

# 1999 ASSEMBLY BILL 937

March 28, 2000 – Introduced by Representatives KAUFERT and PLALE. Referred to Committee on Environment.

1     **AN ACT** *to repeal* 292.65 (7) (a) 13. and 292.66; *to amend* 20.370 (2) (eq), 20.370  
2           (6) (eq), 20.370 (9) (nq), 292.65 (1) (intro.), 292.65 (4) (h), 292.65 (8) (d) 7., 292.65  
3           (8) (d) 8., 292.65 (8) (e) 1. (intro.), 292.65 (8) (e) 3. (intro.), 292.65 (13) and 292.99  
4           (1m); and *to create* 70.11 (27m), 292.65 (1) (c), 292.65 (5) (c) and 292.65 (8) (d)  
5           7m. of the statutes; **relating to:** the dry cleaner environmental response  
6           program and exempting dry cleaning equipment and chemicals from the  
7           property tax.

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## *Analysis by the Legislative Reference Bureau*

### ***Property tax exemption***

This bill exempts equipment and chemicals used by a dry cleaning facility from the property tax.

### ***Dry cleaner environmental response program***

Under current law, the department of natural resources (DNR) administers the dry cleaner environmental response program which reimburses owners and operators of dry cleaning facilities and former dry cleaning facilities for a portion of the costs of cleaning up discharges of dry cleaning solvents. This bill makes several changes related to that program.

Currently, under the dry cleaner environmental response program, DNR must deny reimbursement for the costs of cleaning up a discharge if the discharge was

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caused by a person who provided services or products for the dry cleaning facility. This bill limits that provision so that reimbursement is denied only if the person who provided services or products caused the discharge after October 14, 1997.

The dry cleaner environmental response program is funded primarily with fees paid to the department of revenue. Current law requires DNR to deny reimbursement to an applicant if the applicant has not paid the required fees. Under this bill, DNR must deny reimbursement if the applicant had not paid the required fees at the time that the discharge was discovered or at the time of application.

Currently, the owner of a dry cleaning facility that is operating at the time of application to the dry cleaner environmental response program pays a lower deductible than the owner of a former dry cleaning facility. Under this bill, the owner of a former dry cleaning facility pays the lower deductible if the facility is operating as a store where the general public drops off clothing to be dry cleaned at another site.

Current law provides that operators of certain dry cleaning facilities are not eligible under the dry cleaner environmental response program unless any dry cleaning solvent delivered to the dry cleaning facility is delivered using a closed, direct-coupled delivery system. This bill provides that the owner or operator of a dry cleaning facility that is operating at the time of application is not eligible for an award under the dry cleaner environmental response program unless the owner or operator certifies that any dry cleaning solvent delivered to the dry cleaning facility is delivered using a closed, direct-coupled delivery system.

Under one part of the dry cleaner environmental response program, the owners of certain dry cleaning facilities are eligible for reimbursement for a portion of the costs of preliminary site screening and interim remedial equipment to begin the cleanup of dry cleaning discharges before the completion of full site investigations and clean-up plans. This bill eliminates that part of the program.

This bill will be referred to the joint survey committee on tax exemptions for a detailed analysis, which will be printed as an appendix to this bill.

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 1.** 20.370 (2) (eq) of the statutes is amended to read:

2           20.370 (2) (eq) *Solid waste management — dry cleaner environmental response.*

3           From the dry cleaner environmental response fund, the amounts in the schedule for  
4           review of remedial action under ss. s. 292.65 and ~~292.66~~.

5           **SECTION 2.** 20.370 (6) (eq) of the statutes, as affected by 1999 Wisconsin Act 9,  
6           is amended to read:

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1           20.370 **(6)** (eq) *Environmental aids — dry cleaner environmental response.*  
2           Biennially, from the dry cleaner environmental response fund, the amounts in the  
3           schedule for financial assistance under ~~ss. s. 292.65 and 292.66~~ and to make  
4           transfers required under s. 292.65 (11).

5           **SECTION 3.** 20.370 (9) (nq) of the statutes is amended to read:

6           20.370 **(9)** (nq) *Aids administration — dry cleaner environmental response.*  
7           From the dry cleaner environmental response fund, the amounts in the schedule to  
8           administer ~~ss. s. 292.65 and 292.66~~.

9           **SECTION 4.** 70.11 (27m) of the statutes is created to read:

10          70.11 **(27m)** DRY CLEANING FACILITY EQUIPMENT AND CHEMICALS. (a) Equipment  
11          used at a dry cleaning facility, as defined under s. 77.996 (2), for cleaning apparel or  
12          household fabrics, if the equipment is depreciable property for tax purposes.

