

2011 DRAFTING REQUEST

Bill

Received: 11/17/2010

Received By: btradewe

Wanted: As time permits

Companion to LRB:

For: Legislative Council - LRC

By/Representing: Laura Rose

May Contact:

Drafter: btradewe

Subject: Environment - water quality

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: laura.rose@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Clean water fund, eliminate federal financial hardship assistance

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>
/P1	btradewe 11/17/2010	jdye 11/22/2010	rschluet 11/22/2010	_____	mbarman 11/22/2010		
/1	btradewe 11/04/2011	jdye 11/07/2011	phenry 11/08/2011	_____	lparisi 11/08/2011		
/2	btradewe 11/08/2011	jdye 11/08/2011	phenry 11/08/2011	_____	ggodwin 11/08/2011	ggodwin 11/08/2011	

FE Sent For: *None*

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/P1	btradewe 11/17/2010	jdyer 11/22/2010	rschluet 11/22/2010	_____	mbarman 11/22/2010		

FE Sent For:

*1 11/7 jld*    *11/8 ph*    *ph*    **<END>**

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By/Representing: **Laura Rose**

May Contact:

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Extra Copies:

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/P1	btradewe						
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*11/22/10*  
*PL*  
*11/22/10*

FE Sent For:

<END>

**Tradewell, Becky**

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**From:** Rose, Laura  
**Sent:** Tuesday, November 16, 2010 3:25 PM  
**To:** Tradewell, Becky; Kite, Robin; Gibson-Glass, Mary  
**Subject:** FW: Proposals for remedial legislation  
**Attachments:** remedial legislation--federal financial hardship.doc

Dear Becky, Robin, and Mary,

Not knowing for sure which of you will draft these, I thought I would cover the bases by sending them to all three of you. This is DNR's request for remedial legislation for the upcoming legislative session. I've looked it over, and it seems okay. Please let me know if you have any questions, and also, please let me know who will be drafting this.

Thanks!

Laura

*Laura D. Rose, Deputy Director*  
Wisconsin Legislative Council  
One East Main Street, Suite 401  
PO Box 2536  
Madison, WI 53701-2536  
tel: 608.266.9791  
fax: 608.266.3830  
laura.rose@legis.wisconsin.gov

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**From:** Heinen, Paul H - DNR [mailto:Paul.Heinen@Wisconsin.gov]  
**Sent:** Thursday, October 28, 2010 12:05 PM  
**To:** Rose, Laura  
**Cc:** Heinen, Paul H - DNR  
**Subject:** FW: Proposals for remedial legislation

Laura

Here is the lone DNR proposal. Hope you are doing well!

Paul

---

**From:** Ohm, Judith M - DNR  
**Sent:** Thursday, October 28, 2010 11:37 AM  
**To:** Heinen, Paul H - DNR  
**Cc:** Cargill, Jeanne H - DNR; Scott, Rebecca L - DNR; Teves, Mary R - DNR; Olson, Daniel J - DNR; Hubeler, Maureen C - DNR; Flaherty, Peter D - DNR; Nyffeler, Robin T - DNR  
**Subject:** RE: Proposals for remedial legislation

Attached is a memo on this proposed remedial legislation for Paul Heinen to provide to the Legislative Council (Laura Rose).

11/16/2010

Judy

---

**From:** Ohm, Judith M - DNR

**Sent:** Wednesday, October 27, 2010 01:49 PM

**To:** Flaherty, Peter D - DNR; Nyffeler, Robin T - DNR; Cargill, Jeanne H - DNR; Heinen, Paul H - DNR

**Cc:** Scott, Rebecca L - DNR; Teves, Mary R - DNR; Olson, Daniel J - DNR; Hubeler, Maureen C - DNR

**Subject:** RE: Proposals for remedial legislation

I have reviewed the proposal for remedial legislation and I think it's appropriate, assuming that DNR no longer receives or disburses any federal financial hardship assistance under the clean water fund program. If we anticipate this program being resurrected in the future, however, it would make sense to leave the language as is.

If we make the request for remedial legislation, we should also suggest repealing s. 20,320(1)(y) (the appropriation for the federal financial hardship assistance money) and s. 25.43(1)(ae) (grant language relating to federal financial hardship assistance).

