

1999 DRAFTING REQUEST

Bill

Received: 12/18/98

Received By: **traderc**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Wong**

This file may be shown to any legislator: **NO**

Drafter: **isagerro**

May Contact:

Alt. Drafters:

Subject: **Environment - env. cleanup**

Extra Copies: **RCT**

Topic:

DOA:.....Wong - Dry cleaner response program fraud

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 01/7/99			_____			
/P1	isagerro 01/11/99	jgeller 01/11/99	ismith 01/12/99	_____	lrb_docadmin 01/12/99		

FE Sent For:

<END>

1999 DRAFTING REQUEST

Bill

Received: 12/18/98

Received By: traderc

Wanted: As time permits

Identical to LRB:

For: Administration-Budget

By/Representing: Wong

This file may be shown to any legislator: NO

Drafter: traderc

May Contact:

Alt. Drafters:

Subject: Environment - env. cleanup

Extra Copies: *RET*

Topic:

DOA:.....Wong - Dry cleaner response program fraud

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>
1/?	traderc	<i>101 1/11 JLG</i>	<i>IS 1/2/99</i>	<i>IS/HH 1/12/99</i>			

FE Sent For:

<END>

3. Eligible Participants

- Expand eligibility to include property owners of operating dry cleaning facilities and owners or operators of a closed dry cleaning facility that ceased operation before September 1, 1998. Owners and operators of a closed dry cleaning facility that ceased operation **after** September 1, 1998 will not be eligible.

4. License and Solvent Fee Payment Structure for Closed Facilities

- Require closed facilities to pay a 30-year license and solvent fee prior to receiving reimbursement. The amount of each fee is determined by multiplying previous year's respective fee average by 30 years. These fees and the required deductible must be applied to the total cleanup cost before reimbursements are made.
- Repeal section 292.65(6)(b) because it is no longer necessary due to above changes.

5. Lien on Property

- Require the value of a property be greater than the deductible waived.

6. Closed Facility Deductible

- Change the deductible structure for a closed facility to be the same as an active facility.
- Revise the required deductible for a closed facility to include the 30-year license and solvent fees.

7. Environmental Fund Reimbursement

- Require the Dry Cleaner Response Program to reimburse the Environmental Fund for all cleanup costs at a dry cleaning facility originally paid out of the Environmental Fund.
- Reimbursement of deductibles and fees assessed in the cleanup of a dry cleaning facility from the Environmental Fund is prohibited.

8. Insurance Claims

- Require applicants to notify DNR when they file insurance claims for any cleanup costs. This ensures DNR the opportunity to participate in private suits if it so chooses.

9. Formal Wear Rental Firms

- Exempt these firms from the license fee and reimbursement program

10. Fraud Protection

- A penalty of not less than \$10 and no more than \$10,000 will be assessed on fraudulent claims.

1. No person may make in any application, record, report, plan or other documents submitted to the department, any statement, representation or certification known to that person to be false or misleading.
2. Any person who violates this sub (1) shall be fined not less than \$10 and no more than \$10,000.
3. Any monetary compensation paid for violations under sub (1) will be deposited into the Dry Cleaner Environmental Fund.

Waste Management - DNR

1. Landfill Siting Committee Membership (See Attachment C)
 - Amend landfill siting law to state that a host community is entitled to appoint a majority of members on any siting committee regardless of how it is formed. As such, the town, city or village in which the landfill is proposed to be located may appoint 4 members or 2 more members than the total number of members on the committee, whichever is greater.

Recycling

1. Repeal Recycling Market Development Board Grant starting FY 2000.
2. For municipalities who have less than 33% of eligible expenses in determining their recycling grant award, provide a grant that equals to 33% of eligible expenses or \$8 per capita, whichever is less. (Reference: s287.23 (5)(c)(5)).
3. Repeal current law that requires responsible units to implement a system of volume-based fee by January 1, 2000. (Reference: 287.23(5s)(b))
4. Change the sunset date for grant awards from year 2000 to year 2001. (Reference 287.23 (7))

Brownfields Study Group

Incentives for Local Government

1. Allow Transfer of Tax Delinquent Brownfields Properties to Cities (Reference: LRB 1005)
 - Modify our previous request to require a county, after receiving a written request from the affected municipality, to either take a tax deed and ownership to a property that is subject to a tax certificate or transfer ownership of that property to the requested municipality with no consideration.
2. Expand Protections for Local Units of Government that Involuntarily Acquire Contaminated Property
 - Expand municipality liability exemptions to properties acquired with stewardship funds. Municipalities would be required to enter into a negotiated agreement with DNR to ensure all cleanup conditions are met.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1387/P1

ISR:.....

