

2001 DRAFTING REQUEST

Bill

Received: **10/03/2000**

Received By: **kahlepj**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 6-7597**

By/Representing: **Wong**

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

Drafter: **kahlepj**

May Contact:

Alt. Drafters:

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

Extra Copies: **Commerce**

Pre Topic:

DOA:.....Wong -

Topic:

Expand who is eligible for brownfields grants

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 10/16/2000	jdye 10/17/2000					State
/1			martykr 10/17/2000		gretskl 10/17/2000		State
/2	kahlepj 12/06/2000	jdye 12/08/2000	rschluet 12/12/2000		lrb_docadmin 12/12/2000		

FE Sent For:

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Wanted: As time permits

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For: Administration-Budget 6-7329

By/Representing: Walker

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May Contact:

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Subject: Econ. Development - misc.

Extra Copies: Commerce

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/?	kahlepj 10/16/2000	jdye 10/17/2000					State
/1		<i>12/8/00</i> jd	martykr 10/17/2000		gretskl 10/17/2000		
FE Sent For:			<i>12-8-00</i>	<i>12-12-00</i>			<END>

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1/?	kahlepj	hmt 10/16/11 1/10/17 jld	10 11/17	RS 10/17			

FE Sent For:

<END>

Low

Brownfields Grant Program -- Expansion of Definition of "Person". This change expands the definition of "person" in s. 560.13 (1) (g), Stats., to include economic development corporations, redevelopment authorities, local housing authorities, bankruptcy trusts, and other non-profit organizations. Currently only local development corporations, municipalities, individuals, partnerships, corporations, and limited liability companies are eligible to apply for brownfields grants.

L. Brownfields Grant Program -- Expansion of Definition of "Person"

Expand the definition of "person" in s. 560.13 (1) (g) to include economic development corporations, redevelopment authorities under s. 66.431 (3), redevelopment corporations under s. 66.405 (3) (s), local housing authorities under 66.40 (4), bankruptcy trusts, and other non-profit organizations. Currently only local development corporations, municipalities, individuals, partnerships, corporations, and limited liability companies are eligible to apply for brownfields grants.

*all corps or
corporate
bodies*

*redev auth ^{redev} under s. 66.1333
redev corp as def in s. 66.1301(3)(s)
local housing authority ^{redev} under
as 66.1201 to 66.1211*



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-06467

PJK

hmk
+
jld

DOA:.....Walker – Expand who is eligible for brownfields grants

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

SOON
(11-16)
D-note

do not
get cut

1 AN ACT relating to: persons eligible for brownfields grants.

Analysis by the Legislative Reference Bureau

✓ **COMMERCE AND ECONOMIC DEVELOPMENT**

✓ **ECONOMIC DEVELOPMENT**

Under the brownfields grant program in current law, the department of commerce makes grants to persons, municipalities, and local development corporations for redevelopment of brownfields and remediation activities associated with the redevelopment. Brownfields are abandoned, idle, or underused industrial or commercial facilities or sites that are adversely affected for expansion or redevelopment by actual or perceived environmental contamination. For purposes of grant eligibility, "person" is defined as an individual, partnership, corporation, or limited liability company; "municipality" is defined as a city, village, town, or county; and "local development corporation" is defined as a nonprofit corporation that promotes economic development within a specific geographic area and that demonstrates a commitment to or experience in the redevelopment of brownfields. The bill eliminates the definitions for "municipality" and "local development corporation" and provides that a "person" is eligible for a grant under the program; and defines "person" as an individual, partnership, limited liability company, corporation, nonprofit organization, city, village, town, county, or trustee in bankruptcy.

X

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 560.13 (1) (b) of the statutes is amended to read:

2 560.13 (1) (b) "Brownfields redevelopment" means any work or undertaking by
3 a person, ~~municipality or local development corporation~~ to acquire a brownfields
4 facility or site and to raze, demolish, remove, reconstruct, renovate or rehabilitate
5 the facility or existing buildings, structures or other improvements at the site for the
6 purpose of promoting the use of the facility or site for commercial, industrial or other
7 purposes. "Brownfields redevelopment" does not include construction of new
8 facilities on the site for any purpose other than environmental remediation
9 activities.

