

2003 DRAFTING REQUEST

Bill

Received: **01/16/2003**

Received By: **btradewe**

Wanted: **Soon**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Mawdsley**

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

Drafter: **btradewe**

May Contact:

Addl. Drafters:

Subject: **Environment - env. cleanup**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to: **robert.marchant@legis.state.wi.us**

Pre Topic:

DOA:.....Mawdsley - BB0375,

Topic:

Brownfields program consolidation

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>
/?				_____			S&L
/1	btradewe 01/20/2003	kfollett 01/21/2003	rschluet 01/21/2003	_____	lemery 01/21/2003		S&L
/2	btradewe 02/04/2003	kfollett 02/04/2003	jfrantze 02/04/2003	_____	sbasford 02/05/2003		

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

2003 DRAFTING REQUEST

Bill

Received: 01/16/2003

Received By: btradewe

Wanted: Soon

Identical to LRB:

For: Administration-Budget

By/Representing: Mawdsley

This file may be shown to any legislator: NO

Drafter: btradewe

May Contact:

Addl. Drafters:

Subject: Environment - env. cleanup

Extra Copies:

Submit via email: YES

Requester's email:

Carbon copy (CC:) to: robert.marchant@legis.state.wi.us

Pre Topic:

DOA:.....Mawdsley - BB0375,

Topic:

Brownfields program consolidation

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>
/?							S&L
/1	btradewe 01/20/2003	kfollett 01/21/2003	rschluet 01/21/2003		lemery 01/21/2003		

FE Sent For:

12/15/02
2/4

2/4

2/4

2003 DRAFTING REQUEST

Bill

Received: 01/16/2003

Received By: btradewe

Wanted: Soon

Identical to LRB:

For: Administration-Budget

By/Representing: Mawdsley

This file may be shown to any legislator: NO

Drafter: btradewe

May Contact:

Addl. Drafters:

Subject: Environment - env. cleanup

Extra Copies:

RJM

Submit via email: NO

Pre Topic:

DOA:.....Mawdsley -

Topic:

Brownfields program consolidation

Instructions:

See Attached

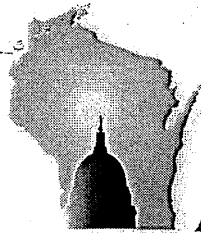
Drafting History:

<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/?	btradewe	1/1 kgf 1/21					

FE Sent For:

1-20-3

<END>



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

JIM DOYLE
GOVERNOR

MARC J. MAROTTA
SECRETARY

Division of Executive Budget and Finance
Post Office Box 7864
Madison, WI 53707-7864
Voice (608) 266-1736
Fax (608) 267-0372
TTY (608) 267-9629

Date: January 16, 2003

To: Stephen R. Miller, Chief
Legislative Reference Bureau

From: Kate Mawdsley
Policy and Budget Analyst
ECR Team

Subject: **Biennial Budget Drafting Request**
Agency 370 – Department of Natural Resources (DNR)

BB 0375

Budget Office Request Title:
Brownfields Program Consolidation

Request Description:

Eliminate brownfields site assessment grants under s. 292.75, Wis. Stats., and repeal the appropriation under s. 20.370(6)(et), which funds the grants. Eliminate the sustainable urban development zone program under s. 292.77, Wis. Stats., and repeal the appropriation under s. 20.370(6)(er), which funds the program. Eliminate brownfields green space grants under s. 292.79, Wis. Stats., and repeal the appropriation under s. 20.370(6)(eu), which funds the grants. Eliminate the brownfields grant program under s. 560.13, Wis. Stats., and repeal the appropriations under s. 20.143(1)(br), (1)(qa) and (1)(qm) which fund the program and its administration.

Create a brownfields grant program administered by the Department of Natural Resources. Create a biennial brownfields grant appropriation under s. 20.370(6) and fund the program from the environmental management account of the environmental fund. Set funding at \$9.2 million in FY04 and FY05.

Require the Department of Natural Resources to promulgate rules for awarding grant funds and provide the department with emergency rulemaking authority. Awards would be available to local governments, individuals, companies and nonprofits. The department would create one application and review all projects to determine the best use of grant funds as well as refer appropriate projects to available loan options. The department would establish a competitive scoring system for evaluating grant applications. The system would have two prongs, one for brownfields site assessment projects and one for brownfields cleanup projects. Under the cleanup prong, the department would rank priorities including but not limited to contamination threats,

Steve Miller
Page 2
January 16, 2003

economic development, areawide remediation and green space creation. The department would determine how best to ensure statewide distribution of grant funds. The department would decide whether to require a match based on a percentage of funds awarded or base awards on a certain percentage of project costs, depending on hardship considerations.

SOON (in 1/20)

RCT: [Signature]

DOA:.....Mawdsley – BB0375, Brownfields program consolidation
FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

note

Do Not Gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
ENVIRONMENT

HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP

Under the Brownfields Grant Program in current law, the Department of Commerce makes grants for redevelopment of brownfields and remediation activities associated with that redevelopment. Brownfields are abandoned, idle, or underused industrial or commercial facilities or sites the expansion or redevelopment of which is adversely affected by actual or perceived environmental contamination. Redevelopment includes reconstruction, renovation, and rehabilitation activities. Remediation includes investigation, analysis, and monitoring of the site, removing or containing any environmental pollution, and restoring soil or groundwater. Also under current law, DNR administers three grant programs related to brownfields. The Brownfield Site Assessment Grant program provides grants to local governmental units for investigating environmental contamination and for activities like demolition and removing storage tanks. The Sustainable Urban Development Program provides funds to municipalities for investigating environmental contamination and conducting cleanups of brownfields. The Brownfields Green Space Grant Program provides grants to local governmental units for brownfields remediation projects that have long-term public benefits, including the preservation of green space.

Zone

This bill eliminates the Brownfields Grant Program administered by the Department of Commerce and the three grant programs related to brownfields

administered by DNR. The bill establishes a new Brownfields Grant Program administered by DNR. Under the program, DNR makes grants to local governmental units and private entities for two purposes:

1. The investigation of brownfields to determine the existence and extent of environmental contamination.
2. Removing or containing environmental contamination at brownfields and restoring the environment.

The bill requires DNR to promulgate rules including a competitive scoring system for evaluating applications for brownfields grants and including provisions for ensuring that grants will be distributed throughout the state.

Current law gives the Business Development Assistance Center in the Department of Commerce responsibilities related to brownfields, including promoting brownfields redevelopment projects. This bill eliminates the brownfields-related responsibilities of the Business Development Assistance Center.

For further information see the *state and local* 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. 20.370 (6) (et) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

2

SECTION 2. 20.370 (6) (eu) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3

SECTION 3. 20.143 (1) (br) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

4

SECTION 4. 20.143 (1) (qa) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5

SECTION 5. 20.143 (1) (qm) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

6

SECTION 6. 20.370 (6) (er) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

Move to p. 3

1 **SECTION 7.** 20.370 (6) (es) of the statutes is created to read:
2 20.370 (6) (es) *Brownfields grant program*. Biennially, from the environmental
3 fund, the amounts in the schedule for brownfields grants under s. 292.74.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

4 **SECTION 8.** 75.106 (1) (a) of the statutes is amended to read:

5 75.106 (1) (a) "Brownfield" ~~has the meaning given in s. 560.13~~ (1) (a) means an
6 abandoned, idle, or underused industrial or commercial facility or site the expansion
7 or redevelopment of which is adversely affected by actual or perceived environmental
8 contamination.

History: 1999 a. 121.

9 **SECTION 9.** 101.143 (4) (cc) 2. b. of the statutes is amended to read:

10 101.143 (4) (cc) 2. b. An applicant that is engaged in the expansion or
11 redevelopment of brownfields, as defined in s. 560.13 (1) (a) 560.60 (1) (v), if federal
12 or state financial assistance other than under this section, has been provided for that
13 expansion or redevelopment.

History: 1987 a. 399; 1989 a. 31, 254, 255; 1991 a. 39, 82, 269; 1993 a. 16, 301, 416, 491; 1995 a. 27 ss. 3665 to 3683m, 9116 (5); 1995 a. 227, 247, 378, 417; 1997 a. 27, 35, 237, 252, 283; 1999 a. 9, 185; 2001 a. 16, 109.

