

1999 DRAFTING REQUEST

Assembly Amendment (AA-AB133)

Received: 04/30/99

Received By: traderc

Wanted: Soon

Identical to LRB:

For: Legislative Fiscal Bureau

By/Representing: Bonderud

This file may be shown to any legislator: NO

Drafter: isagerro

May Contact:

Alt. Drafters:

Subject: Environment - water quality

Extra Copies:

Pre Topic:

LFB:.....Bonderud -

Topic:

Wisconsin fund 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>
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Page 2

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	06/14/99	06/14/99	06/14/99	_____	06/14/99		

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				<i>MRC/KM 6/7</i>			

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/?	traderc			_____			

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<END>

ENVIRONMENTAL IMPROVEMENT FUND

Wisconsin Fund Grant

Motion:

Move to provide a \$770,000 loan at a 0% interest rate from the Wisconsin Fund to a municipality for all of the administrative, planning, design and construction costs incurred after January 1, 1997, for the replacement of a failed Sequential Batch Reactor point source pollution abatement facility for which DNR has issued written concurrence before March 26, 1999, that the most cost effective fix requires the construction of a new wastewater treatment plant and for which the municipality has on or before March 26, 1999, committed to work with DNR towards securing reimbursement of the loan from the U.S. EPA because the failed wastewater treatment plant is expected to meet the technical requirements under 40 CFR 35.2032(c). Prohibit DNR from charging any interest on the loan or requiring the municipality to repay the loan until the municipality receives a grant from the U.S. EPA for the modification or replacement of the point source pollution abatement facility. Specify that if the project receives a grant from the U.S. EPA, the municipality shall repay the loan to the state. If the project does not receive the EPA grant, or receives a grant for less than \$770,000, DNR would be required to forgive the loan or outstanding portion of the loan.

Transfer up to \$770,000 of general obligation bonding authority from the Clean Water Fund to the Wisconsin Fund if DNR and DOA determine it is necessary to retain sufficient general obligation bonding authority for the Wisconsin Fund.

Note:

The motion would provide a no-interest loan that would be repaid if, and when, the project receives an EPA grant. If the project does not receive the federal grant the state loan would be forgiven. It is anticipated that the Village of Hatley in Marathon County is the only project that meets the criteria in this motion.

The Wisconsin Fund is the predecessor wastewater treatment financial assistance program to the clean water fund. It is completing construction of projects under the program. If DNR and

*was done for
like Tomshawk \$1.3 million
looks like Eds will give \$1.3-\$85,000*

Passed 9-7

DOA determine that there is sufficient general obligation bonding authority remaining in the Wisconsin Fund, that general obligation bonding authority would be used for the project. If DNR and DOA determine that there is not sufficient general obligation bonding authority in the Wisconsin Fund, then they would be authorized to transfer up to \$770,000 of general obligation bonding authority from the clean water fund to the Wisconsin Fund. If that is needed, it is possible that there might be insufficient general obligation bonding authority for all expected projects during 1999-01. As of April 8, 1999, there was \$8,769,000 in remaining general obligation bonding authority for the Wisconsin Fund.

The 1997-99 biennial budget act authorized a similar 0% interest rate loan of \$1,300,000 from the Wisconsin Fund for a project in the Lake Tomahawk Sanitary District in Oneida County. However, the Lake Tomahawk Sanitary District received the original project funding from the U.S. EPA Innovative or Technology grant program, but the Village of Hatley did not. DNR and the Lake Tomahawk Sanitary District entered into a financial assistance agreement in November, 1998. State funds are being disbursed as costs are incurred. Federal funds have not yet been received, but DNR indicates that a \$1,000,000 federal grant has been awarded which requires a 55% local match. Thus, the federal grant would fund \$715,000 (55%) of the \$1,300,000 project cost. It is expected that the federal grant will be received in the fall of 1999. This would result in DNR forgiving the remaining \$585,000 of the \$1,300,000 Wisconsin Fund no-interest loan. Any federal reimbursement will increase the amount of remaining general obligation bonding authority for the Wisconsin Fund.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0212/1