Judy

11/16/2010

DATE: October 28, 2010

FILE REF: Remedial Legislation

TO: Paul Heinen—AD/8

FROM: Judy Mills Ohm—LS/8

SUBJECT: Clean Water Fund—Federal Financial Hardship Assistance

Our Clean Water Fund Program statute, s. 281.58(13), includes several paragraphs about **federal** financial hardship assistance. The federal financial hardship assistance program was a one-time disbursement of federal money for projects that met very specific criteria. We received and disbursed all the federal financial hardship assistance several years ago, so these provisions are now invalid and should be removed from the state statute. Listed below are the recommended statutory changes:

- Sections 281.58(13)(be), (bs) and (em) should be repealed.
- Section 281.58(13)(cm) should be amended to read: “(cm) The amount and type of assistance to be provided to a municipality that receives financial hardship assistance shall be determined under rules promulgated by the department.” [Note: This amendment deletes all but the first sentence of existing paragraph (cm)]
- Section 281.58(13)(d) should be amended to read: “The department shall establish a financial hardship assistance funding list for each fiscal year that ranks projects of municipalities that are eligible under par. (b) ~~or (be)~~, and that submit complete financial assistance applications under sub. (9)(a) no later than June 30 of the preceding fiscal year, in the same order that they appear on the priority list under sub. (8e).” [Note: This amendment simply removes “or (be)” from the middle of the existing paragraph]
- Section 281.58(13)(e) [intro] should be amended to read: “~~Subject to par. (em),~~ in ln each fiscal year, the department shall allocate financial hardship assistance under this subsection in the following order.” [This amendment simply deletes “Subject to par. (em),” from the existing intro and capitalizes the new first word of the sentence]
- Section 20.320(1)(y) (the appropriation for the federal financial hardship assistance money) should be repealed.
- Section 25.43(1)(ae) (grant language relating to federal financial hardship assistance) should be repealed.





State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-0505/P1

RCT.....

In 11/17

JLD

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

✓

Gen

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- 2
- 3

AN ACT ...; **relating to:** federal financial hardship assistance under the clean  
water fund program (suggested as remedial legislation by the Department of  
 Natural Resources).

***Analysis by the Legislative Reference Bureau***

Under the Clean Water Fund Program, this state provides financial assistance for projects for controlling water pollution, including sewage treatment plants. This bill eliminates statutory provisions related to a federal financial hardship grant program under the Clean Water Fund Program.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Natural Resources and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

4

**SECTION 1.** 20.320 (1) (x) of the statutes is amended to read:

1           20.320 (1) (x) *Clean water fund program financial assistance; federal.* From  
2 the clean water fund program federal revolving loan fund account in the  
3 environmental improvement fund, all moneys received from the federal government  
4 to provide financial assistance under the clean water fund program under s. 281.58,  
5 as authorized by the governor under s. 16.54, ~~except moneys appropriated under par.~~  
6 ~~(y)~~<sup>✓</sup> for financial assistance under the clean water fund program under s. 281.58.

7 **History:** 1989 a. 366 ss. 16, 19 to 21, 27 to 30; 1991 a. 39; 1993 a. 6; 1995 a. 27, 216, 227; 1997 a. 27, 35, 237, 252; 1999 a. 9; 2007 a. 20; 2009 a. 28.

7           **SECTION 2.** 20.320 (1) (y) of the statutes is repealed.

8           **SECTION 3.** 25.43 (1) (ae) of the statutes is repealed.

9           **SECTION 4.** 25.43 (2) (ae) of the statutes is repealed.

10          **SECTION 5.** 25.43 (2) (c) of the statutes is amended to read:

11           25.43 (2) (c) The department of administration may establish and change  
12 accounts in the environmental improvement fund other than those under pars. (a),  
13 ~~(ae)~~<sup>✓</sup>(am) and (b). The department of administration shall consult the department  
14 of natural resources before establishing or changing an account that is needed to  
15 administer the programs under ss. 281.58, 281.59 and 281.61.

16 **History:** 1987 a. 399; 1989 a. 31, 366; 1995 a. 27, 227; 1997 a. 27, 35, 237, 252; 1999 a. 9, 32; 2009 a. 28.

16          **SECTION 6.** 25.43 (3) of the statutes is amended to read:

17           25.43 (3) Except for the purpose of investment as provided in s. 25.17 (2) (d),  
18 the environmental improvement fund may be used only for the purposes authorized  
19 under ss. 20.320 (1) (r), (s), (sm), (t), and (x) ~~and~~ (y), (2) (s) and (x) and (3) (q), 20.370  
20 (4) (mt), (mx) and (nz), (8) (mr) and (9) (mt), (mx) and (ny), 20.505 (1) (v), (x) and (y),  
21 281.58, 281.59, 281.60, 281.61 and 281.62.