14 **SECTION 10.** 292.74 of the statutes is created to read:

15 **292.74 Brownfields grant program. (1) DEFINITIONS.** In this section:

16 (a) "Eligible site or facility" means an abandoned, idle, or underused industrial
17 or commercial facility or site the expansion or redevelopment of which is adversely
18 affected by actual or perceived environmental contamination.

19 (b) "Local governmental unit" means a city, village, town, county,
20 redevelopment authority created under s. 66.1333, community development
21 authority created under s. 66.1335, or housing authority.

22 (2) GRANTS. (a) The department shall administer a program to award grants
23 from the appropriation under s. 20.370 (6) (es) for the following purposes:

1 1. The investigation of an eligible site or facility to determine the existence and
2 extent of environmental contamination of the eligible site or facility.

3 2. Removing or containing environmental contamination and restoring the
4 environment at an eligible site or facility.

5 (b) The department may award a grant under this section to an individual,
6 partnership, limited liability company, corporation, nonprofit organization, or local
7 governmental unit.

8 (3) DEPARTMENT DUTIES. (a) The department shall promulgate rules for the
9 program under this section that include all of the following:

10 1. A competitive scoring system for evaluating grant applications that, for
11 grants under sub. (2) (a) 2., includes consideration of the severity of the risks posed
12 by the contamination, the potential for economic development, the contribution to
13 remediation of contamination affecting properties owned by more than one entity,
14 and the potential for the creation of green spaces.

15 2. Provisions for ensuring distribution of grant funds throughout the state.

16 3. Provisions for determining the percentage of costs to be paid through a grant,
17 which may vary based on the financial circumstances of the applicant.

18 (b) The department shall inform applicants of other potential sources of
19 funding for activities proposed in grant applications.

20 SECTION 11. 292.75 of the statutes is repealed.

21 SECTION 12. 292.77 of the statutes is repealed.

22 SECTION 13. 292.79 of the statutes is repealed.

23 SECTION 14. 560.13 of the statutes is repealed.

24 SECTION 15. 560.138 (1) (ac) of the statutes is amended to read:

1 560.138 (1) (ac) "Brownfields" has the meaning given in s. ~~560.13(1)(a)~~ 560.60
2 (1v).

3 History: 1999 a. 9; 2001 a. 16.

3 ~~X~~
SECTION 16. 560.139 (1) (c) of the statutes is repealed.

4 ~~X~~
SECTION 17. 560.41 (1) of the statutes is repealed.

5 ~~X~~
SECTION 18. 560.44 of the statutes is repealed.

6 ~~X~~
SECTION 9138. Nonstatutory provisions; natural resources.

7 (1) BROWNFIELDS GRANT RULES. The department of natural resources may use
8 the procedure under section ~~227.24~~ of the statutes to promulgate rules under section
9 ~~292.74~~ (3) of the statutes, as created by this act, for the period before the effective date
10 of the permanent rules, but not to exceed the period authorized under section 227.24
11 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3)
12 of the statutes, the department is not required to provide evidence that promulgating
13 a rule under this subsection as an emergency rule is necessary for the preservation
14 of the public peace, health, safety, or welfare and is not required to provide a finding
15 of emergency for a rule promulgated under this subsection.

16

(END)

Done

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1546/1dn
RCT: *kjf*

Date

Kate Mawdsley:

This is a draft of the brownfields program consolidation proposal.

Both the program under s. 560.13 and the ^{Brown field} Site Assessment Grant Program currently prohibit making grants unless persons who are legally responsible for cleaning up the contamination are unknown or are financially unable to pay. Do you want something like that for the new grant program?

I am uncertain what is intended by "areawide remediation" in the instructions for the competitive scoring system. I used the following language: "the contribution to remediation of contamination affecting properties owned by more than one entity." Please let me know if that does not convey what is intended.