ISR:.....

soon note

JG

LFB:.....Bonderud - Wisconsin fund assistance

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

1 At the locations indicated, amend the bill as follows:

2 1. Page 474, line 19: after that line insert:

NO CAPS SMALL

3 SECTION 629m. 20.866 (2) (tc) of the statutes is amended to read:

4 20.866 (2) (tc) *Clean water fund program.* From the capital improvement fund,

5 a sum sufficient for the purpose of s. ~~purposes of ss.~~ 281.57 (10m) and (10r) and to

6 be transferred to the environmental improvement fund for the purposes of the clean

7 water fund program under ss. 281.58 and 281.59. The state may contract public debt

8 in an amount not to exceed \$552,743,200 for this purpose. Of this amount, the

9 amount needed to meet the requirements for state deposits under 33 USC 1382 is

10 allocated for those deposits. Of this amount, \$8,250,000 is allocated to fund the

11 minority business development and training program under s. 66.905 (2) (b).

12 Moneys from this appropriation account may be expended for the purpose of s.

stat.
purpose

1 ~~purposes of ss. 281.57 (10m) and (10r)~~ only in the amount by which the department
 2 of natural resources and the department of administration determine that moneys
 3 available under par. (tn) are insufficient for the purpose ~~for s. 281.57~~ ^{sted.} ~~purposes of s.~~ 281.57
 4 (10m) and (10r).”

History: 1971 c. 42; 1971 c. 100 s. 23; 1971 c. 125, 211, 215, 236, 307, 330, 336; 1973 c. 90 ss. 148 to 149m, 555m (2); 1973 c. 333; 1975 c. 26, 39, 40, 41, 200, 224, 422; 1977 c. 4, 6; 1977 c. 29 ss. 385 to 387, 1650m (4), 1656 (43); 1977 c. 418; 1979 c. 4; 1979 c. 34 ss. 675a to 677v, 2102 (6) (a), (39) (a), (52) (a); 1979 c. 107, 221; 1981 c. 1 ss. 17, 18, 47; 1981 c. 20, 108, 317, 336; 1983 a. 27; 1983 a. 36 s. 96 (4); 1983 a. 97, 192, 195, 212; 1983 a. 410 s. 2202 (2); 1985 a. 6; 1985 a. 8 ss. 4, 12; 1985 a. 29 ss. 589m to 598, 3202 (23) (c), (26) (a), (53) (a); 1985 a. 77, 120, 332; 1987 a. 27, 295, 298, 399, 403, 409; 1989 a. 31, 46, 107, 122, 219, 336, 359, 366; 1991 a. 39, 51, 269, 309, 324; 1993 a. 2, 16, 98, 115, 213, 343, 377, 413, 437, 453, 485; 1995 a. 27 ss. 1159 to 1168s, 9126 (19), 9145 (1); 1995 a. 40, 57, 60, 113; 1995 a. 216, s. 30m and 9127; 1995 a. 227, 246, 372, 388, 416, 452; 1997 a. 27, 35, 61, 164, 237, 252.

5 **2.** Page 475, line 25: after that line insert:

6 **SECTION 633g.** 20.866 (2) (tn) ^{WFO Fix} of the statutes is amended to read:

7 20.866 (2) (tn) *Natural resources; pollution abatement and sewage collection*
 8 *facilities.* From the capital improvement fund, a sum sufficient to the department
 9 of natural resources to acquire, construct, develop, enlarge or improve point source
 10 water pollution abatement facilities and sewage collection facilities under s. 281.57
 11 including eligible engineering design costs. Payments may be made from this
 12 appropriation for capital improvement expenditures and encumbrances authorized
 13 under s. 281.57 before July 1, 1990, except for reimbursements made under s. 281.57
 14 (9m) (a) and except as provided in ~~s. ss.~~ ^{sted.} 281.57 (10m) and (10r). Payments may also
 15 be made from this appropriation for expenditures and encumbrances resulting from
 16 disputed costs under s. 281.57 if an appeal of an eligibility determination is filed
 17 before July 1, 1990, and the result of the dispute requires additional funds for an
 18 eligible project. The state may contract public debt in an amount not to exceed
 19 \$902,449,800 for this purpose.”