10 History: 1997 a. 27; 1999 a. 9.

11 **SECTION 2.** 560.13 (1) (e) of the statutes is repealed.

12 **SECTION 3.** 560.13 (1) (f) of the statutes is repealed.

13 **SECTION 4.** 560.13 (1) (g) of the statutes is amended to read:

14 560.13 (1) (g) "Person" means an individual, partnership, limited liability
15 company, corporation or limited liability company, nonprofit organization, city,
village, town, county, or trustee in bankruptcy.

16 History: 1997 a. 27; 1999 a. 9.

17 **SECTION 5.** 560.13 (2) (a) (intro.) of the statutes is amended to read:

18 560.13 (2) (a) (intro.) Subject to subs. (4) and (5), from the appropriations under
19 s. 20.143 (1) (br) and (qm) the department may make a grant to a person,
~~municipality or local development corporation~~ if all of the following apply:

20 History: 1997 a. 27; 1999 a. 9.

(END)

D - note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0646/?dn

PJK:ej...

hmk
+
jld

DATE

Bill:

1. The amended definition for "person" in this draft does not include many of the entities specifically listed in the drafting request because they are redundant. Even current law contains a redundancy, which the amended definition eliminates. Local development corporations (in current law), economic development corporations, and redevelopment corporations are all corporations. Redevelopment authorities and local housing authorities are public corporations. Since corporations are included in the definition of "person", there is no need to list these specific types of corporations. You may want to get rid of the definition for "person" altogether and let the definition in s. 990.01 (26) apply. ✓

2. I'm not sure what was intended by "bankruptcy trust." There are "trustees in bankruptcy" and "bankruptcy estates," but I'm not aware that there is an entity known as a "bankruptcy trust." With the addition of "trustee in bankruptcy," I assume that other types of trustees or fiduciaries are ineligible for grants. Or are they "individuals" if persons? "Corporations" if banks?

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

LRB-0646/1dn
PJK:hmh&jld:km

October 17, 2000

Bill:

1. The amended definition for "person" in this draft does not include many of the entities specifically listed in the drafting request because they are redundant. Even current law contains a redundancy, which the amended definition eliminates. Local development corporations (in current law), economic development corporations, and redevelopment corporations are all corporations. Redevelopment authorities and local housing authorities are public corporations. Since corporations are included in the definition of "person," there is no need to list these specific types of corporations. You may want to get rid of the definition for "person" altogether and let the definition in s. 990.01 (26) apply.

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

Kahler, Pam

From: Kahler, Kathryn A
Sent: Wednesday, December 06, 2000 3:30 PM
To: Kahler, Pam
Subject: FW: LRB 0646/1dn

This came to me by mistake. My name is directly above yours on the global address book.

Kathy Kahler

From: Wong, Manyee
Sent: Wednesday, December 06, 2000 3:21 PM
To: Kahler, Kathryn A
Subject: LRB 0646/1dn

Hi Pam,

I was reviewing LRB draft 0646/1 and noted your comments. Please revise the draft to expand the definition of person to include trustees and nonprofits only.

Thanks.
Manyee

Kahler, Pam

From: Wong, Manyee
Sent: Wednesday, December 06, 2000 4:10 PM
To: Kahler, Pam
Subject: RE: LRB-0646/1

Hi Pam,

No, I think your draft is fine. After reading your note that corporations include local development corporations, economic development corporations, and redevelopment corporations, I think we only need to expand it to nonprofits and trustees. I asked Commerce about the term bankruptcy trust (which they meant to be bankruptcy trustee) and noted your concern regarding the exclusion of other trustees. Commerce wanted it to be as broad as possible. So instead of specifying bankruptcy trustee, perhaps you could just use the term trustees? However you decide would be best to accomplish the above intent is fine with me.

Let me know if you need further clarifications.

