

**1999 DRAFTING REQUEST**

**Assembly Amendment (AA-AB133)**

Received: **05/27/99**

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: **traderc**

May Contact:

Alt. Drafters:

Subject: **Environment - env. cleanup**

Extra Copies:

**Pre Topic:**

LFB:.....Bonderud -

**Topic:**

Land recycling loan for city of Kenosha

**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 05/28/99	gilfokm 05/28/99	mclark 05/28/99	_____	lrb_docadmin 06/1/99		
/2	traderc 06/3/99	gilfokm 06/3/99	mclark 06/3/99	_____	lrb_docadmin 06/3/99		

FE Sent For:

<END>



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1?	traderc	1-5-2899 KMG	5/28 MRC	MRC/CH 5/28			

FE Sent For:

<END>

**Legislative Fiscal Bureau**

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

Date: May 27, 1999

DELIVER TO: **Becky Tradewell**Addressee Fax #: **4-8522**Addressee Phone #: **6-7290**# of Pages, Including Cover: **15**Sender's Initials: **kb**From: **Kendra Bonderud**

Here are the motions from yesterday for drafting. You will probably have a few questions after you look through them. Here are a few notes to be aware of:

**Motion #949, Brownfields:** My LFB colleagues will contact their LRB counterparts directly regarding parts B-C, so you will only need to concern yourself with A and H. Under A.4(d), I talked with Barry Ashenfelter of Sen. Burke's office, and have a phone message in to Mark Thimke to ask what cross-reference he felt was needed. Otherwise, I am not sure at the moment how (d) differs from what is in the bill. Under A.7, note that the additional study would not include WHEDA. Under A.9, I will call you later, probably on Friday, to let you know the specific changes to make in the hazardous waste generator fee, s. 289.67(2) for the base rate and/or per ton rate. The language in section H is somewhat broad. It should include a new appropriation from the environmental management account of the environmental fund for the pilot program described there.

**Motion #948, Land recycling loan for Kenosha.** This motion gives Kenosha \$3,000,000 off the top of the \$20,000,000 available for land recycling loans. However, if Kenosha and DNR and DOA do not enter into a financial assistance agreement by June 30, 2000, Kenosha would no longer have access to the funds and the money would again be available to the regular program.

**Motion #934, PCB public meeting:** I will call you after I clarify whether the DNR agreement with EPA is for concentrations over 50 ppm or for equal to or over 50 ppm. If the federal agreement is for over 50 ppm, then I will need to have you draft this motion as "equal to or less than 50 ppm" instead of how it is worded.

JFC Approved  
5/26/99 11-5  
Representative Gard  
& Representative Porter

## ENVIRONMENTAL IMPROVEMENT FUND

### Land Recycling Loan for City of Kenosha [LFB Paper #432]

#### Motion:

Move to direct DNR and DOA to provide a \$3,000,000 no-interest land recycling loan to the City of Kenosha for a demonstration project to explore alternative methods of administering the land recycling loan program and of repaying the financial assistance provided under the program. DNR, DOA and the City of Kenosha would be required to enter into a financial assistance agreement to specify the use of the financial assistance, the time schedule for dispersal of funds and completion of work under the demonstration project and the terms of repayment of the loan. The demonstration project would be exempt from the land recycling loan program requirements in s. 281.60 (2r) through (11). Specify that if the financial assistance agreement is not entered into by June 30, 2000, the provision would no longer apply.

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#### Note:

The \$3,000,000 no-interest loan to the City of Kenosha would be exempt from statutory requirements governing the methods of providing financial assistance, submission of a notice of intent to apply, application requirements, establishment of a priority list, approval of applications, establishment of a funding list, allocation of funding, conditions of financial assistance, notice of financial assistance commitments and the deadline for closing. The funds would only be available if DNR, DOA and the City of Kenosha enter into a financial assistance agreement by June 30, 2000. The Kenosha loan would be subject to the current requirement to pay an annual service fee of 0.5% of the loan balance for reviewing and acting upon the loan application and servicing financial assistance agreements. The Kenosha loan would be subject to the current requirement that the sale of a site or facility with an outstanding loan balance may not be for less than fair market value, and that certain sales proceeds shall be used to repay a portion of the state subsidy costs.