SO ON

Note

JLg

DOA:.....Wong - Dry cleaner response program fraud

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

do not gen

1 AN ACT ...; relating to: false and misleading statements on dry cleaner
2 environmental response program documents and providing a penalty.

Analysis by the Legislative Reference Bureau

ENVIRONMENT ✓

SOLID AND HAZARDOUS WASTE ✓

Under current law, the department of natural resources (DNR) ✓ administers the dry cleaner environmental response program to reimburse owners and operators of dry cleaning facilities a portion of the costs incurred in cleaning up a discharge of dry cleaning solvent. Persons violating the requirements of this program are subject to a forfeiture of not less than \$10 nor more than \$5,000 ✓ for each violation.

This bill imposes a forfeiture of not less than \$10 nor more than \$10,000 on any person making a statement that is false or misleading on any document submitted under the dry cleaner environmental response program.

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

3 SECTION 1. 292.65 (12m) ✓ of the statutes is created to read:

⑤
B Prohibition.

1 292.65 (12m) No person may knowingly make or cause to be made a false or
2 misleading statement in any document submitted to the department under this
3 section.

4 SECTION 2. 292.66 (5) of the statutes is created to read:

5 292.66 (5) No person may knowingly make or cause to be made a false or
6 misleading statement in any document submitted to the department under this
7 section.

8 SECTION 3. 292.99 (1) of the statutes is amended to read:

9 292.99 (1) Except as provided under sub. (1m), Any any person who violates
10 this chapter or any rule promulgated or any plan approval, license or special order
11 issued under this chapter shall forfeit not less than \$10 nor more than \$5,000 for each
12 violation. Each day of continued violation is a separate offense. While an order is
13 suspended, stayed or enjoined, this penalty does not accrue.

14 SECTION 4. 292.99 (1m) of the statutes is created to read:

15 292.99 (1m) Any person who violates ~~§s.~~ 292.65 (12m) or 292.66 (5) shall forfeit
16 not less than \$10 nor more than \$10,000.

17 SECTION 5. 292.99 (2) of the statutes is amended to read:

18 292.99 (2) In addition to the penalties provided under sub. subs. (1) and (1m),
19 the court may award the department of justice the reasonable and necessary
20 expenses of the investigation and prosecution of the violation, including attorney
21 fees. The department of justice shall deposit in the state treasury for deposit into the
22 general fund all moneys that the court awards to the department or the state under
23 this subsection. Ten percent of the money deposited in the general fund that was
24 awarded under this subsection for the costs of investigation and the expenses of

1 prosecution, including attorney fees, shall be credited to the appropriation account
2 under s. 20.455 (1) (gh).

3

(END) ✓

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1387/P1dn

ISR:.....

JG

January 11, 1999

Manyee:

The penalties collected under this draft must be deposited into the school fund as directed by article 10, section 2 of the *Wisconsin Constitution*. Because of this constitutional provision, the penalties cannot be deposited into the dry cleaner environmental response fund as you originally requested.

In response to your inquiry, PECFA penalties are deposited into the school fund as well.

If you have any questions regarding this draft, please feel free to call me.

Ivy G. Sager-Rosenthal
Legislative Attorney
261-4455

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1387/P1dn
ISR:jlg:ijs

January 12, 1999

Manyee:

The penalties collected under this draft must be deposited into the school fund as directed by article 10, section 2, of the *Wisconsin Constitution*. Because of this constitutional provision, the penalties cannot be deposited into the dry cleaner environmental response fund as you originally requested.

In response to your inquiry, PECFA penalties are deposited into the school fund as well.

If you have any questions regarding this draft, please feel free to call me.

Ivy G. Sager-Rosenthal
Legislative Attorney
261-4455



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1387/P1
ISR:jlg:ijs

DOA:.....Wong - Dry cleaner response program fraud

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: false and misleading statements on dry cleaner
2 environmental response program documents and providing a penalty.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

SOLID AND HAZARDOUS WASTE

Under current law, the department of natural resources (DNR) administers the dry cleaner environmental response program to reimburse owners and operators of dry cleaning facilities a portion of the costs incurred in cleaning up a discharge of dry cleaning solvent. Persons violating the requirements of this program are subject to a forfeiture of not less than \$10 nor more than \$5,000 for each violation.

This bill imposes a forfeiture of not less than \$10 nor more than \$10,000 on any person making a statement that is false or misleading on any document submitted under the dry cleaner environmental response program.