13          (b) Chemicals or detergents used at a dry cleaning facility, as defined under s.  
14          77.996 (2), for cleaning apparel or household fabrics.

15          **SECTION 5.** 292.65 (1) (intro.) of the statutes is amended to read:

16          292.65 **(1)** DEFINITIONS. (intro.) In this section ~~and s. 292.66~~:

17          **SECTION 6.** 292.65 (1) (c) of the statutes is created to read:

18          292.65 **(1)** (c) “Drop-off store” means a facility to which the general public  
19          brings apparel or household fabrics that are taken to be dry cleaned at another  
20          facility if that other facility is not described in par. (d) 1. to 9.

21          **SECTION 7.** 292.65 (4) (h) of the statutes is amended to read:

22          292.65 **(4)** (h) *Interim remedial equipment.* An owner or operator may install  
23          interim remedial equipment ~~for which the owner or operator would be eligible for~~  
24          ~~reimbursement under s. 292.66~~ before completing a site investigation or remedial  
25          action plan.

**ASSEMBLY BILL 937****SECTION 8**

1           **SECTION 8.** 292.65 (5) (c) of the statutes is created to read:

2           292.65 (5) (c) The owner or operator of a dry cleaning facility that is operating  
3 at the time that the owner or operator applies for assistance under this section is not  
4 eligible for an award under this section unless the owner or operator certifies that  
5 any dry cleaning solvent delivered to the dry cleaning facility is delivered using a  
6 closed, direct-coupled delivery system.

7           **SECTION 9.** 292.65 (7) (a) 13. of the statutes is repealed.

8           **SECTION 10.** 292.65 (8) (d) 7. of the statutes is amended to read:

9           292.65 (8) (d) 7. ~~The~~ At the time that the applicant applies for assistance under  
10 this section, the applicant has not paid all of the fees under ss. 77.9961, 77.9962 and  
11 77.9963.

12           **SECTION 11.** 292.65 (8) (d) 7m. of the statutes is created to read:

13           292.65 (8) (d) 7m. At the time that the discharge was discovered, the applicant  
14 had not paid all of the fees under ss. 77.9961, 77.9962 and 77.9963.

15           **SECTION 12.** 292.65 (8) (d) 8. of the statutes, as affected by 1999 Wisconsin Act  
16 9, is amended to read:

17           292.65 (8) (d) 8. The dry cleaning solvent discharge was caused, after October  
18 14, 1997, by a person who provided services or products to the owner or operator or  
19 to a prior owner or operator of the dry cleaning facility, including a person who  
20 provided perchloroethylene to the owner or operator or prior owner or operator of a  
21 dry cleaning facility using a system other than a closed, direct-coupled delivery  
22 system.

23           **SECTION 13.** 292.65 (8) (e) 1. (intro.) of the statutes is amended to read:

24           292.65 (8) (e) 1. (intro.) The department may reimburse the owner or operator  
25 of a dry cleaning facility that is operating at the time that the owner or operator

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1 applies under par. (a) or the owner or operator of a drop-off store that was formerly  
2 operated as a dry cleaning facility only for eligible costs incurred at each dry cleaning  
3 facility that exceed the following deductible:

4 **SECTION 14.** 292.65 (8) (e) 3. (intro.) of the statutes is amended to read:

5 292.65 **(8)** (e) 3. (intro.) The department may reimburse the an owner or  
6 operator of a dry cleaning facility that has ceased operation before the owner or  
7 operator applies under par. (a) to whom subd. 1. does not apply only for eligible costs  
8 that exceed the sum of the following:

9 **SECTION 15.** 292.65 (13) of the statutes is amended to read:

10 292.65 **(13)** COUNCIL. The dry cleaner environmental response council shall  
11 advise the department concerning the ~~programs~~ program under this section ~~and s.~~  
12 ~~292.66~~. The dry cleaner environmental response council shall evaluate the program  
13 under this section at least every 5 years, using criteria developed by the council.

14 **SECTION 16.** 292.66 of the statutes, as affected by 1999 Wisconsin Act 9, is  
15 repealed.

16 **SECTION 17.** 292.99 (1m) of the statutes, as created by 1999 Wisconsin Act 9,  
17 is amended to read:

18 292.99 **(1m)** Any person who violates s. 292.65 (12m) ~~or 292.66 (5)~~ shall forfeit  
19 not less than \$10 nor more than \$10,000.

20 **SECTION 18. Effective dates.** This act takes effect on the day after publication,  
21 except as follows:

22 (1) DRY CLEANING FACILITY EQUIPMENT AND CHEMICALS. The treatment of section  
23 70.11 (27m) of the statutes takes effect on the January 1 after publication.

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(END)