

**ASSEMBLY AMENDMENT 25,  
TO 2003 SENATE BILL 44**

June 19, 2003 – Offered by Representatives HEBL, BALOW and MILLER.

1           At the locations indicated, amend the bill, as shown by senate substitute  
2 amendment 1, as follows:

3           **1.** Page 103, line 9: delete lines 9 and 10.

4           **2.** Page 106, line 21: delete lines 21 to 24.

5           **3.** Page 158, line 21: after that line insert:

6           “(es) Brownfields grant program           SEG    B    9,200,000   9,200,000”.

7           **4.** Page 158, line 22: delete lines 22 and 23.

8           **5.** Page 159, line 1: delete lines 1 and 2.

9           **6.** Page 279, line 2: after that line insert:

10           “**SECTION 292.** 20.143 (1) (br) of the statutes is repealed.”.

11           **7.** Page 281, line 19: after that line insert:

12           “**SECTION 295.** 20.143 (1) (qa) of the statutes is repealed.

1           **SECTION 296.** 20.143 (1) (qm) of the statutes is repealed.”.

2           **8.** Page 301, line 17: after that line insert:

3           “**SECTION 409b.** 20.370 (6) (es) of the statutes is created to read:

4           20.370 **(6)** (es) *Brownfields grant program.* Biennially, from the environmental  
5 fund, the amounts in the schedule for brownfields grants under s. 292.74 and under  
6 2003 Wisconsin Act .... (this act), section 9138 (2xk).

7           **SECTION 410.** 20.370 (6) (et) of the statutes is repealed.

8           **SECTION 411.** 20.370 (6) (eu) of the statutes is repealed.”.

9           **9.** Page 687, line 19: after that line, after the material inserted by senate  
10 amendment 121, insert:

11           “**SECTION 1633.** 75.106 (1) (a) of the statutes is amended to read:

12           75.106 **(1)** (a) “Brownfield” ~~has the meaning given in s. 560.13 (1) (a)~~ means an  
13 abandoned, idle, or underused industrial or commercial facility or site the expansion  
14 or redevelopment of which is adversely affected by actual or perceived environmental  
15 contamination.”.

16           **10.** Page 754, line 19: after that line insert:

17           “**SECTION 1838.** 101.143 (4) (cc) 2. b. of the statutes is amended to read:

18           101.143 **(4)** (cc) 2. b. An applicant that is engaged in the expansion or  
19 redevelopment of brownfields, as defined in s. ~~560.13 (1) (a)~~ 560.60 (1) (v), if federal  
20 or state financial assistance other than under this section, has been provided for that  
21 expansion or redevelopment.”.

22           **11.** Page 924, line 6: after that line insert:

23           “**SECTION 2476.** 292.255 of the statutes is amended to read:

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

5           **SECTION 2477.** 292.74 of the statutes is created to read:

6           **292.74 Brownfields grant program. (1) DEFINITIONS.** In this section:

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

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

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

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

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

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

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

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

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

8           2. Provisions specifying the activities that may be covered by grants under this  
9 section.

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

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

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

15           **SECTION 2478.** 292.75 of the statutes is repealed.”.

16           **12.** Page 924, line 7: after that line insert:

17           “**SECTION 2480.** 292.79 of the statutes is repealed.”.

18           **13.** Page 975, line 13: after that line insert:

19           “**SECTION 2620.** 560.13 of the statutes is repealed.

20           **SECTION 2621.** 560.138 (1) (ac) of the statutes is amended to read:

21           560.138 **(1)** (ac) “Brownfields” has the meaning given in s. ~~560.13 (1) (a)~~ 560.60  
22 (1v).

23           **SECTION 2622.** 560.139 (1) (c) of the statutes is repealed.”.

24           **14.** Page 975, line 19: after that line insert:

1           **“SECTION 2625.** 560.41 (1) of the statutes is repealed.

2           **SECTION 2626.** 560.44 of the statutes is repealed.”.

3           **15.** Page 1055, line 17: delete lines 17 to 23.

4           **16.** Page 1080, line 3: delete lines 3 to 10 and substitute:

5           “(1k) **BROWNFIELDS GRANT RULES.** The department of natural resources may use  
6 the procedure under section 227.24 of the statutes to promulgate rules under section  
7 292.74 (3) of the statutes, as created by this act, for the period before the effective date  
8 of the permanent rules, but not to exceed the period authorized under section 227.24  
9 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3)  
10 of the statutes, the department is not required to provide evidence that promulgating  
11 a rule under this subsection as an emergency rule is necessary for the preservation  
12 of the public peace, health, safety, or welfare and is not required to provide a finding  
13 of emergency for a rule promulgated under this subsection.

14           (2k) **OUTSTANDING BROWNFIELDS GRANTS.** The department of natural resources  
15 shall oversee projects awarded grants under section 560.13, 2001 stats., for which  
16 funds have been encumbered but grants have not been paid on the effective date of  
17 this subsection.

18           (2xk) **BROWNFIELDS GRANTS FOR APPLICANTS UNDER PRIOR PROGRAMS.**

19           (a) *Department of commerce brownfields grant program.* During the 2003–05  
20 fiscal biennium, the department of natural resources may review applications  
21 submitted to the department of commerce by October 25, 2002, for grants under  
22 section 560.13, 2001 stats., and may use the criteria under that section and rules  
23 promulgated by the department of commerce under that section to make grants of  
24 up to a total of \$6,250,000 from the appropriation under section 20.370 (6) (es) of the

1 statutes, as created by this act, to applicants that would have been eligible for grants  
2 under section 560.13, 2001 stats.

3 (b) *Brownfields green space grants.* During the 2003–05 fiscal biennium, the  
4 department of natural resources may review applications submitted to the  
5 department by January 17, 2003, for grants under section 292.79, 2001 stats., and  
6 may use the criteria under that section and rules promulgated by the department  
7 under that section to make grants of up to a total of \$1,000,000 from the  
8 appropriation under section 20.370 (6) (es) of the statutes, as created by this act, to  
9 applicants that would have been eligible for grants under section 292.79, 2001  
10 stats.”.

11 (END)