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

3 SECTION 1. 292.65 (12m) of the statutes is created to read:

1 292.65 (12m) PROHIBITION. No person may knowingly make or cause to be made
2 a false or misleading statement in any document submitted to the department under
3 this section.

4 **SECTION 2.** 292.66 (5) of the statutes is created to read:

5 292.66 (5) No person may knowingly make or cause to be made a false or
6 misleading statement in any document submitted to the department under this
7 section.

8 **SECTION 3.** 292.99 (1) of the statutes is amended to read:

9 292.99 (1) Any Except as provided under sub. (1m), any person who violates
10 this chapter or any rule promulgated or any plan approval, license or special order
11 issued under this chapter shall forfeit not less than \$10 nor more than \$5,000 for each
12 violation. Each day of continued violation is a separate offense. While an order is
13 suspended, stayed or enjoined, this penalty does not accrue.

14 **SECTION 4.** 292.99 (1m) of the statutes is created to read:

15 292.99 (1m) Any person who violates s. 292.65 (12m) or 292.66 (5) shall forfeit
16 not less than \$10 nor more than \$10,000.

17 **SECTION 5.** 292.99 (2) of the statutes is amended to read:

18 292.99 (2) In addition to the penalties provided under ~~sub.~~ subs. (1) and (1m),
19 the court may award the department of justice the reasonable and necessary
20 expenses of the investigation and prosecution of the violation, including attorney
21 fees. The department of justice shall deposit in the state treasury for deposit into the
22 general fund all moneys that the court awards to the department or the state under
23 this subsection. Ten percent of the money deposited in the general fund that was
24 awarded under this subsection for the costs of investigation and the expenses of

1 prosecution, including attorney fees, shall be credited to the appropriation account
2 under s. 20.455 (1) (gh).

3 (END)

NOTE TO DRAFTING FILE for LRB-1387:

Per the drafter, this draft has been redrafted to a “/1” as no problems remain in the draft that require resolution before introduction of the budget bill. There are no changes between the “/PX” and the “/1.”

DOA:.....Wong - Dry cleaner response program fraud

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: false and misleading statements on dry cleaner
2 environmental response program documents and providing a penalty.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

SOLID AND HAZARDOUS WASTE

Under current law, the department of natural resources (DNR) administers the dry cleaner environmental response program to reimburse owners and operators of dry cleaning facilities a portion of the costs incurred in cleaning up a discharge of dry cleaning solvent. Persons violating the requirements of this program are subject to a forfeiture of not less than \$10 nor more than \$5,000 for each violation.

This bill imposes a forfeiture of not less than \$10 nor more than \$10,000 on any person making a statement that is false or misleading on any document submitted under the dry cleaner environmental response program.

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

3 SECTION 1. 292.65 (12m) of the statutes is created to read:

1 292.65 (12m) PROHIBITION. No person may knowingly make or cause to be made
2 a false or misleading statement in any document submitted to the department under
3 this section.

4 **SECTION 2.** 292.66 (5) of the statutes is created to read:

5 292.66 (5) No person may knowingly make or cause to be made a false or
6 misleading statement in any document submitted to the department under this
7 section.

8 **SECTION 3.** 292.99 (1) of the statutes is amended to read:

9 292.99 (1) Any Except as provided under sub. (1m), any person who violates
10 this chapter or any rule promulgated or any plan approval, license or special order
11 issued under this chapter shall forfeit not less than \$10 nor more than \$5,000 for each
12 violation. Each day of continued violation is a separate offense. While an order is
13 suspended, stayed or enjoined, this penalty does not accrue.

14 **SECTION 4.** 292.99 (1m) of the statutes is created to read:

15 292.99 (1m) Any person who violates s. 292.65 (12m) or 292.66 (5) shall forfeit
16 not less than \$10 nor more than \$10,000.

17 **SECTION 5.** 292.99 (2) of the statutes is amended to read:

18 292.99 (2) In addition to the penalties provided under ~~sub.~~ subs. (1) and (1m),
19 the court may award the department of justice the reasonable and necessary
20 expenses of the investigation and prosecution of the violation, including attorney
21 fees. The department of justice shall deposit in the state treasury for deposit into the
22 general fund all moneys that the court awards to the department or the state under
23 this subsection. Ten percent of the money deposited in the general fund that was
24 awarded under this subsection for the costs of investigation and the expenses of

1 prosecution, including attorney fees, shall be credited to the appropriation account
2 under s. 20.455 (1) (gh).

3 (END)