22 **History:** 1987 a. 399; 1989 a. 31, 366; 1995 a. 27, 227; 1997 a. 27, 35, 237, 252; 1999 a. 9, 32; 2009 a. 28.

22          **SECTION 7.** 281.58 (3) (a) of the statutes is renumbered 281.58 (3).

23          **SECTION 8.** 281.58 (3) (b) of the statutes is repealed.

24          **SECTION 9.** 281.58 (6) (b) 5m. of the statutes is repealed.

1           **SECTION 10.** 281.58 (13) (be) <sup>X</sup> of the statutes is repealed.

2           **SECTION 11.** 281.58 (13) (bs) <sup>X</sup> of the statutes is repealed.

3           **SECTION 12.** 281.58 (13) (cm) <sup>X</sup> of the statutes is amended to read:

4           281.58 **(13)** (cm) The amount and type of assistance to be provided to a  
5           municipality that receives state financial hardship assistance shall be determined  
6           under rules promulgated by the department. <sup>✓</sup> ~~Assistance to be provided to a~~  
7           ~~municipality that receives federal financial hardship assistance shall be in the form~~  
8           ~~of a grant for a portion of the project costs plus a loan at the interest rate under sub-~~  
9           ~~(12) for the type of project being funded. The maximum amount of subsidy that a~~  
10           ~~municipality receiving federal financial hardship assistance may receive is equal to~~  
11           ~~the amount of subsidy that the municipality would have received if it had received~~  
12           ~~state financial hardship assistance. If a municipality receives state financial~~  
13           ~~hardship assistance and federal financial hardship assistance for a project, the total~~  
14           ~~amount of the subsidy for the project may not exceed the amount of subsidy that the~~  
15           ~~municipality would have received if it had received only state financial hardship~~  
16           ~~assistance. Subsection (8) (g) does not apply to the amount of a federal financial~~  
17           ~~hardship assistance grant that a municipality may receive.~~ <sup>✓</sup>

**History:** 1987 a. 399; 1989 a. 31, 336, 366; 1991 a. 32, 39, 189; 1993 a. 16; 1995 a. 27; 1995 a. 227 s. 425; Stats. 1995 s. 281.58; 1997 a. 27, 237; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 104; 2005 a. 25, 347; 2009 a. 28.

18           **SECTION 13.** 281.58 (13) (d) <sup>X</sup> of the statutes is amended to read:

19           281.58 **(13)** (d) The department shall establish a financial hardship assistance  
20           funding list for each fiscal year that ranks projects of municipalities that are eligible  
21           under par. (b) ~~or (be)~~ <sup>✓</sup>, and that submit complete financial assistance applications  
22           under sub. (9) (a) no later than June 30 of the preceding fiscal year, in the same order  
23           that they appear on the priority list under sub. (8e).

**History:** 1987 a. 399; 1989 a. 31, 336, 366; 1991 a. 32, 39, 189; 1993 a. 16; 1995 a. 27; 1995 a. 227 s. 425; Stats. 1995 s. 281.58; 1997 a. 27, 237; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 104; 2005 a. 25, 347; 2009 a. 28.

1           **SECTION 14.** 281.58 (13) (e) (intro.)<sup>✓</sup> of the statutes is amended to read:

2           281.58 (13) (e) (intro.) ~~Subject to par. (em)~~<sup>✓</sup> in In each fiscal year, the  
3           department shall allocate financial hardship assistance under this subsection in the  
4           following order:

History: 1987 a. 399; 1989 a. 31, 336, 366; 1991 a. 32, 39, 189; 1993 a. 16; 1995 a. 27; 1995 a. 227 s. 425; Stats. 1995 s. 281.58; 1997 a. 27, 237; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 104; 2005 a. 25, 347; 2009 a. 28.

5           **SECTION 15.** 281.58 (13) (em)<sup>✓</sup> of the statutes is repealed.

6           **SECTION 16.** 281.59 (3) (a) 6.<sup>✓</sup> of the statutes is amended to read:

7           281.59 (3) (a) 6. An amount equal to the estimated present value of subsidies  
8           for all clean water fund program loans and grants expected to be made for the  
9           wastewater treatment projects listed in the biennial needs list under s. 281.58 (3m),  
10          ~~except for federal financial hardship assistance grants under s. 281.58 (13),~~<sup>✓</sup>  
11          discounted at a rate of 7% per year to the first day of the biennium for which the  
12          biennial finance plan is prepared.

