursday, April 16, 2009 3:32 PM  
**To:** Steinmetz, Jana D - DOA; Wolff, Michael - DOA  
**Cc:** Miner, Andrew - DOA; Henderson, Patrick W - DNR; Cargill, Jeanne H - DNR  
**Subject:** RE: LRB Draft: 09-2522/3 Clean water fund and safe drinking water changes  
**Importance:** High

Jana,  
Our legal counsel has suggested this addition:

Determinations made by the department of natural resources or the department of administration under this section are not subject to the rulemaking requirements of ch. 227.

Susan

04/20/2009

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**From:** Steinmetz, Jana D - DOA  
**Sent:** Thursday, April 16, 2009 12:50 PM  
**To:** Wolff, Michael - DOA  
**Cc:** Miner, Andrew - DOA; Crawford, Susan - DNR  
**Subject:** FW: LRB Draft: 09-2522/3 Clean water fund and safe drinking water changes  
**Importance:** High

FYI. Let me know if the draft is ok or if there are problems.

---

**From:** Henry, Patty [mailto:Patty.Henry@legis.wisconsin.gov]  
**Sent:** Thursday, April 16, 2009 12:49 PM  
**To:** Miner, Andrew - DOA  
**Cc:** Steinmetz, Jana D - DOA; Hanaman, Cathlene - LEGIS; Beadles, Kathleen - DOA  
**Subject:** LRB Draft: 09-2522/3 Clean water fund and safe drinking water changes

*Following is the PDF version of draft 09-2522/3.*



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-2522/84  
RCT:kjf&nwn:ph

Today

✓mT

DOA:.....Miner, ARRA06 - Clean water fund and safe drinking water changes

**FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION**

Don't Gen

- 1 **AN ACT relating to:** financial assistance under the Clean Water Fund Program
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*Analysis by the Legislative Reference Bureau*

**ENVIRONMENT**

Under the Clean Water Fund Program, this state provides financial assistance for projects for controlling water pollution, including sewage treatment plants, using state and federal funds. One form of financial assistance provided under the Clean Water Fund Program is a loan at a subsidized interest rate. The law specifies the interest rates at which loans are provided. The Clean Water Fund Program also provides grants to municipalities that satisfy financial hardship criteria. The budget bill for each fiscal biennium establishes the present value of the subsidies that may be provided under the Clean Water Fund Program during that fiscal biennium. Current law prohibits applications from being approved and funds from being expended for clean water fund projects in a fiscal biennium before the budget bill is enacted.

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*Analysis  
insert*

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Insert 4-6  
7

4. The geographic distribution of projects.

(2) AMERICAN RECOVERY AND REINVESTMENT ACT FUNDING FOR SAFE DRINKING WATER PROJECTS.

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(END)

Insert →  
20  
5-19

**BILL**

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*Analysis  
ind.*

**HEALTH AND HUMAN SERVICES**

Under current law, a community action agency approved by the secretary of children and families and by the legislative body of the local governmental unit serviced by the community action agency is required to develop and implement programs designed to serve persons whose income is at or below 125 percent of the poverty line. Those programs may include provisions that will help those persons secure and retain employment, improve their education, make better use of available income, obtain adequate housing and a suitable living environment, secure needed transportation, obtain emergency assistance, participate in community affairs, and use more effectively other available programs. This bill increases the eligibility threshold for participation in a program of a community action agency to 200 percent of the poverty line for fiscal years 2008-09 and 2009-10.

**INSURANCE**

Under current law, an employee who is covered by a group health insurance policy through his or her employer and who is involuntarily terminated from his or her job may elect to continue coverage after termination. Wisconsin law provides for continuation coverage for those not covered under a similar federal law. Current law requires employers to send a notice within five days of the termination describing the terminated employee's right to continue coverage. Within 30 days of receiving the notice, the terminated employee may elect continuation coverage for himself or herself or for his or her spouse and dependents if they had also been covered through the employer's group health insurance.

The ARRA provides specific benefits for certain people who are eligible for continuation coverage under federal law or under state law. Under this bill, for those terminated employees who became eligible for state continuation coverage on or after September 1, 2008, but before the effective date of this bill, the employer has ten days after the effective date of the bill to send an additional notice that contains the information required under the ARRA, and the terminated employee has 60 days to elect continuation coverage instead of 30 days. For those terminated employees

**BILL**

1 (d) The department of natural resources may establish a different deadline for  
 2 submitting notice of intent to apply for financial assistance for the purposes of this  
 3 subsection than the deadline in section 281.58 (8m) of the statutes. The department  
 4 may also establish a deadline for submitting applications for financial assistance  
 5 under this subsection.

6 (e) In determining which projects to provide financial assistance under this  
 7 subsection, the department of natural resources may consider any of the following:

- 8 1. Readiness of a project to proceed to construction.
- 9 2. The unemployment rate in the county in which a project is located.
- 10 3. The extent to which a project promotes water efficiency or energy efficiency;  
 11 is environmentally innovative; or uses natural systems or engineered systems that  
 12 mimic natural processes, also called green infrastructure.
- 13 4. The geographic distribution of projects.

*Insert  
4256*

14 (f) Notwithstanding section 227.10 (1) of the statutes, the department of  
 15 natural resources and the department of administration are not required to  
 16 promulgate rules for the purposes of this subsection.

17 (2) AMERICAN RECOVERY AND REINVESTMENT ACT FUNDING FOR SAFE DRINKING  
 18 WATER PROJECTS.

19 (a) If this state receives moneys under P.L. 111-5 as a capitalization grant  
 20 under the federal Safe Drinking Water Act, the department of natural resources and  
 21 the department of administration may, as provided in this subsection, obligate the  
 22 funds before July 1, 2011, for financial assistance to local governmental units under  
 23 section 281.61 of the statutes for projects eligible to receive financial assistance  
 24 under that section.

**BILL**

- 1           2. The unemployment rate in the county in which a project is located.
- 2           3. The extent to which a project promotes water efficiency or energy efficiency;
- 3           is environmentally innovative; or uses natural systems or engineered systems that
- 4           mimic natural processes, also called green infrastructure.
- 5           4. The geographic distribution of projects.

6           (f) Notwithstanding section 227.10 (1) of the statutes, the department of  
 7           natural resources and the department of administration are not required to  
 8           promulgate rules for the purposes of this subsection.

*In 7  
5-19*

**SECTION 9356. Initial applicability; Workforce Development.**

10           (1) TERMINATIONS OF EMPLOYMENT. The treatment of sections 108.04 (7) (c), (h),  
 11           (s) 1. a., b., bn., d., and e. and 2. a., b., and c., and (t), 108.14 (8n) (e) and 108.141 (7)  
 12           (a) of the statutes first applies with respect to terminations of employment occurring  
 13           on the effective date of this subsection.

14           (2) BENEFITS. The treatment of section 108.06 (1), (2) (c) and (cm), (3), (6)  
 15           (intro.), and (7) of the statutes first applies with respect to weeks of unemployment  
 16           beginning on the effective date of this subsection.

**SECTION 9400. Effective dates; general.**

17           (1) Except as otherwise provided in SECTIONS 9401 to 9457 of this act, this act  
 18           takes effect on the day after publication.

**SECTION 9408. Effective dates; Children and Families.**

21           (1) ELIGIBILITY FOR COMMUNITY ACTION AGENCY PROGRAMMING. The repeal and  
 22           recreation of section 49.265 (1) (b) of the statutes takes effect on July 1, 2010.

**SECTION 9456. Effective dates; Workforce Development.**

23



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-2522/4  
RCT:kjf&nwn:ph

DOA:.....Miner, ARRA06 - Clean water fund and safe drinking water changes

**FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION**

- 1 **AN ACT relating to:** financial assistance under the Clean Water Fund Program  
2 and the Safe Drinking Water Loan Program.

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*Analysis by the Legislative Reference Bureau*

**ENVIRONMENT**

Under the Clean Water Fund Program, this state provides financial assistance for projects for controlling water pollution, including sewage treatment plants, using state and federal funds. One form of financial assistance provided under the Clean Water Fund Program is a loan at a subsidized interest rate. The law specifies the interest rates at which loans are provided. The Clean Water Fund Program also provides grants to municipalities that satisfy financial hardship criteria. The budget bill for each fiscal biennium establishes the present value of the subsidies that may be provided under the Clean Water Fund Program during that fiscal biennium. Current law prohibits applications from being approved and funds from being expended for clean water fund projects in a fiscal biennium before the budget bill is enacted.

The federal American Recovery and Reinvestment Act (ARRA) provides funds for state programs like the Clean Water Fund Program. This bill authorizes those funds to be expended under the Clean Water Fund Program. The bill allows the funds to be provided as loans at interest rates that may differ from the rates provided under current law and allows forgiveness of a portion of the principal amount of a

loan. The bill also allows the funds to be provided as grants, without regard to the financial hardship criteria. The bill allows applications to be approved and funds to be expended before the budget bill is enacted.

Under the Safe Drinking Water Loan Program, this state provides loans to local governmental units for projects for the construction or modification of public water systems, using state and federal funds. The loans are provided at subsidized interest rates. The law specifies the interest rates at which loans are provided. The budget bill for each fiscal biennium establishes the present value of the subsidies that may be provided under the Safe Drinking Water Loan Program during that fiscal biennium. Current law prohibits applications from being approved and funds from being expended for safe drinking water projects in a fiscal biennium before the budget bill is enacted.

The ARRA provides funds for state programs like the Safe Drinking Water Loan Program. This bill authorizes those funds to be expended under the Safe Drinking Water Loan Program. The bill allows the funds to be provided as loans at interest rates that may differ from the rates provided under current law and allows forgiveness of a portion of the principal amount of a loan. The bill also allows the funds to be provided as grants. The bill allows applications to be approved and funds to be expended before the budget bill is enacted.

For further information see the *state and local* 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:*

1           **SECTION 9137. Nonstatutory provisions; Natural Resources.**

2           (1) AMERICAN RECOVERY AND REINVESTMENT ACT FUNDING FOR CLEAN WATER FUND  
3 PROJECTS.

