

1999 DRAFTING REQUEST

Assembly Amendment (AA-AB133)

Received: **05/28/99**

Received By: **kahlepj**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau 6-8849**

By/Representing: **Shanovich (DH)**

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

Drafter: **kahlepj**

May Contact:

Alt. Drafters:

Subject: **Econ. Development - bus. dev.
Econ. Development - misc.**

Extra Copies:

Pre Topic:

LFB:.....Shanovich (DH) -

Topic:

Changes to brownfields grant program

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>
/?	kahlepj 06/3/99	ygeller 06/4/99		_____			
/1			mclark 06/7/99	_____	lrb_docadmin 06/7/99		

FE Sent For:

<END>

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/?	kahlepj	h 6/4 jg		_____			
FE Sent For:		6/4 mrc		mrc/km 6/4 <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: Pam Kahler

Addressee Fax #: 264-8522 Addressee Phone #: _____

of Pages, Including Cover: 5 Sender's Initials: _____

From: Ron Shanovich

Message:

Senator Burke
Representative Duff

NATURAL RESOURCES -- AIR, WASTE AND CONTAMINATED LAND
COMMERCE
SHARED REVENUE AND PROPERTY TAXATION
GENERAL FUND TAXES

Brownfields Initiatives
[Papers #712 thru #716]

Motion:

Move to make the following changes related to brownfields programs:

A. **DNR -- Air, Waste and Contaminated Land**

Move to approve the Governor's recommendations contained in Legislative Fiscal Bureau Papers #712 through #716 and Legislative Fiscal Bureau Summary pages 457 through 466, items #9, 10 and 12 through 21, with the following modifications:

1. *Site Assessment Grants.* LFB Paper #712. Adopt Alternative 2.b, 3.d and 3.e. Further, provide \$1,450,000 SEG in 1999-00 in a biennial appropriation (no funding would be provided in 2000-01).
2. *Brownfields Staff.* LFB Paper #713. Adopt Alternative 2.c. (3.0 PR hydrogeologist positions). Provide the 2.0 SEG project positions under Alternative 1 as permanent. In addition, provide \$291,600 SEG in 1999-00 and \$351,000 SEG in 2000-01 with 6.0 SEG hydrogeologist positions and provide \$97,200 PR in 1999-00 and \$117,000 PR in 2000-01 with 2.0 PR hydrogeologist positions. This would provide a total of 13.0 hydrogeologist positions to DNR.
3. *Local Government Liability Exemption.* LFB Paper #714. Adopt Alternative 2.
4. *Local Government Cost Recovery.* LFB Paper #715. Adopt Alternative 2. In addition: (a) specify that the local government may recover costs from the person from whom the local government acquired the property, if no responsible party is known or financially able to pay for all or a portion of those costs; (b) require that the person that last possessed the property before the local government acquired the property to pay any costs not recoverable from the persons that caused the discharge of the hazardous substance; (c) specify that local governments may not recover attorney's fees; and (d) clarify that a local government can not recover costs if the responsible person has received an exemption from liability under the spills law from DNR.
5. *Voluntary Party Liability Exemption.* LFB Paper #716. Adopt Alternatives 2.a

through 2.e. In addition, specify that: (a) Alternatives 2.b. through 2.e. apply in situations where a voluntary party seeks an exemption under the interim liability provisions (but not under a voluntary party liability exemption that is not an interim liability exemption); and (b) the deletion of the authority of DNR to require the voluntary party to obtain insurance to cover the costs of the cleanup would still allow DNR to require insurance under the interim liability and natural attenuation at groundwater standards exceedance liability exemptions.

6. *Use of Natural Attenuation at Voluntary Party Sites.* [LFB Summary p. 464, #18] In addition to approving the Governor's recommendation: (a) allow the certificates of completion to be used for groundwater contamination "originating from" in addition to "on" the property; and (b) provide that if DNR requires a voluntary party who obtains a certificate of completion under the natural attenuation provision to obtain insurance, the only party named as the insured is the state, not the voluntary party and the state.

7. *Study of Potential Sources of Funding for Future Cleanup Costs.* [LFB Summary p. 466, #21] In addition to approving the Governor's recommendation, direct DNR, DOA, Commerce, DOR, DOT, ^{and} ~~WHEBA~~ to submit an annual consolidated report on June 30 of each year to the Joint Committee on Finance and the appropriate standing committees of the Legislature that evaluates the effectiveness of the state's brownfields initiatives.

