

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB133)

Received: **09/27/1999**

Received By: **kahlepj**

Wanted: **Today**

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 - misc.
Econ. Development - bus. dev.
Environment - env. cleanup**

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 09/27/1999	wjackson 09/27/1999		_____			
/1			haugeca 09/27/1999	_____	lrb_docadmin 09/28/1999	lrb_docadmin 09/28/1999	
				_____	lrb_docadmin 09/28/1999		
/2	kahlepj 09/28/1999	wjackson 09/28/1999	hhagen 09/28/1999	_____	lrb_docadmin 09/28/1999		

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1/?	kahlepj	1 WLj 9/27	CK 9-27	CK HH 9-27			

FE Sent For:

<END>

was discharged or who caused the discharge of a hazardous substance if the discharge does not endanger public health); with respect to the discharge, and is in compliance with the contract, order or negotiated agreement; (3) from a responsible person who is exempt from liability under s. 292.35(9)(c) of the current local governmental unit negotiation and cost recovery process with respect to the discharge (the responsible person establishes that his or her contribution to the environmental pollution resulting from the discharge was caused solely by an act of God, an act of war or an act or omission of a third party); and (4) with respect to a discharge, if the discharge was in compliance with a permit, license, approval, special order, waiver or variance issued by DNR.

b. Specify that a responsible person who, at the time that the local government acquired the property, possessed or controlled the hazardous substance that was discharged on the property, is not liable for costs that the local government is unable to recover because a person who caused the discharge of the hazardous substance on the property is exempt from liability under (a)(3) and (a)(4) above.

Brownfields Grant Program

Call Row → fn 31, b1096

The proposed modification would delete the Joint Finance provisions related to the brownfields grant program that would: (a) require Commerce to make 50% of awards for projects, like recreation or housing, that would be scored without considering the number of jobs created, and (b) require applicants to document their inability to obtain funding from other sources. Instead, in awarding grants in 2000-01, the Department would be required to reduce the weight accorded to job creation in scoring grant applications by a factor that was approximately 50% lower than that same factor in previous award periods. In addition, the Department would be required to award \$1.4 million for projects that were evaluated without considering the number of jobs created by the projects. Finally, the proposed modification would provide that awards of Round III brownfields grants be limited to those who submitted applications by the original deadline established by Commerce (April 16, 1999).

b1802

560.13

and new one?

Environmental Remediation Tax Incremental Financing

The proposed modification would make the following changes to the ER-TIF provisions under the Joint Finance version of the bill.

a. Allow eligible expenditures incurred during the entire 23-year period of the ER-TIF district to be reimbursed through the allocation of tax increments. Under the Joint Finance version of the bill and similar to general TIF law, only expenditures that are incurred during the first seven years of an ER-TIF district would be reimbursed through the allocation of tax increments

b. Delete the Joint Finance provision that would require that contaminated properties within an ER-TIF district could not be sold to the party responsible for the contamination. (Properties could still be transferred to other private persons prior to completion of remediation.)

c. Delete the Joint Finance provisions that would require that a joint review board, prior to approving any proposed ER-TIF district that has incurred costs, or has an environmental

remedial action plan containing cost estimates, in excess of \$80,000, must either: (1) require that any contract entered into by the county or municipality to remediate the identified contamination within the proposed ER-TIF district contain a guaranteed maximum cost that is to be paid by the county or municipality that is consistent with the costs identified in the detailed remedial action plan; or (2) require that the county or municipality have insurance to cover any costs in excess of the costs identified in the detailed remedial action plan.

d. Add a requirement that no costs incurred after DNR notification that a remedial action has been completed would be eligible for reimbursement through the allocation of tax increments unless the costs were identified as a required condition of site closure.

Special Charges for Cancelled Taxes on Contaminated, Tax Delinquent Property

The Joint Finance provision related to special charges for cancelled taxes on contaminated, tax delinquent property would require county treasurers to charge back as a special charge on the next tax levy all cancelled property taxes subject to a hazardous substance clean-up agreement and provide that the cost of the cancelled taxes be spread among the governments that levied taxes on the property. The proposed modification would delete the Joint Finance changes and maintain current law. Current law provisions allow counties and the City of Milwaukee to cancel all or part of the unpaid property taxes, plus interest and penalties, on certain contaminated real property for which a tax certificate has been issued, but a tax deed has not yet been recorded. As a result, the government that cancels the taxes bears the cost of the taxes.

We hope this information is helpful.

KB/RO/AR/RS/dls



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1802
PJK.../.....

WLj

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

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

today
(mon)
D-note

1 At the locations indicated, amend the substitute amendment as follows:

2 ✓ 1. Page 1378, line 25: delete that line.

3 ✓ 2. Page 1379, line 1: delete lines 1 to 3 and substitute:

4 "SECTION 2939n. 560.13 (3) (c) of the statutes is created to read:

5 560.13 (3) (c) In awarding grants under this section, beginning with grants
6 awarded in fiscal year 2000-01, the department shall accord a weight to a project's
7 job creation potential that is approximately 50% of the weight accorded that factor
8 in awarding grants under this section before fiscal year 2000-01."

9 ✓ 3. Page 1380, line 2: delete lines 2 to 5 and substitute:

1 "560.13 (4) (d) Beginning in fiscal year 2000-01, the department shall award
2 at least \$1,400,000 in grants in a fiscal year for projects evaluated without
3 consideration of the number of jobs that will be created by the projects."

4 4. Page 1588, line 6: after that line insert:

5 "(6b) BROWNFIELDS AND GROUNDWATER CONTAMINATION GRANT CRITERIA. The
6 treatment of sections 560.13 (title), (2) (a) 1. and 2. (intro.) and (6m) of the statutes
7 first applies to grants for which applications are submitted after April 16, 1999."

8 (END)

D-note

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

LRBb1802/?dn

PJK...../.....

Wlj

Ron:

1. I hope this works. I did not include s. 560.13 (3) (c) or (4) (d) in the initial applicability since those provisions have in-text limitations to grants awarded in fiscal year 2000-01.

2. I deleted all of s. 560.13 (2) (a) 4. I hope the intention was not to delete only the documentation part of that criterion.

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

LRBb1802/1dn

PJK:wlj:ch

September 27, 1999

Ron:

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Phone: (608) 266-2682
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State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1802/2
PJK:wj:ch

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

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

*today
(Tues)*

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8 in awarding grants under this section before fiscal year 2000-01."

9 3. Page 1380, line 2: delete lines 2 to 5 and substitute:

✓ # . Page 1379, line 25: after that line insert:

(over)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1802/2
PJK:wlj:hmh

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

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

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8 in awarding grants under this section before fiscal year 2000-01.”.

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