4           (a) If this state receives moneys under P.L. 111-5 as a capitalization grant for  
5 clean water state revolving loan funds under the federal Water Pollution Control Act,  
6 the department of natural resources and the department of administration may, as  
7 provided in this subsection, allocate the funds, before July 1, 2011, for financial  
8 assistance to municipalities under section 281.58 of the statutes for projects eligible  
9 to receive financial assistance under that section.

10           (b) Notwithstanding sections 281.58 (9m) (c) and 281.59 (3e) (a) of the statutes,  
11 applications may be approved and funds may be allocated and expended for projects

1 under this subsection before the 2009-11 biennial budget act is enacted. The amount  
2 of present value of the subsidy for financial assistance provided under this  
3 subsection equals \$105,948,300. This is in addition to any amounts specified under  
4 section 281.59 (3e) (b) of the statutes. The department of natural resources may  
5 establish a percentage limit on the amount of financial assistance available under  
6 this subsection that may be received by any eligible applicant.

7 (c) The department of natural resources and the department of administration  
8 may provide financial assistance under this subsection in the form of grants or loans.  
9 Eligibility for grants under this subsection is not limited to municipalities eligible  
10 under section 281.58 (13) of the statutes. The department of natural resources may  
11 waive the limit under section 281.58 (8) (g) of the statutes in providing financial  
12 assistance under this subsection to a municipality eligible for financial assistance  
13 under section 281.58 (13) of the statutes. Loans under this subsection may be  
14 provided at rates that differ from the rates under section 281.58 (12) of the statutes,  
15 including negative interest rates that result in total payments that are less than the  
16 principal amounts of the loans. A financial assistance agreement for a loan under  
17 this subsection may provide for forgiveness of a portion of the principal amount of  
18 the loan.

19 (d) The department of natural resources may establish a different deadline for  
20 submitting notice of intent to apply for financial assistance for the purposes of this  
21 subsection than the deadline in section 281.58 (8m) of the statutes. The department  
22 may also establish a deadline for submitting applications for financial assistance  
23 under this subsection.

24 (e) In determining which projects to provide financial assistance under this  
25 subsection, the department of natural resources may consider any of the following:

- 1           1. Readiness of a project to proceed to construction.
- 2           2. The unemployment rate in the county in which a project is located.
- 3           3. The extent to which a project promotes water efficiency or energy efficiency;
- 4           is environmentally innovative; or uses natural systems or engineered systems that
- 5           mimic natural processes, also called green infrastructure.
- 6           4. The geographic distribution of projects.

7           (f) Notwithstanding section 227.10 (1) of the statutes, the department of  
8           natural resources and the department of administration are not required to  
9           promulgate rules for the purposes of this subsection.

10           (2) AMERICAN RECOVERY AND REINVESTMENT ACT FUNDING FOR SAFE DRINKING  
11           WATER PROJECTS.

12           (a) If this state receives moneys under P.L. 111-5 as a capitalization grant  
13           under the federal Safe Drinking Water Act, the department of natural resources and  
14           the department of administration may, as provided in this subsection, obligate the  
15           funds before July 1, 2011, for financial assistance to local governmental units under  
16           section 281.61 of the statutes for projects eligible to receive financial assistance  
17           under that section.

18           (b) Notwithstanding sections 281.59 (3s) (a) and 281.61 (7) (c) of the statutes,  
19           applications may be approved and funds may be allocated and expended for projects  
20           under this subsection before the 2009-11 biennial budget act is enacted. The amount  
21           of present value of the subsidy for financial assistance provided under this  
22           subsection equals \$37,750,000. This is in addition to any amounts specified under  
23           section 281.59 (3s) (b) of the statutes. The department of natural resources may  
24           establish a percentage limit on the amount of financial assistance available under  
25           this subsection that may be received by any eligible applicant.

1           (c) The department of natural resources and the department of administration  
2           may provide financial assistance under this subsection in the form of grants or loans,  
3           notwithstanding section 281.61 (2r) of the statutes. Loans under this subsection may  
4           be provided at rates that differ from the rates under section 281.61 (11) of the  
5           statutes, including negative interest rates that result in total payments that are less  
6           than the principal amounts of the loans. A financial assistance agreement for a loan  
7           under this subsection may provide for forgiveness of a portion of the principal  
8           amount of the loan.

9           (d) The department of natural resources may establish a different deadline for  
10          submitting notice of intent to apply for financial assistance for the purposes of this  
11          subsection than the deadline in section 281.61 (3) of the statutes. If the department  
12          of natural resources has not received sufficient applications by the deadline under  
13          section 281.61 (5) of the statutes to use all of the funds described in paragraph (a),  
14          it may waive the deadline.

15          (e) In determining which projects to provide financial assistance under this  
16          subsection, the department of natural resources may consider any of the following:

- 17           1. Readiness of a project to proceed to construction.
- 18           2. The unemployment rate in the county in which a project is located.
- 19           3. The extent to which a project promotes water efficiency or energy efficiency;  
20           is environmentally innovative; or uses natural systems or engineered systems that  
21           mimic natural processes, also called green infrastructure.
- 22           4. The geographic distribution of projects.