History: 1989 a. 366 ss. 40, 63, 65, 66, 97, 99, 106, 108 to 110, 115; 1991 a. 32, 39, 189, 315; 1993 a. 16; 1995 a. 27; 1995 a. 227 s. 426; Stats. 1995 s. 281.59; 1995 a. 452; 1997 a. 27, 237; 1999 a. 9; 1999 a. 150 s. 374, 672; 2001 a. 16; 2003 a. 33; 2005 a. 25; 2007 a. 20; 2009 a. 28.

13          **SECTION 17.** 281.59 (3e) (a) 1. of the statutes is amended to read:

14          281.59 (3e) (a) 1. An amount of present value of the subsidy for the clean water  
15          fund program,<sup>✓</sup> ~~except for federal financial hardship assistance grants under s.~~  
16          ~~281.58 (13),~~ that is specified for that biennium under par. (b) and is based on the  
17          amount included in the biennial finance plan under sub. (3) (a) 6.

History: 1989 a. 366 ss. 40, 63, 65, 66, 97, 99, 106, 108 to 110, 115; 1991 a. 32, 39, 189, 315; 1993 a. 16; 1995 a. 27; 1995 a. 227 s. 426; Stats. 1995 s. 281.59; 1995 a. 452; 1997 a. 27, 237; 1999 a. 9; 1999 a. 150 s. 374, 672; 2001 a. 16; 2003 a. 33; 2005 a. 25; 2007 a. 20; 2009 a. 28.

18          **SECTION 18.** 281.59 (3e) (e) of the statutes is amended to read:

19          281.59 (3e) (e) The department may expend, for financial hardship assistance,  
20          ~~other than federal financial hardship assistance grants under s. 281.58 (13) (be),~~<sup>✓</sup> in  
21          a biennium under s. 281.58 (13) (e), an amount up to 15% of the amount approved  
22          by the legislature under par. (b) for that biennium. The department may expend such

1 amount only from the percentage of the amount approved by the legislature under  
2 par. (b) that is not available under par. (d) for financial assistance.

**History:** 1989 a. 366 ss. 40, 63, 65, 66, 97, 99, 106, 108 to 110, 115; 1991 a. 32, 39, 189, 315; 1993 a. 16; 1995 a. 27; 1995 a. 227 s. 426; Stats. 1995 s. 281.59; 1995 a. 452; 1997 a. 27, 237; 1999 a. 9; 1999 a. 150 s. 374, 672; 2001 a. 16; 2003 a. 33; 2005 a. 25; 2007 a. 20; 2009 a. 28.

3

**(END)**

## Tradewell, Becky

---

**From:** Rose, Laura  
**Sent:** Friday, November 04, 2011 2:22 PM  
**To:** Tradewell, Becky  
**Subject:** DNR remedial legislation

**Attachments:** 11-0505P1.pdf



11-0505P1.pdf (35 KB)

Hi Becky,

This can be drafted for introduction as a Senate bill. Here are the SECTION notes to insert into the draft:

### **LRB-0505/P1**

AFTER SECTION 2: SECTION 2 repeals the appropriation for federal financial hardship assistance for the Clean Water Fund. This fund was a one time fund and the funds were disbursed several years ago.

AFTER SECTION 5: SECTIONS 3 to 5 delete references to the Clean Water Fund Program federal financial assistance hardship assistance account.

AFTER SECTION 6: SECTIONS 1 and 6 delete a reference to the appropriation for federal financial hardship assistance for the Clean Water Fund. This appropriation is repealed in SECTION 2 of the draft.

AFTER SECTION 12: SECTION 12 of the draft deletes references to the federal financial hardship assistance grant from the statute that requires the DNR to promulgate rules establishing criteria for financial hardship assistance.

AFTER SECTION 15: SECTION 15 repeals a statute relating to how federal financial hardship assistance must be allocated if all available state financial hardship assistance has been allocated. The amendment in SECTION 14 reflects that repeal.

Let me know if you have any questions, and thanks!