The instructions indicate that DNR should determine whether to require a match based on percentage of funds awarded or base awards on a certain percentage of project costs. I may be misunderstanding this, but it seems to me that there is no real difference between requiring a match and providing a percentage of project costs. If a grant does not provide full funding for the project costs, the applicant must find some other source to pay the rest of the costs, whether that is called a match or not.

This draft repeals s. 560.139 (1) (c) because the grants under that paragraph were funded from one of the Commerce appropriations repealed in this draft.

I decided to go ahead with the draft without instructions on how to deal with Commerce's brownfields responsibilities other than s. 560.13. This draft repeals s. 560.44 but does not change the other statutes in ch. 560 that require priority for brownfields projects or authorize assistance for brownfields projects. Please let me know if you want different treatment of Commerce's brownfields responsibilities.

Your instructions indicated a level of funding for the new grant program. This draft does not include a level of funding because for the budget DOA provides the chapter 20 schedule with the desired dollar amounts.

Please contact me with any questions or redraft instructions.

Becky Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1546/1dn
RCT:kjf:rs

January 21, 2003

Kate Mawdsley:

This is a draft of the brownfields program consolidation proposal.

Both the program under s. 560.13 and the Brownfield Site Assessment Grant Program currently prohibit making grants unless persons who are legally responsible for cleaning up the contamination are unknown or are financially unable to pay. Do you want something like that for the new grant program?

I am uncertain what is intended by "areawide remediation" in the instructions for the competitive scoring system. I used the following language: "the contribution to remediation of contamination affecting properties owned by more than one entity." Please let me know if that does not convey what is intended.

The instructions indicate that DNR should determine whether to require a match based on percentage of funds awarded or base awards on a certain percentage of project costs. I may be misunderstanding this, but it seems to me that there is no real difference between requiring a match and providing a percentage of project costs. If a grant does not provide full funding for the project costs, the applicant must find some other source to pay the rest of the costs, whether that is called a match or not.

This draft repeals s. 560.139 (1) (c) because the grants under that paragraph were funded from one of the Commerce appropriations repealed in this draft.

I decided to go ahead with the draft without instructions on how to deal with Commerce's brownfields responsibilities other than s. 560.13. This draft repeals s. 560.44 but does not change the other statutes in ch. 560 that require priority for brownfields projects or authorize assistance for brownfields projects. Please let me know if you want different treatment of Commerce's brownfields responsibilities.

Your instructions indicated a level of funding for the new grant program. This draft does not include a level of funding because for the budget DOA provides the chapter 20 schedule with the desired dollar amounts.

Please contact me with any questions or redraft instructions.

Becky Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.state.wi.us

Tradewell, Becky

From: Mawdsley, Kathryn
Sent: Tuesday, February 04, 2003 3:59 PM
To: Tradewell, Becky
Subject: Modifications to LRB Draft: 03-1546/1 Brownfields program consolidation

Becky -- I finally had a chance to thoroughly review the draft, drafter's note and our earlier e-mail exchanges. Here are my thoughts:

- ✓1) With regard to other references to brownfields redevelopment projects in Commerce statutes, I agree with you that the only one we need to repeal is s. 560.44. I think that s. 560.045, 560.138 (2) (a) 2., 560.14 (5) (d), 560.17 (6r), and 560.605 (6) should remain.
- ✓2) In terms of the report under s. 292.255, please remove Commerce from the requirement, but leave DNR and DOA.
- ✓3) I do think a provision should be included which prohibits grants unless persons legally responsible for cleaning up the contamination are unknown, cannot be located or are financially unable to pay. DNR additionally proposed for its Greenspace program a provision allowing grant awards if the activity is beyond the legal responsibility of the party who caused the contamination and that person has funded or agreed to fund the minimum necessary remedial actions. Is something like this necessary as well? *No, per Kate*
- ✓4) When I mentioned "areawide remediation", I was trying to capture the purpose behind the SUDZ program. DNR usually describes the purpose as targeting multiple contiguous properties in a community to cleanup areawide contamination. I'm not sure that ownership by more than one entity plays a part?
- ✓5) I'd like to add "and public facilities" at the end of the sentence on line 14 of page 4.
- ✓6) I'd like to add a requirement that the department rules define remedial activities eligible for reimbursement with grant funds.
- ✓7) Finally, do we need any language transferring the encumbrances under Commerce's brownfields grant appropriation (1qm) to DNR for administration? We are cutting all of Commerce's brownfields staff and I wasn't sure how that should be handled.

Sorry for the last minute nature of this! Call to discuss and with questions. These thoughts might not make sense as I was trying to get them to you quickly. *DNR oversight*

Thanks,
Kate



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-1546~~7~~ 2

RCT:kjfrs

SUCN (m 2/4)

my

DOA:.....Mawdsley – BB0375, Brownfields program consolidation
FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

Don't Gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
ENVIRONMENT

HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP

Under the Brownfields Grant Program in current law, the Department of Commerce makes grants for redevelopment of brownfields and remediation activities associated with that redevelopment. Brownfields are abandoned, idle, or underused industrial or commercial facilities or sites the expansion or redevelopment of which is adversely affected by actual or perceived environmental contamination. Redevelopment includes reconstruction, renovation, and rehabilitation activities. Remediation includes investigation, analysis, and monitoring of the site, removing or containing any environmental pollution, and restoring soil or groundwater. Also under current law, DNR administers three grant programs related to brownfields. The Brownfield Site Assessment Grant Program provides grants to local governmental units for investigating environmental contamination and for activities like demolition and removing storage tanks. The Sustainable Urban Development Zone Program provides funds to municipalities for investigating environmental contamination and conducting cleanups of brownfields. The Brownfields Green Space Grant Program provides grants to local governmental units for brownfields remediation projects that have long-term public benefits, including the preservation of green space.

This bill eliminates the Brownfields Grant Program administered by the Department of Commerce and the three grant programs related to brownfields

administered by DNR. The bill establishes a new Brownfields Grant Program administered by DNR. Under the program, DNR makes grants to local governmental units and private entities for two purposes:

1. The investigation of brownfields to determine the existence and extent of environmental contamination.
2. Removing or containing environmental contamination at brownfields and restoring the environment.

The bill requires DNR to promulgate rules including a competitive scoring system for evaluating applications for brownfields grants and including provisions for ensuring that grants will be distributed throughout the state.

Current law gives the Business Development Assistance Center in the Department of Commerce responsibilities related to brownfields, including promoting brownfields redevelopment projects. This bill eliminates the brownfields-related responsibilities of the Business Development Assistance Center.

For further information see the *state and local* 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.** 20.143 (1) (br) of the statutes is repealed.

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

2 **SECTION 2.** 20.143 (1) (qa) of the statutes is repealed.

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3 **SECTION 3.** 20.143 (1) (qm) of the statutes is repealed.

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

4 **SECTION 4.** 20.370 (6) (er) of the statutes is repealed.

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5 **SECTION 5.** 20.370 (6) (es) of the statutes is created to read:

6 20.370 (6) (es) *Brownfields grant program.* Biennially, from the environmental
7 fund, the amounts in the schedule for brownfields grants under s. 292.74.

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1 **SECTION 6.** 20.370 (6) (et) of the statutes is repealed.

 ***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

2 **SECTION 7.** 20.370 (6) (eu) of the statutes is repealed.

 ***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3 **SECTION 8.** 75.106 (1) (a) of the statutes is amended to read:

4 75.106 (1) (a) “Brownfield” ~~has the meaning given in s. 560.13 (1) (a)~~ means an
5 abandoned, idle, or underused industrial or commercial facility or site the expansion
6 or redevelopment of which is adversely affected by actual or perceived environmental
7 contamination.

8 **SECTION 9.** 101.143 (4) (cc) 2. b. of the statutes is amended to read:

9 101.143 (4) (cc) 2. b. An applicant that is engaged in the expansion or
10 redevelopment of brownfields, as defined in s. ~~560.13 (1) (a)~~ 560.60 (1) (v), if federal
11 or state financial assistance other than under this section, has been provided for that
12 expansion or redevelopment.

Inset
3-12 →

13 **SECTION 10.** 292.74 of the statutes is created to read:

14 **292.74 Brownfields grant program. (1) DEFINITIONS.** In this section:

15 (a) “Eligible site or facility” means an abandoned, idle, or underused industrial
16 or commercial facility or site the expansion or redevelopment of which is adversely
17 affected by actual or perceived environmental contamination.

18 (b) “Local governmental unit” means a city, village, town, county,
19 redevelopment authority created under s. 66.1333, community development
20 authority created under s. 66.1335, or housing authority.

21 (2) GRANTS. (a) The department shall administer a program to award grants
22 from the appropriation under s. 20.370 (6) (es) for the following purposes:

1 1. The investigation of an eligible site or facility to determine the existence and
2 extent of environmental contamination of the eligible site or facility.

3 2. Removing or containing environmental contamination and restoring the
4 environment at an eligible site or facility.

5 (b) The department may award a grant under this section to an individual,
6 partnership, limited liability company, corporation, nonprofit organization, or local
7 governmental unit.

Insert
4-7 →

8 (3) DEPARTMENT DUTIES. (a) The department shall promulgate rules for the
9 program under this section that include all of the following:

10 1. A competitive scoring system for evaluating grant applications that, for
11 grants under sub. (2) (a) 2., includes consideration of the severity of the risks posed
12 by the contamination, the potential for economic development, the contribution to
13 remediation of contamination affecting ~~properties owned by~~ ^{property} more than one ~~entity~~ ^{entity}

14 and the potential for the creation of green spaces ^{or the use for public facilities}

15 3. ~~2~~ Provisions for ensuring distribution of grant funds throughout the state.

16 4. ~~3~~ Provisions for determining the percentage of costs to be paid through a grant,
17 which may vary based on the financial circumstances of the applicant.

18 (b) The department shall inform applicants of other potential sources of
19 funding for activities proposed in grant applications.

20 SECTION 11. 292.75 of the statutes is repealed.

21 SECTION 12. 292.77 of the statutes is repealed.

22 SECTION 13. 292.79 of the statutes is repealed.

23 SECTION 14. 560.13 of the statutes is repealed.

24 SECTION 15. 560.138 (1) (ac) of the statutes is amended to read:

2. Provisions ^{specifying} the activities that may be ^{covered by} grants under this section.

1 560.138 (1) (ac) "Brownfields" has the meaning given in s. ~~560.13 (1) (a)~~ 560.60
2 (1v).

3 **SECTION 16.** 560.139 (1) (c) of the statutes is repealed.

4 **SECTION 17.** 560.41 (1) of the statutes is repealed.

5 **SECTION 18.** 560.44 of the statutes is repealed.

6 **SECTION 9138. Nonstatutory provisions; natural resources.**

7 (1) BROWNFIELDS GRANT RULES. The department of natural resources may use
8 the procedure under section 227.24 of the statutes to promulgate rules under section
9 292.74 (3) of the statutes, as created by this act, for the period before the effective date
10 of the permanent rules, but not to exceed the period authorized under section 227.24
11 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3)
12 of the statutes, the department is not required to provide evidence that promulgating
13 a rule under this subsection as an emergency rule is necessary for the preservation
14 of the public peace, health, safety, or welfare and is not required to provide a finding
15 of emergency for a rule promulgated under this subsection.

(END)

Insert
16
5-15

Section #. 292.255 of the statutes is amended to read:

* **292.255 Report on brownfield efforts.** The department of natural resources, ^{and} the department of administration ~~and the department of commerce~~ shall submit a report evaluating the effectiveness of this state's efforts to remedy the contamination of, and to redevelop, brownfields, as defined in s. 560.60 (1v).

History: 1999 a. 9, 84.

end insert

Section # ~~292.75(2)~~ (c) of the statutes is amended to read:

From

a ~~292.75(2)~~

~~292.75(2)~~ (c) The department may only award grant under this section if the person that caused the environmental contamination that is the basis for the grant request is unknown, cannot be located or is financially unable to pay the cost of the eligible activities.

