

**1999 DRAFTING REQUEST**

**Bill**

Received: **12/28/98**

Received By: **traderc**

Wanted: **Soon**

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, exempt formal wear rental firms

**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 12/29/98			_____			
/1	isagerro 01/5/99	ygeller 01/5/99	martykr 01/6/99	_____	lrb_docadmin 01/6/99		
	isagerro 01/12/99	ygeller 01/12/99		_____			
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FE Sent For:

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FE Sent For:		<i>1/2 1/2 jlg</i>	<i>IS 1/3/99</i>	<i>IS/LP 1/3/99</i>			

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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.

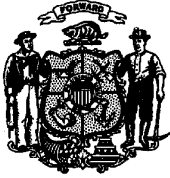
9. Formal Wear Rental Firms

- 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.

292.65  
(1)(d)  
+  
77.946  
(2)



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-1490/1

ISR:.....

*Sevon*  
*DNote*

*JLg*

DOA:.....Wong – Dry cleaner response program, exempt formal wear rental firms

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

*do not gen*

- 1 AN ACT ...; relating to: exempting formal wear rental firms from the dry cleaning
- 2 facility license fee and excluding formal wear rental firms from the dry cleaner
- 3 response program.

*Analysis by the Legislative Reference Bureau*

**ENVIRONMENT** ✓

**SOLID AND HAZARDOUS WASTE** ✓

Under current law, dry cleaning facilities must pay a license fee. Also under current law, the department of natural resources (DNR) administers the dry cleaner 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.

This bill exempts formal wear rental firms from the license fee and excludes formal wear rental firms from participation in the dry cleaner response program. ✓

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

- 4 SECTION 1. 77.996 (2) (i) <sup>X</sup> of the statutes is created to read:



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

LRB-1490/1dn

ISR:.....  
X  
Jlg

January 5, 1999

Manyee:

This draft will affect all applications for reimbursement by owners and operators of formal wear rental firms whether the applications are received before or after this provision becomes effective. This means that applications currently submitted by formal wear rental firms will be denied. Is this your intent? One option would be to apply the dry cleaner environmental response program exemption to applications submitted after a certain date.

This draft will also exempt formal wear rental firms from the license fee upon the effective date of this provision. Is this what you intended? It is possible to make the license fee exemption apply after the expiration date of current licenses. The expiration date for licenses is Dec. 31.

If this draft is not what you intended, please let me know so that I can change it to reflect your intent. Please feel free to contact me if you have any questions.

Ivy G. Sager-Rosenthal  
Legislative Attorney  
261-4455



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

LRB-1490/1dn  
ISR;jlg:km

January 6, 1999

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Legislative Attorney  
261-4455

## Sager-Rosenthal, Ivy

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**From:** Wong, Manyee [Manyee.Wong@doa.state.wi.us]  
**Sent:** Tuesday, January 12, 1999 9:21 AM  
**To:** Sager-Rosenthal, Ivy  
**Cc:** Schmiedicke, David  
**Subject:** responses to LRB drafts 1482, 1486, 1490

Hi Ivy,

Here are responses to your notes on the following drafts:

Draft 1486 - DNR would like to eliminate line 3 - 6 where the sentence reads "except that if the deductible amount is greater than the value of the property, the department may not waive the requirement that the owner or operator pay the deductible amount. They would also like to change the word "shall" to "may" in line 7. With that they believe the language reflects their intent. I have conveyed to them that this draft may not be necessary since according to you, DNR already has the authority to waive the deductible. I assume DNR wants to clarify certain aspects of the waiver - which I am not sure is really necessary.

As for the valuing the property before and after cleanup, DNR states that the value of the property will most likely be more than the lien, therefore it is not necessary for them to designate when the property should be valued. I guess I have concerns about their response which could raised conflicts if owners do not agree with DNR's valuation of their property. Do you see any problems with not clarifying when the valuation of the property is to be conducted, as DNR requested? Please call me regarding this draft.

Draft 1482 - Yes, please exclude financing costs from eligible costs for all applicants. Current, no applications have been submitted to the Dry Cleaner Response Program.

Draft 1490 - Yes, please exempt formal wear from participation in the Dry Cleaner Response Program. They will NOT have to pay any license or inventory fees, but will also NOT be allowed to use funds from the Dry Cleaner Response Program for cleanups.

Conversation of Maryee Wong, 1/12/99

- she explained that draft 1  
was what she wanted.



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-1490/1 2  
ISR:jlg:km

soon  
NO changes

redraft  
make  
run

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State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-1490/2

ISR;jlg:ijs

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