Laura

*Laura D. Rose, Deputy Director*  
Wisconsin Legislative Council  
One East Main Street, Suite 401  
PO Box 2536  
Madison, WI 53701-2536  
tel: 608.266.9791  
fax: 608.266.3830  
laura.rose@legis.wisconsin.gov



State of Wisconsin  
2011 - 2012 LEGISLATURE

SOONC in 11(4)



LRB-0505/1  
RCT:jld:rs

SMY

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

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Regen

1 AN ACT *to repeal* 20.320 (1) (y), 25.43 (1) (ae), 25.43 (2) (ae), 281.58 (3) (b), 281.58  
2 (6) (b) 5m., 281.58 (13) (be), 281.58 (13) (bs) and 281.58 (13) (em); *to renumber*  
3 281.58 (3) (a); and *to amend* 20.320 (1) (x), 25.43 (2) (c), 25.43 (3), 281.58 (13)  
4 (cm), 281.58 (13) (d), 281.58 (13) (e) (intro.), 281.59 (3) (a) 6., 281.59 (3e) (a) 1.  
5 and 281.59 (3e) (e) of the statutes; **relating to:** federal financial hardship  
6 assistance under the Clean Water Fund Program (suggested as remedial  
7 legislation by the Department of Natural Resources). ✓

***Analysis by the Legislative Reference Bureau***

Under the Clean Water Fund Program, this state provides financial assistance for projects for controlling water pollution, including sewage treatment plants. This bill eliminates statutory provisions related to a federal financial hardship grant program under the Clean Water Fund Program. ✓

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Natural Resources and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1

**SECTION 1.** <sup>auto ref D</sup> 20.320 (1) (x) of the statutes is amended to read:

2 20.320 (1) (x) *Clean water fund program financial assistance; federal.* From  
3 the clean water fund program federal revolving loan fund account in the  
4 environmental improvement fund, all moneys received from the federal government  
5 to provide financial assistance under the clean water fund program under s. 281.58,  
6 as authorized by the governor under s. 16.54, ~~except moneys appropriated under par.~~  
7 ~~(y)~~, for financial assistance under the clean water fund program under s. 281.58.

Insert A

8

**SECTION 2.** <sup>auto ref A</sup> 20.320 (1) (y) of the statutes is repealed.

9

**SECTION 3.** 25.43 (1) (ae) of the statutes is repealed.

10

**SECTION 4.** 25.43 (2) (ae) of the statutes is repealed.

11

**SECTION 5.** <sup>auto ref C</sup> 25.43 (2) (c) of the statutes is amended to read:

12 25.43 (2) (c) The department of administration may establish and change  
13 accounts in the environmental improvement fund other than those under pars. (a),  
14 ~~(ae)~~, (am) and (b). The department of administration shall consult the department  
15 of natural resources before establishing or changing an account that is needed to  
16 administer the programs under ss. 281.58, 281.59 and 281.61.

Insert B

17

**SECTION 6.** <sup>auto ref E</sup> 25.43 (3) of the statutes is amended to read:

18 25.43 (3) Except for the purpose of investment as provided in s. 25.17 (2) (d),  
19 the environmental improvement fund may be used only for the purposes authorized  
20 under ss. 20.320 (1) (r), (s), (sm), (t), and (x) ~~and (y)~~, (2) (s) and (x) and (3) (q), 20.370  
21 (4) (mt), (mx) and (nz), (8) (mr) and (9) (mt), (mx) and (ny), 20.505 (1) (v), (x) and (y),  
22 281.58, 281.59, 281.60, 281.61 and 281.62.

Insert C



1 SECTION 7. 281.58 (3) (a) of the statutes is renumbered 281.58 (3).

2 SECTION 8. 281.58 (3) (b) of the statutes is repealed.

3 SECTION 9. 281.58 (6) (b) 5m. of the statutes is repealed.

4 SECTION 10. 281.58 (13) (be) of the statutes is repealed.

5 SECTION 11. 281.58 (13) (bs) of the statutes is repealed.

6 SECTION 12. <sup>auto ref F</sup> 281.58 (13) (cm) of the statutes is amended to read:

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281.58 (13) (cm) The amount and type of assistance to be provided to a municipality that receives state financial hardship assistance shall be determined under rules promulgated by the department. ~~Assistance to be provided to a municipality that receives federal financial hardship assistance shall be in the form of a grant for a portion of the project costs plus a loan at the interest rate under sub. (12) for the type of project being funded. The maximum amount of subsidy that a municipality receiving federal financial hardship assistance may receive is equal to the amount of subsidy that the municipality would have received if it had received state financial hardship assistance. If a municipality receives state financial hardship assistance and federal financial hardship assistance for a project, the total amount of the subsidy for the project may not exceed the amount of subsidy that the municipality would have received if it had received only state financial hardship assistance. Subsection (8) (g) does not apply to the amount of a federal financial hardship assistance grant that a municipality may receive.~~

Insert  
D →

SECTION 13. 281.58 (13) (d) of the statutes is amended to read:

281.58 (13) (d) The department shall establish a financial hardship assistance funding list for each fiscal year that ranks projects of municipalities that are eligible under par. (b) ~~or (be)~~, and that submit complete financial assistance applications

1 under sub. (9) (a) no later than June 30 of the preceding fiscal year, in the same order  
2 that they appear on the priority list under sub. (8e).

3 SECTION 14. <sup>auto ref H</sup> 281.58 (13) (e) (intro.) of the statutes is amended to read:

4 281.58 (13) (e) (intro.) ~~Subject to par. (em), in~~ In each fiscal year, the  
5 department shall allocate financial hardship assistance under this subsection in the  
6 following order:

7 SECTION 15. <sup>auto ref G</sup> 281.58 (13) (em) of the statutes is repealed.

8 <sup>Insert</sup> SECTION 16. 281.59 (3) (a) 6. of the statutes is amended to read:

9 281.59 (3) (a) 6. An amount equal to the estimated present value of subsidies  
10 for all clean water fund program loans and grants expected to be made for the  
11 wastewater treatment projects listed in the biennial needs list under s. 281.58 (3m),  
12 ~~except for federal financial hardship assistance grants under s. 281.58 (13),~~  
13 discounted at a rate of 7% per year to the first day of the biennium for which the  
14 biennial finance plan is prepared.

15 SECTION 17. 281.59 (3e) (a) 1. of the statutes is amended to read:

16 281.59 (3e) (a) 1. An amount of present value of the subsidy for the clean water  
17 fund program, ~~except for federal financial hardship assistance grants under s.~~  
18 ~~281.58 (13),~~ that is specified for that biennium under par. (b) and is based on the  
19 amount included in the biennial finance plan under sub. (3) (a) 6.

20 SECTION 18. 281.59 (3e) (e) of the statutes <sup>as affected by 2011 Wisconsin Act 32,</sup> is amended to read:

21 281.59 (3e) (e) The department may expend, for financial hardship assistance,  
22 ~~other than federal financial hardship assistance grants under s. 281.58 (13) (be), in~~

23 a biennium under s. 281.58 (13) (e), an amount up to <sup>5 percent ← plain</sup> 5% of the amount approved

24 by the legislature under par. (b) for that biennium. The department may expend such

1 amount only from the percentage of the amount approved by the legislature under  
2 par. (b) that is not available under par. (d) for financial assistance.

3 (END)

2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-0505/lins  
RCT:.....

**Insert A**

\* NOTE: SECTION 2 repeals the appropriation for federal financial hardship assistance for the ~~Clean Water Fund~~. This fund was a one-time fund and the funds were disbursed several years ago. \*

**Insert B**

\* NOTE: SECTIONS 3 to 5 delete references to the Clean Water Fund Program federal financial ~~assistance~~ hardship assistance account. \*

**Insert C**

NOTE: SECTIONS 1 and 6 delete a reference to the appropriation for federal financial hardship assistance for the Clean Water Fund. This appropriation is repealed in SECTION 2 of the ~~amendment~~ bill.

**Insert D**

NOTE: SECTION 12 of the ~~draft~~ bill deletes references to the federal financial hardship assistance grant from the statute that requires the DNR to promulgate rules establishing criteria for financial hardship assistance.

**Insert E**

NOTE: SECTION 15 repeals a statute relating to how federal financial hardship assistance must be allocated if all available state financial hardship assistance has been allocated. The amendment in SECTION 14 reflects that repeal.

## Tradewell, Becky

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**From:** Rose, Laura  
**Sent:** Tuesday, November 08, 2011 10:02 AM  
**To:** Tradewell, Becky  
**Subject:** Submitted: LRB 11-0505/1 Topic: Clean water fund, eliminate federal financial hardship assistance?body=

Hi Becky,

I realize that I left the final SECTION note out of my email. It should be placed after SECTION 18, and read as follows:

SECTIONS 8, 9, 10, 11, 13, and 16 to 18 repeal references to the federal financial hardship assistance grant.  
SECTION 7 rennumbers that statute to reflect this repeal.