History: 1999 a. 9; 2001 a. 16, 30.

end insert

2003

Nonstat File Sequence: **AAA**

LRB 1546 12

NONSTAT SESSLAW

1. In the component bar:

For the action phrase, execute: create → action: → *NS: → nonstat

For the budget action phrase, execute: create → action: → *NS: → 91XX

For a subsection, execute: create → text: → *NS: → sub

For a paragraph, execute: create → text: → *NS: → par

For a subdivision, execute: create → text: → *NS: → subd

For a subdivision paragraph, execute: create → text: → *NS: → subpar

2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the 9100 department code.

SECTION # 91]. Nonstatutory provisions: ...

(#1) () Outstanding ^{C&S} brownfields grants.....

No #
The department of natural resources shall oversee projects awarded grants under section 560.13, 2001 stats., for which funds have been encumbered but grants have not been paid on the effective date of this subsection.

end insert



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-1546/2
RCT:kjf:jf

DOA:.....Mawdsley – BB0375, Brownfields program consolidation
FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
ENVIRONMENT

HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP

Under the Brownfields Grant Program in current law, the Department of Commerce makes grants for redevelopment of brownfields and remediation activities associated with that redevelopment. Brownfields are abandoned, idle, or underused industrial or commercial facilities or sites the expansion or redevelopment of which is adversely affected by actual or perceived environmental contamination. Redevelopment includes reconstruction, renovation, and rehabilitation activities. Remediation includes investigation, analysis, and monitoring of the site, removing or containing any environmental pollution, and restoring soil or groundwater. Also under current law, DNR administers three grant programs related to brownfields. The Brownfield Site Assessment Grant Program provides grants to local governmental units for investigating environmental contamination and for activities like demolition and removing storage tanks. The Sustainable Urban Development Zone Program provides funds to municipalities for investigating environmental contamination and conducting cleanups of brownfields. The Brownfields Green Space Grant Program provides grants to local governmental units for brownfields remediation projects that have long-term public benefits, including the preservation of green space.

This bill eliminates the Brownfields Grant Program administered by the Department of Commerce and the three grant programs related to brownfields

administered by DNR. The bill establishes a new Brownfields Grant Program administered by DNR. Under the program, DNR makes grants to local governmental units and private entities for two purposes:

1. The investigation of brownfields to determine the existence and extent of environmental contamination.

2. Removing or containing environmental contamination at brownfields and restoring the environment.

The bill requires DNR to promulgate rules including a competitive scoring system for evaluating applications for brownfields grants and including provisions for ensuring that grants will be distributed throughout the state.

Current law gives the Business Development Assistance Center in the Department of Commerce responsibilities related to brownfields, including promoting brownfields redevelopment projects. This bill eliminates the brownfields-related responsibilities of the Business Development Assistance Center.

For further information see the *state and local* 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.** 20.143 (1) (br) of the statutes is repealed.

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

2 **SECTION 2.** 20.143 (1) (qa) of the statutes is repealed.

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3 **SECTION 3.** 20.143 (1) (qm) of the statutes is repealed.

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

4 **SECTION 4.** 20.370 (6) (er) of the statutes is repealed.

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5 **SECTION 5.** 20.370 (6) (es) of the statutes is created to read:

6 20.370 (6) (es) *Brownfields grant program.* Biennially, from the environmental
7 fund, the amounts in the schedule for brownfields grants under s. 292.74.

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1 **SECTION 6.** 20.370 (6) (et) of the statutes is repealed.

 ***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

2 **SECTION 7.** 20.370 (6) (eu) of the statutes is repealed.

 ***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3 **SECTION 8.** 75.106 (1) (a) of the statutes is amended to read:

4 75.106 (1) (a) “Brownfield” ~~has the meaning given in s. 560.13 (1) (a)~~ means an
5 abandoned, idle, or underused industrial or commercial facility or site the expansion
6 or redevelopment of which is adversely affected by actual or perceived environmental
7 contamination.

8 **SECTION 9.** 101.143 (4) (cc) 2. b. of the statutes is amended to read:

9 101.143 (4) (cc) 2. b. An applicant that is engaged in the expansion or
10 redevelopment of brownfields, as defined in s. ~~560.13 (1) (a)~~ 560.60 (1) (v), if federal
11 or state financial assistance other than under this section, has been provided for that
12 expansion or redevelopment.

