

2003 DRAFTING REQUEST

Assembly Amendment (AA-SB44)

Received: **06/18/2003**

Received By: **btradewe**

Wanted: **Soon**

Identical to LRB:

For: **Tom Hebl (608) 266-7678**

By/Representing: **Molly**

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: **Rep.Hebl@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Restore brownfields consolidation

Instructions:

Restore the Governor's brownfields consolidation provision

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>
/P1	btradewe 06/18/2003	wjackson 06/18/2003	pgreensl 06/19/2003	_____			
/1	btradewe 06/19/2003	kfollett 06/19/2003	rschlue 06/19/2003	_____	sbasford 06/19/2003	sbasford 06/19/2003	

FE Sent For:

<END>

2003 DRAFTING REQUEST

Assembly Amendment (AA-SB44)

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Identical to LRB:

For: Tom Hebl (608) 266-7678

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Subject: Environment - env. cleanup

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Submit via email: YES

Requester's email: Rep.Hebl@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Restore brownfields consolidation

Instructions:

Restore the Governor's brownfields consolidation provision plus the DOB follow-up amendment

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>
/P1	btradewe	1/PI WLJ 6/19	6/18	6/18			
		1/18	PS	PSA			
		6/19					

FE Sent For:

END
6-19-3

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



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBb0716/P1
RCT...
WLj

SOON

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT,
TO 2003 SENATE BILL 44

DNate

1 At the locations indicated, amend the bill as follows:

as shown by senate substitute amendment 1,

- 2 ↓ 1. Page 103, line 9: delete lines 9 and 10.
- 3 ↓ 2. Page 106, line 21: delete lines 21 to 24.
- 4 ↓ 3. Page 158, line 21: after that line insert:
- 5 (5) ↓ (es) Brownfields grant program SEG B 9,200,000 9,200,000".
- 6 ↓ 4. Page 158, line 22: delete lines 22 and 23.
- 7 ↓ 5. Page 159, line 1: delete lines 1 and 2.
- 8 ↓ 6. Page 279, line 2: after that line insert:
- 9 ↓ 7. Page 281, line 19: after that line insert:
- 10 ↓ 8. Page 301, line 17: after that line insert:
- 11 ↓ 9. Page 687, line 19: after that line insert:

Insert 1 →
Insert 2 →
Insert 3 →
Insert 4 →

- 1 **10.** Page 754, line 19: after that line insert:
- 2 **11.** Page 924, line 6: after that line insert:
- 3 **12.** Page 975, line 13: after that line insert:
- 4 **13.** Page 975, line 19: after that line insert:
- 5 **14.** Page 1055, line 17: delete lines 17 to 23.
- 6 **15.** Page 1080, line 3: delete lines 3 to 10 and substitute:
- 7

Inserts 5, 6, 8, 9, 10 & 60042

(END)

DNote

#. Page 924, line 7 after that line insert:
Insert 7

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 *Insert 1* ²⁹² 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 *Insert 2* ²⁹⁵ 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.

③ ²⁹⁶ 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. *(in cub)*

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

5 ^{409b} SECTION 5. 20.370 (6) (es) of the statutes is created to read:

6 *Insert* 20.370 (6) (es) *Brownfields grant program.* Biennially, from the environmental

7 3 fund, the amounts in the schedule for brownfields grants under s. 292.746 *and under 2003 Wisconsin Act 22K*

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

section 9138 (1)(b) ↑ 2xK



⑥ 410

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.

⑥ 111

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

end of insert 3

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

⑥ 1633

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

Insert 4

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

⑥ 1838

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

Insert 5

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

⑥ 2476

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

Insert 6

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).

⑥ 2477

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

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

(a) "Eligible site or facility" means an abandoned, idle, or underused industrial or commercial facility or site the expansion or redevelopment of which is adversely 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. ✓

end of insert
6

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

INCSA 7

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

Insert 8

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. ✓

Insert 9

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.

Insert 10

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 *end of*
insert
2 *10*

~~(2)~~

OUTSTANDING BROWNFIELDS GRANTS. 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.

5

(END)

~~△~~

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE AMENDMENT,
TO 2003 SENATE BILL 44

1 At the locations indicated, amend the bill as follows:

2 1. Page 355, line 15: after "292.74" insert "and under 2003 Wisconsin Act
3 (this act), section 9138 (2x)".

4 2. Page 1085, line 6: after that line insert:

5 ~~"(2x)~~ BROWNFIELDS GRANTS FOR APPLICANTS UNDER PRIOR PROGRAMS.

Insert
body 2

6 (a) *Department of commerce brownfields grant program.* During the 2003-05
7 fiscal biennium, the department of natural resources may review applications
8 submitted to the department of commerce by October 25, 2002, for grants under
9 section 560.13, 2001 stats., and may use the criteria under that section and rules
10 promulgated by the department of commerce under that section to make grants of
11 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.”

end of insert 60092

11

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0716/P1dn

RCT: J:.....

WJ

This amendment restores the governor's proposal to consolidate brownfields grant programs with the modification that DOA requested after the bill was introduced. If you have any questions, please do not hesitate to call.

Rebecca C. Tradewell
Managing Attorney
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E-mail: becky.tradewell@legis.state.wi.us



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBb0716/1

RCT:wlj:pg

Today

Ymr
Egf

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

ASSEMBLY AMENDMENT,
TO 2003 SENATE BILL 44

DN Note

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:

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

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

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

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

5 20.370 (6) (es) *Brownfields grant program.* Biennially, from the environmental
6 fund, the amounts in the schedule for brownfields grants under s. 292.74 and under
7 2003 Wisconsin Act ... (this act), section 9138 (2xk).

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

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

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

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)

DNote

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

LRBb0716/1dn
RCT:wlj:pg

June 18, 2003

This amendment restores the governor's proposal to consolidate brownfields grant programs with the modification that DOA requested after the bill was introduced. If you have any questions, please do not hesitate to call.

Rebecca C. Tradewell
Managing Attorney
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E-mail: becky.tradewell@legis.state.wi.us

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FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb0716/1dn
RCT:wlj:rs

June 19, 2003

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