History: 1971 c. 42; 1971 c. 100 s. 23; 1971 c. 125, 211, 215, 236, 307, 330, 336; 1973 c. 90 ss. 148 to 149m, 555m (2); 1973 c. 333; 1975 c. 26, 39, 40, 41, 200, 224, 422; 1977 c. 4, 6; 1977 c. 29 ss. 385 to 387, 1650m (4), 1656 (43); 1977 c. 418; 1979 c. 4; 1979 c. 34 ss. 675a to 677v, 2102 (6) (a), (39) (a), (52) (a); 1979 c. 107, 221; 1981 c. 1 ss. 17, 18, 47; 1981 c. 20, 108, 317, 336; 1983 a. 27; 1983 a. 36 s. 96 (4); 1983 a. 97, 192, 195, 212; 1983 a. 410 s. 2202 (2); 1985 a. 6; 1985 a. 8 ss. 4, 12; 1985 a. 29 ss. 589m to 598, 3202 (23) (c), (26) (a), (53) (a); 1985 a. 77, 120, 332; 1987 a. 27, 295, 298, 399, 403, 409; 1989 a. 31, 46, 107, 122, 219, 336, 359, 366; 1991 a. 39, 51, 269, 309, 324; 1993 a. 2, 16, 98, 115, 213, 343, 377, 413, 437, 453, 485; 1995 a. 27 ss. 1159 to 1168s, 9126 (19), 9145 (1); 1995 a. 40, 57, 60, 113; 1995 a. 216, s. 30m and 9127; 1995 a. 227, 246, 372, 388, 416, 452; 1997 a. 27, 35, 61, 164, 237, 252.

20 **3.** Page 1152, line 9: after that line insert:

21 **SECTION 2490x.** 281.57 (10r) ^{WFO Fix} of the statutes is created to read:

1 281.57 (10r) ✓ LOAN FOR REPLACEMENT OF A FAILED SEQUENTIAL BATCH REACTOR.
2 Notwithstanding subs. (2), (4) to (10) ✓ and (12), during the 1999-~~01~~²⁰⁰¹ biennium, the
3 department ✓ shall provide a loan of \$770,000 to a municipality for the replacement
4 of a failed sequential batch reactor point source pollution abatement facility for
5 which the department has issued written concurrence on or before March 26, 1999,
6 that the construction of a new wastewater ✓ treatment plant is the most ✓ cost-effective
7 option, and for which the municipality has on or before March 26, 1999, committed
8 to work with the department towards securing reimbursement of the loan from the
9 federal environmental protection agency ✓ under 40 CFR 35.2032. The department
10 may not charge any interest on the loan and may not require the municipality to
11 repay the loan until the municipality receives a grant from the federal
12 environmental protection agency for the replacement of the point source pollution
13 abatement facility. If the federal environmental protection agency denies the grant,
14 the department shall forgive the loan.”

15

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0212/1dn

ISR:.....

↑
JL

May 3, 1999

Kendra Bonderud:

Please note that I did not include language in section 281.57 (10r) that specifically states that DNR may forgive the portion of the loan that is not paid for by an EPA grant. The language for the Lake Tomahawk project loan in section 281.57 (10m), stats., does not specifically state that DNR may forgive only part of the loan. If your intent is for the two loans to have the same terms, the language in sections 281.57 (10m) and (10r) should be the same to ensure that the intent of each section remains clear. If this is not your intent please let me know and I will redraft section 281.57 (10r) to include language specifically allowing DNR to forgive the balance of the loan not paid for by an EPA grant.