13 **SECTION 10.** 292.255 of the statutes is amended to read:

14 **292.255 Report on brownfield efforts.** The department of natural
15 resources, and the department of administration ~~and the department of commerce~~
16 shall submit a report evaluating the effectiveness of this state’s efforts to remedy the
17 contamination of, and to redevelop, brownfields, as defined in s. 560.60 (1v).

18 **SECTION 11.** 292.74 of the statutes is created to read:

19 **292.74 Brownfields grant program. (1) DEFINITIONS.** In this section:

20 (a) “Eligible site or facility” means an abandoned, idle, or underused industrial
21 or commercial facility or site the expansion or redevelopment of which is adversely
22 affected by actual or perceived environmental contamination.

1 (b) “Local governmental unit” means a city, village, town, county,
2 redevelopment authority created under s. 66.1333, community development
3 authority created under s. 66.1335, or housing authority.

4 **(2) GRANTS.** (a) The department shall administer a program to award grants
5 from the appropriation under s. 20.370 (6) (es) for the following purposes:

6 1. The investigation of an eligible site or facility to determine the existence and
7 extent of environmental contamination of the eligible site or facility.

8 2. Removing or containing environmental contamination and restoring the
9 environment at an eligible site or facility.

10 (b) The department may award a grant under this section to an individual,
11 partnership, limited liability company, corporation, nonprofit organization, or local
12 governmental unit.

13 (c) The department may only award a grant under this section if the person that
14 caused the environmental contamination that is the basis for the grant request is
15 unknown, cannot be located or is financially unable to pay the cost of the eligible
16 activities.

17 **(3) DEPARTMENT DUTIES.** (a) The department shall promulgate rules for the
18 program under this section that include all of the following:

19 1. A competitive scoring system for evaluating grant applications that, for
20 grants under sub. (2) (a) 2., includes consideration of the severity of the risks posed
21 by the contamination, the potential for economic development, the contribution to
22 remediation of contamination affecting more than one property, and the potential for
23 the creation of green spaces or the use for public facilities.

24 2. Provisions specifying the activities that may be covered by grants under this
25 section.

1 3. Provisions for ensuring distribution of grant funds throughout the state.

2 4. Provisions for determining the percentage of costs to be paid through a grant,
3 which may vary based on the financial circumstances of the applicant.

4 (b) The department shall inform applicants of other potential sources of
5 funding for activities proposed in grant applications.

6 **SECTION 12.** 292.75 of the statutes is repealed.

7 **SECTION 13.** 292.77 of the statutes is repealed.

8 **SECTION 14.** 292.79 of the statutes is repealed.

9 **SECTION 15.** 560.13 of the statutes is repealed.

10 **SECTION 16.** 560.138 (1) (ac) of the statutes is amended to read:

11 560.138 (1) (ac) “Brownfields” has the meaning given in s. ~~560.13 (1) (a)~~ 560.60
12 (1v).

13 **SECTION 17.** 560.139 (1) (c) of the statutes is repealed.

14 **SECTION 18.** 560.41 (1) of the statutes is repealed.

15 **SECTION 19.** 560.44 of the statutes is repealed.

16 **SECTION 9138. Nonstatutory provisions; natural resources.**

17 (1) BROWNFIELDS GRANT RULES. The department of natural resources may use
18 the procedure under section 227.24 of the statutes to promulgate rules under section
19 292.74 (3) of the statutes, as created by this act, for the period before the effective date
20 of the permanent rules, but not to exceed the period authorized under section 227.24
21 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3)
22 of the statutes, the department is not required to provide evidence that promulgating
23 a rule under this subsection as an emergency rule is necessary for the preservation
24 of the public peace, health, safety, or welfare and is not required to provide a finding
25 of emergency for a rule promulgated under this subsection.

1 (2) OUTSTANDING BROWNFIELDS GRANTS. The department of natural resources
2 shall oversee projects awarded grants under section 560.13, 2001 stats., for which
3 funds have been encumbered but grants have not been paid on the effective date of
4 this subsection.

5

(END)