Thanks.
Manyee

-----Original Message-----

From: Kahler, Pam
Sent: Wednesday, December 06, 2000 3:46 PM
To: Wong, Manyee
Subject: LRB-0646/1

Hi, Manyee:

I'm sorry, but I'm not quite sure what you want for the redraft of this draft. Do you want the definitions of "municipality" and "local development corporation" reinstated and "nonprofit organizations" and "trustees, including trustees in bankruptcy," added to the definition of "person" in current law?

Pam

++++
Pamela J. Kahler
Legislative Attorney
Legislative Reference Bureau
(608) 266-2682



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0646/1

PJK/fmh&jld:km

2
stays in mission

Wong (has been changed)

DOA:..... Walker - Expand who is eligible for brownfields grants

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

500W
(12-6)
D-note

do not
you cost

1 AN ACT relating to: persons eligible for brownfields grants.

Analysis by the Legislative Reference Bureau

COMMERCE AND ECONOMIC DEVELOPMENT

ECONOMIC DEVELOPMENT

Under the brownfields grant program in current law, the department of commerce makes grants to persons, municipalities, and local development corporations for redevelopment of brownfields and remediation activities associated with the redevelopment. Brownfields are abandoned, idle, or underused industrial or commercial facilities or sites that are adversely affected for expansion or redevelopment by actual or perceived environmental contamination. For purposes of grant eligibility, "person" is defined as an individual, partnership, corporation, or limited liability company; "municipality" is defined as a city, village, town, or county; and "local development corporation" is defined as a nonprofit corporation that promotes economic development within a specific geographic area and that demonstrates a commitment to or experience in the redevelopment of brownfields. The bill eliminates the definitions for "municipality" and "local development corporation"; provides that a "person" is eligible for a grant under the program; and defines "person" as an individual, partnership, limited liability company, corporation, nonprofit organization, city, village, town, county, or trustee in bankruptcy.

including a trustee

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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3 a person, ~~municipality or local development corporation~~ to acquire a brownfields
4 facility or site and to raze, demolish, remove, reconstruct, renovate² or rehabilitate
5 the facility or existing buildings, structures² or other improvements at the site for the
6 purpose of promoting the use of the facility or site for commercial, industrial² or other
7 purposes. "Brownfields redevelopment" does not include construction of new
8 facilities on the site for any purpose other than environmental remediation
9 activities.

10 SECTION 2. 560.13 (1) (e) of the statutes is repealed.

11 SECTION 3. 560.13 (1) (f) of the statutes is repealed.

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16 SECTION 5. 560.13 (2) (a) (intro.) of the statutes is amended to read:

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18 s. 20.143 (1) (br) and (qm) the department may make a grant to a person,
19 ~~municipality or local development corporation~~ if all of the following apply:

20 (END)

D - note

✓
including a trustee

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0646/4²dn
PJK/ahh&jld/km

↑
stays

Manyee:

1. I switched this draft over to you from Bill Walker (you will see your name at the top, after DOA, on the first page). I don't know if it makes a difference on your end.
2. Although it really shouldn't be necessary, in my opinion, I specifically included a "trustee in bankruptcy." There are enough statutes that include both "trustee" and "trustee in bankruptcy" to make whether "trustee" includes a "trustee in bankruptcy" questionable. See, for example, ss. 103.37 (1m) (b), 108.02 (13) (a), 112.01 (1) (b), and 214.01 (1) (jg).

Pamela J. Kahler
Senior Legislative Attorney
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E-mail: pam.kahler@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0646/2dn
PJK:hmh&jld:rs

December 8, 2000

Manyee:

1. I switched this draft over to you from Bill Walker (you will see your name at the top, after DOA, on the first page). I don't know if it makes a difference on your end.
2. Although it really shouldn't be necessary, in my opinion, I specifically included a "trustee in bankruptcy." There are enough statutes that include both "trustee" and "trustee in bankruptcy" to make whether "trustee" includes a "trustee in bankruptcy" questionable. See, for example, ss. 103.37 (1m) (b), 108.02 (13) (a), 112.01 (1) (b), and 214.01 (1) (jg).

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State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0646/2
PJK:hmh&jld:rs

DOA:.....Wong – Expand who is eligible for brownfields grants

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

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