8. *Vehicle Environmental Impact Fee.* Repeal the June 30, 2001 sunset on the \$5 per vehicle environmental impact fee. In addition, increase the fee from \$5 to \$6 on the first day of the second month after the effective date of the bill. This would generate additional revenues of approximately \$800,000 in 1999-00 and \$1,400,000 in 2000-01, which would be deposited in the environmental management account of the environmental fund.

9. *Hazardous Waste Generator Fee.* Increase the amount of the hazardous waste generator fee (\$125 base fee plus \$12 per ton of hazardous waste) by an amount necessary to generate revenues of \$250,000 annually, effective with the fees assessed in May, 2000. The fees are deposited in the environmental management account of the environmental fund.

10. *Local Government Negotiation and Cost Recovery Process.* Direct DNR to submit proposed statutory changes to the Legislature no later than January 1, 2001, that make the local government negotiation and cost recovery process more efficient and clear, as follows: (a) develop a more efficient method of providing notice to all parties; (b) clarify liability provisions; (c) clarify sections related to identification of responsible parties; (d) provide local governments with a clear way to handle information discovered late in the process; (e) require that involved parties be required to state the basis of their objection and the allocation of costs before seeking umpire review; (f) cull the list of potential umpires so it contains environmental experts; and (g) give parties a specific time frame to make comments on the remedy.

11. *Area-Wide Environmental Characterization.* Provide \$50,000 SEG annually from the environmental management account of the environmental fund and direct DNR to create a bibliography of available information on a geographic basis that identifies all sources of general

and site specific groundwater information. Direct DNR to include physical and chemical groundwater and soil data in existing geographic information systems.

60446

B. Commerce

1. *Brownfields Grant Program.* Provide an additional \$800,000 SEG in 1999-00 and \$1,400,000 SEG in 2000-01 for the existing brownfields grant program. (Revenue would be provided from the \$1 per vehicle increase in the vehicle environmental impact fee.) In addition, make the following changes to the current Commerce brownfields grant program: (a) require Commerce to award one-half of the annual brownfields grant funding for projects, such as recreational or housing development, that are scored without considering the number of jobs created by the project; (b) authorize Commerce to award grant funding for projects that address area-wide groundwater contamination; (c) require grant applicants to document that they were unable to secure funding that was sufficient to support the project from another source; and (d) specify that grant recipients could be awarded other state grants or loans if they were eligible.

60446
Comm
110

940

→ what does this mean?

2. *Community Development Block Grant Program.* Direct the Department of Commerce to expand the CDBG - Blight Elimination and Brownfields Remediation program to fund redevelopment planning and projects that have a taxable value end use. 560.045

Comm 108.19+108.20

60467
from who has received money for this initiative for a particular part of loan, is this recip'd or will?

C. Wisconsin Housing and Economic Development Authority

1. *WHEDA Loan Guarantees.* [LFB Paper #1036] In addition to adopting Alternative A.1.c. eliminate the brownfields loan guarantee program and direct WHEDA to transfer the remaining \$2,000,000 for the program from the Wisconsin development reserve fund to the environmental fund.

D. Department of Transportation

1. *DOT Brownfields Funds.* Require the Department of Transportation to market the following programs to ensure optimum utilization to assist the cleanup and redevelopment of brownfield properties: (a) local transportation facility improvement assistance; (b) transportation enhancements; (c) transportation facilities economic assistance and development; and (d) transportation infrastructure loans.

E. General Fund Taxes

1. *Remediation Tax Credits.* Delete the requirement that 25% of all development zone tax credits claimed must be based on creating or retaining full time jobs for development zone environmental remediation tax credits claimed in development and enterprise development zones. Provide that environmental remediation tax credits claimed in development and enterprise development zones would not have to be based on activities that created or caused to create jobs.

F. Shared Revenue and Property Taxation

1. *Blight Elimination.* [LFB Summary p. 552, #4] Maintain current law.

G. University of Wisconsin Systems

1. *Development of Brownfields Case Studies.* Request the LaFollette Institute of the University of Wisconsin - Madison to study the expected costs and returns of redeveloping an environmentally problematic property as well as a greenfields development.

and the urban school of and regional planning

H. Multiple Agencies

1. *Sustainable Urban Development Zone Program.* Provide \$2,250,000 environmental fund SEG in 1999-00 in a biennial appropriation to DNR for use for a sustainable urban development zone pilot program. Direct DNR, in cooperation with the Departments of Health and Family Services, Transportation, Revenue, Administration and Commerce, and the Cities of Milwaukee, Green Bay, La Crosse and Oshkosh, to develop a pilot program no later than January 1, 2001, that promotes the use of financial incentives to cleanup and redevelop contaminated properties in the listed cities. Designate that of the \$2,250,000 in total funding, the following amounts would be available as grants to the cities: (a) \$1,000,000 for the City of Milwaukee; (b) \$500,000 for the City of Green Bay; (c) \$500,000 for the City of La Crosse; and (d) \$250,000 for the City of Oshkosh. Specify that the state funds may be used for the assessment, investigation and cleanup of brownfields properties in the Cities. Require the Department of Commerce to designate areas in each City as development zones so that persons conducting cleanups would be eligible for the remediation tax credit. Direct that the Department of Transportation to work with the Cities in planning, transportation access infrastructure improvements in the DOT 2001-03 biennial budget request.

Note:

[Change to Bill: \$4,700,000 SEG-REV, \$4,642,600 SEG, \$535,500 PR, 6.0 SEG positions, 5.0 PR positions]

(a) "score" - any other way to explain?

(b) are these groundwater projects
w/in def of brownfield remediation
or additional?

now, which of (2)(a) 1., 2., 3. apply?

just 3.??

5,800,000
6,400,000

99-2000
2000-01

800,000
1,400,000

"Ind use"

15% .15
35% .35
50% .50

1,200,000	210,000
280,000	490,000
400,000	700,000
<hr/>	<hr/>
800,000	1,400,000

(d) Is a problem \rightarrow what if another grant/loan has as a criterion that the recipient not have received state funding before - is the grant recip eligible? are they not ~~in~~ ineligible because they do not fit criteria or are they eligible if they fit the rest of the criteria? iow, does this stat trump any exclusions on the basis of receiving \$ before?

really s/wt have to say it - no assumption that one is ineligible - need specific language to make one ineligible if otherwise eligible

~~add to the list of projects that are eligible for the grant~~
~~state of p. 1116 line 11~~

Require all projects? no

but at least some have tax value and use

resulting use has taxable value? yes

scoring - points for lots of things
use ~~as~~ scoring as grants
a) basis for awarding ~~the grant~~

b) keep requirement under (2) but this is a
new thing that is ~~not~~ S/b part
of def ~~of~~ (maybe) - or ~~is~~
~~is~~ in addition -

but of brownfields redevelopment

d) put ~~in~~ \rightarrow if a grant or loan has not received
state grant or loan as an eligibility
criterion, then can't get the
grant or loan



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0466/1
PJK.....

JLg

LFB:.....Shanovich (DH) – Changes to brownfields grant program

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

SOON
(6-3 pm)
D-vote

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

2 1. Page 376, line 21: delete lines 21 to 23 and substitute:

3 "SECTION 195c. 20.143 (1) (br) (title) of the statutes is amended to read:

4 20.143 (1) (br) (title) *Brownfields and groundwater contamination grant*
5 *program; general purpose revenue.*"

History: 1979 c. 361; 1981 c. 20, 21, 349; 1983 a. 27, 83, 192, 381; 1985 a. 29 ss. 169 to 204, 3202 (14); 1985 a. 120, 332, 334; 1987 a. 27, 109, 317, 318, 399, 403; 1989 a. 31, 185, 237, 317, 325, 335, 336, 342, 359; 1991 a. 39, 259, 261, 269, 315; 1993 a. 5, 16, 75, 110, 232, 437; 1995 a. 27 ss. 483, 505 to 517, 608s, 609g, 609j, 964, 965, 977, 987, 988, 990 to 993, 1080b, 1085b, 1086b, 9116 (5); 1995 a. 116, 119, 216, 227; 1997 a. 9, 27, 35, 215, 237, 252, 310; s. 13.93 (2) (c).

6 2. Page 379, line 16: delete lines 16 to 19.

7 3. Page 381, line 16: delete lines 16 to 18 and substitute:

8 "SECTION 212c. 20.143 (1) (qm) (title) of the statutes is amended to read:

9 20.143 (1) (qm) (title) *Brownfields and groundwater contamination grant*
10 *program; environmental fund.* ^{fix}

History: 1979 c. 361; 1981 c. 20, 21, 349; 1983 a. 27, 83, 192, 381; 1985 a. 29 ss. 169 to 204, 3202 (14); 1985 a. 120, 332, 334; 1987 a. 27, 109, 317, 318, 399, 403; 1989 a. 31, 185, 237, 317, 325, 335, 336, 342, 359; 1991 a. 39, 259, 261, 269, 315; 1993 a. 5, 16, 75, 110, 232, 437; 1995 a. 27 ss. 483, 505 to 517, 608s, 609g, 609j, 964, 965, 977, 987, 988, 990 to 993, 1080b, 1085b, 1086b, 9116 (5); 1995 a. 116, 119, 216, 227; 1997 a. 9, 27, 35, 215, 237, 252, 310; s. 13.93 (2) (c).

1 **4.** Page 443, line 12: delete “20.143 (1) (kd).” ✓

2 **5.** Page 701, line 7: delete lines 7 to 9. ✓

3 **6.** Page 1270, line 24: delete the material beginning with that line and ending
4 with page 1273, line 16, and substitute:

5 “**SECTION 2937r.** ✓ 560.13 (title) of the statutes is amended to read:

6 **560.13** (title) **Brownfields and groundwater contamination grant**
7 **program.**

8 History: 1997 a. 27.

8 **SECTION 2938c.** ✓ 560.13 (2) (a) 1. of the statutes is amended to read:

9 560.13 (2) (a) 1. The recipient uses the grant proceeds for brownfields
10 redevelopment or associated environmental remediation activities or for a project
11 relating to the remediation of area-wide groundwater ✓ contamination.

12 History: 1997 a. 27.

12 **SECTION 2938f.** ✓ 560.13 (2) (a) 2. (intro.) of the statutes is amended to read:

13 560.13 (2) (a) 2. (intro.) All of the following are unknown, cannot be located or
14 are financially unable to pay the cost of brownfields redevelopment or associated
15 environmental remediation activities or of a groundwater contamination
16 remediation project:

17 History: 1997 a. 27.

17 **SECTION 2938m.** ✓ 560.13 (2) (a) 4. of the statutes is created to read:

18 560.13 (2) (a) 4. The recipient is unable to obtain from any other source
19 sufficient funding to complete the project and documents this inability to the
20 satisfaction of the department. ✓

21 **SECTION 2944c.** ✓ 560.13 (4) (a) (intro.) of the statutes is amended to read:

22 560.13 (4) (a) (intro.) From the appropriations under s. 20.143 (1) (br) and (qm)
23 in fiscal year 1997–98, and from the appropriation under s. 20.143 (1) (qm) in fiscal

1 year ~~1998-99~~ [✓] 1999-2000, the department shall award all of the following in each of
2 those fiscal years:

3 History: 1997 a. 27.

^{2945c} SECTION ~~2945c~~ 560.13 (4) (a) 1. of the statutes is amended to read: ^X

4 560.13 (4) (a) 1. A total of ~~\$750,000~~ [✓] \$870,000 in grants that do not exceed
5 \$300,000.

6 History: 1997 a. 27.

^{2945d} SECTION ~~2945c~~ 560.13 (4) (a) 2. of the statutes is amended to read: ^X

7 560.13 (4) (a) 2. A total of ~~\$1,750,000~~ [✓] \$2,030,000 in grants that are greater than
8 \$300,000 but that do not exceed \$700,000.

9 History: 1997 a. 27.

^{2945e} SECTION ~~2945c~~ 560.13 (4) (a) 3. of the statutes is amended to read: ^X

10 560.13 (4) (a) 3. A total of ~~\$2,500,000~~ [✓] \$2,900,000 in grants that are greater than
11 \$700,000 but that do not exceed \$1,250,000.

12 History: 1997 a. 27.

²⁹⁴⁵ SECTION ~~2945m~~ 560.13 (4) (am) of the statutes is created to read: ^X

13 560.13 (4) (am) From the appropriations under s. [✓] 20.143 (1) (br) and (qm) in
14 fiscal year 2000-01, the department shall award all of the following:

- 15 1. A total of [✓] \$960,000 in grants that do not exceed \$300,000.
- 16 2. A total of \$2,240,000 in grants that are greater than \$300,000 [✓] but that do
17 not exceed \$700,000. [✓]
- 18 3. A total of [✓] \$3,200,000 in grants that are greater than \$700,000 but that do
19 not exceed \$1,250,000.

20 History: 1997 a. 27.

²⁹⁴⁶ SECTION ~~2945m~~ 560.13 (4) (d) of the statutes is created to read: ^X

21 560.13 (4) (d) The department shall award 50% of the amount required to be
22 awarded in a fiscal year for projects, such as housing and recreational projects, for

1 which the grant applications are evaluated without consideration of the number of
2 jobs that will be created by the projects.

3 SECTION ²⁹⁴⁸~~2951~~ c. 560.13 (6m) ^x of the statutes is created to read:

4 560.13 (6m) Receipt of a grant under this section [✓] shall not render the recipient
5 ineligible for a loan or any other grant awarded by the state, unless under the
6 eligibility criteria of the loan or other grant the recipient is excluded by virtue of
7 having received the grant." [✓]

8 (END)

D-note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0466/7dn

PJK.....

JLg

Ron:

1. This amendment deletes, unless required by the changes in motion #949, all of the changes in the budget bill to the brownfields grant program, directly related to TANF or not, and replaces them with the changes set out in motion #949.
2. Paul Nilsen drafted the amendment that includes the increase in the vehicle environmental impact fee. That amendment is LRBb0446.

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: Pam.Kahler@legis.state.wi.us

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

LRBb0466/1dn
PJK:jlg:mrc

June 4, 1999

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State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0466/1
PJK:jl:mrc

LFB:.....Shanovich (DH) – Changes to brownfields grant program

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

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1 **5.** Page 701, line 7: delete lines 7 to 9.

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4 “**SECTION 2937r.** 560.13 (title) of the statutes is amended to read:

5 **560.13** (title) **Brownfields and groundwater contamination grant**
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7 **SECTION 2938c.** 560.13 (2) (a) 1. of the statutes is amended to read:

8 560.13 (2) (a) 1. The recipient uses the grant proceeds for brownfields
9 redevelopment or associated environmental remediation activities or for a project
10 relating to the remediation of area-wide groundwater contamination.

11 **SECTION 2938f.** 560.13 (2) (a) 2. (intro.) of the statutes is amended to read:

12 560.13 (2) (a) 2. (intro.) All of the following are unknown, cannot be located or
13 are financially unable to pay the cost of brownfields redevelopment or associated
14 environmental remediation activities or of a groundwater contamination
15 remediation project:

16 **SECTION 2938m.** 560.13 (2) (a) 4. of the statutes is created to read:

17 560.13 (2) (a) 4. The recipient is unable to obtain from any other source
18 sufficient funding to complete the project and documents this inability to the
19 satisfaction of the department.

20 **SECTION 2944c.** 560.13 (4) (a) (intro.) of the statutes is amended to read:

21 560.13 (4) (a) (intro.) From the appropriations under s. 20.143 (1) (br) and (qm)
22 in fiscal year ~~1997–98~~, and from the appropriation under s. 20.143 (1) (qm) in fiscal
23 year ~~1998–99~~ 1999–2000, the department shall award all of the following in each of
24 those fiscal years:

1 **SECTION 2945c.** 560.13 (4) (a) 1. of the statutes is amended to read:

2 560.13 (4) (a) 1. A total of \$750,000 \$870,000 in grants that do not exceed
3 \$300,000.

4 **SECTION 2945d.** 560.13 (4) (a) 2. of the statutes is amended to read:

5 560.13 (4) (a) 2. A total of \$1,750,000 \$2,030,000 in grants that are greater than
6 \$300,000 but that do not exceed \$700,000.

7 **SECTION 2945e.** 560.13 (4) (a) 3. of the statutes is amended to read:

8 560.13 (4) (a) 3. A total of \$2,500,000 \$2,900,000 in grants that are greater than
9 \$700,000 but that do not exceed \$1,250,000.

10 **SECTION 2945m.** 560.13 (4) (am) of the statutes is created to read:

11 560.13 (4) (am) From the appropriations under s. 20.143 (1) (br) and (qm) in
12 fiscal year 2000–01, the department shall award all of the following:

13 1. A total of \$960,000 in grants that do not exceed \$300,000.

14 2. A total of \$2,240,000 in grants that are greater than \$300,000 but that do
15 not exceed \$700,000.

16 3. A total of \$3,200,000 in grants that are greater than \$700,000 but that do
17 not exceed \$1,250,000.

18 **SECTION 2946m.** 560.13 (4) (d) of the statutes is created to read:

19 560.13 (4) (d) The department shall award 50% of the amount required to be
20 awarded in a fiscal year for projects, such as housing and recreational projects, for
21 which the grant applications are evaluated without consideration of the number of
22 jobs that will be created by the projects.

23 **SECTION 2948c.** 560.13 (6m) of the statutes is created to read:

24 560.13 (6m) Receipt of a grant under this section shall not render the recipient
25 ineligible for a loan or any other grant awarded by the state, unless under the

1 eligibility criteria of the loan or other grant the recipient is excluded by virtue of
2 having received the grant.”.

3 (END)