Thanks,

Laura

*Laura D. Rose, Deputy Director*  
Wisconsin Legislative Council  
One East Main Street, Suite 401  
PO Box 2536  
Madison, WI 53701-2536  
tel: 608.266.9791  
fax: 608.266.3830  
[laura.rose@legis.wisconsin.gov](mailto:laura.rose@legis.wisconsin.gov)



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-0505/2  
RCT:jld:ph

SOON (in 11/8)

ymr

**2011 BILL**

Reger

1 AN ACT *to repeal* 20.320 (1) (y), 25.43 (1) (ae), 25.43 (2) (ae), 281.58 (3) (b), 281.58  
2 (6) (b) 5m., 281.58 (13) (be), 281.58 (13) (bs) and 281.58 (13) (em); *to renumber*  
3 281.58 (3) (a); and *to amend* 20.320 (1) (x), 25.43 (2) (c), 25.43 (3), 281.58 (13)  
4 (cm), 281.58 (13) (d), 281.58 (13) (e) (intro.), 281.59 (3) (a) 6., 281.59 (3e) (a) 1.  
5 and 281.59 (3e) (e) of the statutes; **relating to:** federal financial hardship  
6 assistance under the Clean Water Fund Program (suggested as remedial  
7 legislation by the Department of Natural Resources).

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***Analysis by the Legislative Reference Bureau***

Under the Clean Water Fund Program, this state provides financial assistance for projects for controlling water pollution, including sewage treatment plants. This bill eliminates statutory provisions related to a federal financial hardship grant program under the Clean Water Fund Program.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

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

**BILL**

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Natural Resources and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1           **SECTION 1.** 20.320 (1) (x) of the statutes is amended to read:

2           20.320 (1) (x) *Clean water fund program financial assistance; federal.* From  
3 the clean water fund program federal revolving loan fund account in the  
4 environmental improvement fund, all moneys received from the federal government  
5 to provide financial assistance under the clean water fund program under s. 281.58,  
6 as authorized by the governor under s. 16.54, ~~except moneys appropriated under par-~~  
7 ~~(y)~~, for financial assistance under the clean water fund program under s. 281.58.

8           **SECTION 2.** 20.320 (1) (y) of the statutes is repealed.

NOTE: SECTION 2<sup>✓</sup> repeals the appropriation for federal financial hardship assistance for the Clean Water Fund. This fund was a one-time fund and the funds were disbursed several years ago.

9           **SECTION 3.** 25.43 (1) (ae) of the statutes is repealed.

10          **SECTION 4.** 25.43 (2) (ae) of the statutes is repealed.

11          **SECTION 5.** 25.43 (2) (c) of the statutes is amended to read:

12          25.43 (2) (c) The department of administration may establish and change  
13 accounts in the environmental improvement fund other than those under pars. (a),  
14 (ae), (am) and (b). The department of administration shall consult the department  
15 of natural resources before establishing or changing an account that is needed to  
16 administer the programs under ss. 281.58, 281.59 and 281.61.

NOTE: SECTIONS 3 to 5<sup>✓</sup> delete references to the Clean Water Fund Program federal financial hardship assistance account.

17          **SECTION 6.** 25.43 (3) of the statutes is amended to read:

18          25.43 (3) Except for the purpose of investment as provided in s. 25.17 (2) (d),  
19 the environmental improvement fund may be used only for the purposes authorized

**BILL**

1 under ss. 20.320 (1) (r), (s), (sm), (t), and (x) ~~and (y)~~, (2) (s) and (x) and (3) (q), 20.370  
 2 (4) (mt), (mx) and (nz), (8) (mr) and (9) (mt), (mx) and (ny), 20.505 (1) (v), (x) and (y),  
 3 281.58, 281.59, 281.60, 281.61 and 281.62.

NOTE: SECTIONS 1 and 6 <sup>✓</sup> delete a reference to the appropriation for federal financial  
 hardship assistance for the Clean Water Fund. This appropriation is repealed in SECTION  
 2 of the bill.

4 SECTION <sup>author F</sup> ~~7~~ 281.58 (3) (a) of the statutes is renumbered 281.58 (3).  
<sup>author A</sup>

5 SECTION ~~8~~ 281.58 (3) (b) of the statutes is repealed.

6 SECTION 9. 281.58 (6) (b) 5m. of the statutes is repealed.

7 SECTION 10. 281.58 (13) (be) of the statutes is repealed.

8 SECTION <sup>author B</sup> ~~11~~ 281.58 (13) (bs) of the statutes is repealed.

9 SECTION 12. 281.58 (13) (cm) of the statutes is amended to read:

10 281.58 (13) (cm) The amount and type of assistance to be provided to a  
 11 municipality that receives state financial hardship assistance shall be determined  
 12 under rules promulgated by the department. ~~Assistance to be provided to a~~  
 13 ~~municipality that receives federal financial hardship assistance shall be in the form~~  
 14 ~~of a grant for a portion of the project costs plus a loan at the interest rate under sub.~~  
 15 ~~(12) for the type of project being funded. The maximum amount of subsidy that a~~  
 16 ~~municipality receiving federal financial hardship assistance may receive is equal to~~  
 17 ~~the amount of subsidy that the municipality would have received if it had received~~  
 18 ~~state financial hardship assistance. If a municipality receives state financial~~  
 19 ~~hardship assistance and federal financial hardship assistance for a project, the total~~  
 20 ~~amount of the subsidy for the project may not exceed the amount of subsidy that the~~  
 21 ~~municipality would have received if it had received only state financial hardship~~  
 22 ~~assistance. Subsection (8) (g) does not apply to the amount of a federal financial~~  
 23 ~~hardship assistance grant that a municipality may receive.~~



## BILL

## SECTION 12

NOTE: SECTION 12 of the bill deletes references to the federal financial hardship assistance grant from the statute that requires the DNR to promulgate rules establishing criteria for financial hardship assistance.

1 **SECTION 13** <sup>Intro ref C</sup> 281.58 (13) (d) of the statutes is amended to read:

2 281.58 (13) (d) The department shall establish a financial hardship assistance  
3 funding list for each fiscal year that ranks projects of municipalities that are eligible  
4 under par. (b) ~~or (be)~~, and that submit complete financial assistance applications  
5 under sub. (9) (a) no later than June 30 of the preceding fiscal year, in the same order  
6 that they appear on the priority list under sub. (8e).

7 **SECTION 14.** 281.58 (13) (e) (intro.) of the statutes is amended to read:

8 281.58 (13) (e) (intro.) ~~Subject to par. (em), in~~ In each fiscal year, the  
9 department shall allocate financial hardship assistance under this subsection in the  
10 following order:

11 **SECTION 15.** 281.58 (13) (em) of the statutes is repealed.

NOTE: SECTION 15 repeals a statute relating to how federal financial hardship assistance must be allocated if all available state financial hardship assistance has been allocated. The amendment in SECTION 14 reflects that repeal.

12 **SECTION 16** <sup>Intro ref D</sup> 281.59 (3) (a) 6. of the statutes is amended to read:

13 281.59 (3) (a) 6. An amount equal to the estimated present value of subsidies  
14 for all clean water fund program loans and grants expected to be made for the  
15 wastewater treatment projects listed in the biennial needs list under s. 281.58 (3m),  
16 ~~except for federal financial hardship assistance grants under s. 281.58 (13),~~  
17 discounted at a rate of 7% per year to the first day of the biennium for which the  
18 biennial finance plan is prepared.

19 **SECTION 17.** 281.59 (3e) (a) 1. of the statutes is amended to read:

20 281.59 (3e) (a) 1. An amount of present value of the subsidy for the clean water  
21 fund program, ~~except for federal financial hardship assistance grants under s.~~

**BILL**

1 281.58 (13), that is specified for that biennium under par. (b) and is based on the  
2 amount included in the biennial finance plan under sub. (3) (a) 6.

3 **SECTION 18.** 281.59 (3e) (e) of the statutes, as affected by 2011 Wisconsin Act  
4 32, is amended to read:

5 281.59 (3e) (e) The department may expend, for financial hardship assistance,  
6 ~~other than federal financial hardship assistance grants under s. 281.58 (13) (b),~~ in  
7 a biennium under s. 281.58 (13) (e), an amount up to 5 percent of the amount  
8 approved by the legislature under par. (b) for that biennium. The department may  
9 expend such amount only from the percentage of the amount approved by the  
10 legislature under par. (b) that is not available under par. (d) for financial assistance.

11

(END)

*NOTE: STD*

*NOTE: SECTIONS 8 to 11, 13, and 16 to 18 eliminate references to the federal financial hardship assistance grant. SECTION 7 renumbers a statute to reflect the elimination of one of those references.*

*Autoref A*  
*Autoref B*  
*Autoref C*  
*Autoref D*  
*Autoref E*  
*Autoref F*

*eliminate references to the federal financial*

**Godwin, Gigi**

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**From:** Rose, Laura  
**Sent:** Tuesday, November 08, 2011 1:18 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 11-0505/2 Topic: Clean water fund, eliminate federal financial hardship assistance

Please Jacket LRB 11-0505/2 for the SENATE.