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb0442/1

RCT  
*Amig*

*SO ON.*

*w.p.o.  
Fix request  
sheet*

LFB:.....Bonderud – Land recycling loan for City of Kenosha

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

*DN*

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

2 I. Page 1412, line 6: after that line insert:

*B*

*(4)* LAND RECYCLING LOAN FOR *(cs) the* CITY OF KENOSHA.

4 (a) Except as provided in paragraph (b), the department of natural resources

5 and the department of administration shall provide a loan bearing no interest under

6 section 281.60<sup>✓</sup> of the statutes to the city of Kenosha in the amount of \$3,000,000.

7 Section 281.60 (2r) to (11)<sup>✓</sup> of the statutes does not apply to the loan under this

8 paragraph. The department of natural resources, the department of administration

9 and the city of Kenosha shall enter into a financial assistance agreement that

10 specifies the use of the loan, the terms of repayment of the loan and a schedule for

11 the dispersal of funds and for completion of *the* activities to be funded by the loan.



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

LRBSample2/dn

60442/dn  
RET:Kmcg

Kendra Bonderud,

It is possible that a Wisconsin court would find that this amendment is a "private or local law" which, under art. IV, sec. 18 of the Wisconsin Constitution, must be enacted as single-subject legislation. If so, this amendment cannot validly be enacted as part of the budget bill, which clearly encompasses more than one subject. Under *Milwaukee Brewers Baseball Club v. Wisconsin Dept. of Health and Social Services*, 130 Wis. 2d 79, 115 (1986), "a legislative provision which is specific to any person, place or thing is a private or local law within the meaning of art. 4, sec. 18, unless: 1) the general subject matter of the provision relates to a state responsibility of statewide dimension; and 2) its enactment will have direct and immediate effect on a specific statewide concern or interest". ~~As it is difficult to predict the potential for and outcome of any court action on this amendment, you may wish to consider introducing this proposal as a separate bill.~~

Query for: Document: LRBSample2/dn

RET



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

LRBb0442/1dn  
RCT:kmg:mrc

May 28, 1999

Kendra Bonderud:

It is possible that a Wisconsin court would find that this amendment is a "private or local law" which, under art. IV, sec. 18, of the Wisconsin Constitution, must be enacted as single-subject legislation. If so, this amendment cannot validly be enacted as part of the budget bill, which clearly encompasses more than one subject. Under *Milwaukee Brewers Baseball Club v. Wisconsin Dept. of Health and Social Services*, 130 Wis. 2d 79, 115 (1986), "a legislative provision which is specific to any person, place or thing is a private or local law within the meaning of art. 4, sec. 18, unless: 1) the general subject matter of the provision relates to a state responsibility of statewide dimension; and 2) its enactment will have direct and immediate effect on a specific statewide concern or interest".

Rebecca C. Tradewell  
Managing Attorney  
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E-mail: [Becky.Tradewell@legis.state.wi.us](mailto:Becky.Tradewell@legis.state.wi.us)



State of Wisconsin  
1999 - 2000 LEGISLATURE

SO ON

LRBb0442~~2~~ 2

RCT:kmg:mrc

r m r

LFB:.....Bonderud - Land recycling loan for city of Kenosha

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 1412, line 6: after that line insert:

3 “(4x) LAND RECYCLING LOAN FOR THE CITY OF KENOSHA.

4 (a) Except as provided in paragraph (b), the department of natural resources  
5 and the department of administration shall provide a loan bearing no interest under  
6 section 281.60 of the statutes to the city of Kenosha in the amount of \$3,000,000.  
7 Section 281.60 (2r) to (11) of the statutes does not apply to the loan under this  
8 paragraph. The department of natural resources, the department of administration  
9 and the city of Kenosha shall enter into a financial assistance agreement that  
10 specifies the use of the loan, the terms of repayment of the loan and a schedule for  
11 the dispersal of funds and for completion of the activities to be funded by the loan.

1 (b) Paragraph (a) does not apply if the department of natural resources, the  
2 department of administration and the city of Kenosha do not enter into the financial  
3 assistance agreement before July 1, 2001." 2000

4

(END)



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb0442/2  
RCT:kmg:mrc

LFB:.....Bonderud - Land recycling loan for city of Kenosha

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

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