Please review this draft carefully. If you have any questions or comments, please do not hesitate to call.

Ivy G. Sager-Rosenthal
Legislative Attorney
Phone: (608) 261-4455
E-mail: Ivy.Sager-Rosenthal@legis.state.wi.us

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

LRBb0212/1dn
ISR:jlg:jf

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Ivy G. Sager-Rosenthal
Legislative Attorney
Phone: (608) 261-4455
E-mail: Ivy.Sager-Rosenthal@legis.state.wi.us

* Kendra Benderud 6/3/99 10:45

- loan is not the same as Lake Tomahawk loan
- DNR may forgive balance of loan not pd. for by EPA grant



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0212/x 2
ISR:jlq:if

RMR

LFB:.....Bonderud - Wisconsin fund assistance

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

seem

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2 1. Page 474, line 19: after that line insert:

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5 a sum sufficient for the ~~purpose~~ purposes of s. 281.57 (10m) and (10r) and to be
6 transferred to the environmental improvement fund for the purposes of the clean
7 water fund program under ss. 281.58 and 281.59. The state may contract public debt
8 in an amount not to exceed \$552,743,200 for this purpose. Of this amount, the
9 amount needed to meet the requirements for state deposits under 33 USC 1382 is
10 allocated for those deposits. Of this amount, \$8,250,000 is allocated to fund the
11 minority business development and training program under s. 66.905 (2) (b).
12 Moneys from this appropriation account may be expended for the ~~purpose~~ purposes

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2 resources and the department of administration determine that moneys available
3 under par. (tn) are insufficient for the ~~purpose for~~ purposes of s. 281.57 (10m) and
4 (10r).”.

5 **2.** Page 475, line 25: after that line insert:

6 “**SECTION 633g.** 20.866 (2) (tn) of the statutes is amended to read:

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19 \$902,449,800 for this purpose.”.

20 **3.** Page 1152, line 9: after that line insert:

21 “**SECTION 2490x.** 281.57 (10r) of the statutes is created to read:

22 281.57 (10r) **LOAN FOR REPLACEMENT OF A FAILED SEQUENTIAL BATCH REACTOR.**
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10
11
12

(END)

amount of the
loan that exceeds
the amount of the
grant

or a portion of
the grant



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0212/2³
ISR:jlg:mrc

RMR

LFB:.....Bonderud - Wisconsin fund assistance

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(END)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0212/3
ISR:jlg:jf

LFB:.....Bonderud – Wisconsin fund assistance

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21 “**SECTION 2490x.** 281.57 (10r) of the statutes is created to read:

22 281.57 (10r) **LOAN FOR REPLACEMENT OF A FAILED SEQUENTIAL BATCH REACTOR.**
23 Notwithstanding subs. (2), (4) to (10) and (12), during the 1999–2001 biennium, the
24 department shall provide a loan of \$770,000 to a municipality for all of the

1 administrative, planning, design and construction costs incurred after January 1,
2 1997, for the replacement of a failed sequential batch reactor point source pollution
3 abatement facility for which the department has issued written concurrence on or
4 before March 26, 1999, that the construction of a new wastewater treatment plant
5 is the most cost-effective option, and for which the municipality has on or before
6 March 26, 1999, committed to work with the department towards securing
7 reimbursement of the loan from the federal environmental protection agency under
8 40 CFR 35.2032. The department may not charge any interest on the loan and may
9 not require the municipality to repay the loan until the municipality receives a grant
10 from the federal environmental protection agency for the replacement of the point
11 source pollution abatement facility. If the federal environmental protection agency
12 denies the grant or a portion of the grant, the department shall forgive the amount
13 of the loan that exceeds the amount of the grant.”

14

(END)