

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3167/1dn
RCT:kjf:pg

September 9, 2003

This draft makes changes in the Dry Cleaner Environmental Response Program.

Changing the definition of "dry cleaning product," as this draft does, may change the substances for which fees are required to be paid to DOR under s. 77.9962. If so, the draft should probably have an initial applicability provision, which would say that the change first applies to sales made or fees due on a specified date. The definition of "dry cleaning product" was changed last session. I thought that the reason was that some substances that are now being used for dry cleaning are not solvents, but I may be misremembering. If some of the substances that are being used are not solvents, this change in the definition will exclude them.

The instructions from DNR indicated that the statute "should also clarify that one cannot assign their rights to eligibility under this program to someone else." I am not sure what the concern is here. I cannot see any other programs that include such a provision. It seems to me that either you are eligible for a program or you are not and that if you are not, you could not apply or get a payment under the program, except for one thing. Section 292.65 (8) (i) allows an owner or operator to assign the right to get a payment to a lender. This is patterned on a provision in PECFA (leaky underground storage tank program) and it helps applicants get the loans they need to finance a cleanup until they get payment from DNR. I do not know whether DNR wants to repeal s. 292.65 (8) (i). Please let me know if you want to pursue this or if you would like me to discuss this with DNR.

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