

2001 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB55)

Received: 06/23/2001

Received By: traderc

Wanted: Soon

Identical to LRB:

For: Assembly Republican Caucus

By/Representing: Tessmer

This file may be shown to any legislator: NO

Drafter: traderc

May Contact:

Addl. Drafters:

Subject: Environment - env. cleanup

Extra Copies:

Submit via email: NO

Requester's email:

Pre Topic:

ARC:.....Tessmer - AM94,

Topic:

Local governmental unit negotiation and cost-recovery process for contaminated property

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>
/?	traderc 06/23/2001	gilfokm 06/23/2001					
/1			rschluet 06/24/2001		lrb_docadmin 06/24/2001		

FE Sent For:

<END>

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1/?	traderc	6/23 King					

6-24-1

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B. Local Governmental Unit Negotiation and Cost-Recovery Process for Contaminated Property

1. Expand the applicability of the negotiation and cost-recovery process found in s. 292.35 (Local governmental unit negotiation and cost recovery) so that it may be used by a local governmental unit that does not own a contaminated property.
2. To qualify under this proposal, the local governmental unit must commit itself to paying more than 50 percent of the investigation and remedial action costs, less any financial assistance received, for the contaminated property. RET
3. Limit this expansion to sites partially owned by a local unit of government, so long as the unit agrees to pay more than 50 percent of the costs.

Affected agency: DNR

Fiscal Impact: \$0

C. Brownfields Earmarks

Delete brownfields earmarks of \$375,000 each to the Milwaukee Economic Development Corporation and the Menomonee Valley Partners, Inc.

Agency affected: DNR

Fiscal impact: \$0

Location/Status: New motion (Kestell)

D. Sustainable Urban Development Zone Program

Amend Joint Finance action to read:

Recreate a competitive sustainable urban development zone grant program. Provide \$525,000 environmental fund SEG in 2001-02 in a biennial appropriation. Specify that the state funds may be used to investigate environmental contamination and for environmental remediation of brownfields properties in municipalities. Earmark \$150,000 to the City of Platteville and \$250,000 to the City of Fond du Lac. Direct DNR to accept applications from municipalities for the remaining funds and to consult with DOA and Commerce in administering the program. RET

Affected agency: DNR

Location/Status: [Comparative summary of Governor and Joint Finance Committee Budget Recommendations, Natural Resources—Air, Waste and Contaminated Land, page 565, item #13]

9. Forestry

A. Urban Forestry Grant Program

Amend the Joint Finance action relating to earmarked funds for tree planting to read:

2001 BILL

1 **AN ACT** *to renumber and amend* 292.35 (2); and *to create* 292.35 (1) (am) and
2 292.35 (2) (b) of the statutes; **relating to:** applicability of the local
3 governmental unit negotiation and cost-recovery process for contaminated
4 property.

Analysis by the Legislative Reference Bureau

Current law authorizes a local governmental unit that owns property that is contaminated with hazardous substances to initiate a process for negotiating about how the contamination will be remedied and how much the various parties that are responsible for the contamination will contribute toward the investigation and remedial action costs. The negotiations are conducted by an umpire. If an agreement is reached, it is binding on the parties. If an agreement is not reached, the umpire makes a recommendation that may be accepted or rejected by the parties. If the local governmental unit accepts the recommendation and another party rejects the recommendation, the local governmental unit may sue that party to attempt to recover a portion of the investigation and remedial action costs. If the local governmental unit recovers an amount equal to or exceeding the amount that the party would have paid under the umpire's recommendation, the local governmental unit may recover interest and litigation costs.

This bill expands the applicability of this negotiation and cost-recovery process so that it may be used by a local governmental unit that owns a portion of a contaminated property if the local governmental unit commits itself to paying more

2001

Date (time) needed SOON (in 6/23)

LRB b 1641 / 1

**ARC CAUCUS BUDGET AMENDMENT
[ONLY FOR CAUCUS]**

Ret: King

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**CAUCUS AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1
TO 2001 SENATE BILL 55**

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

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

✓ #. Page 1060, line 6: after that line insert:

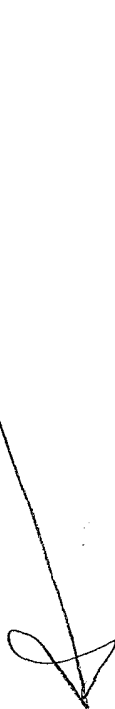
#. Page, line:

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ARC:.....Tessmer - AM94, Local governmental unit negotiation and
cost-recovery process for contaminated property

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

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

2 **1.** Page 1060, line 6: after that line insert:

3 **"SECTION 3260b.** 292.35 (1) (am) of the statutes is created to read:

4 292.35 (1) (am) "Financial assistance" means money, other than a loan,
5 provided by a governmental unit that is not a responsible party to pay a portion of
6 the cost of investigation and remedial action for a site or facility.

7 **SECTION 3262b.** 292.35 (2) of the statutes is renumbered 292.35 (2) (intro.) and
8 amended to read:

9 292.35 (2) **APPLICABILITY.** (intro.) This section only applies to a site or facility
10 if the one of the following criteria is satisfied:

