

**SENATE AMENDMENT 2,
TO 2003 SENATE BILL 324**

February 24, 2004 – Offered by COMMITTEE ON ENVIRONMENT AND NATURAL
RESOURCES.

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

2 **1.** Page 2, line 1: before that line insert:

3 “SECTION **1g.** 25.48 of the statutes is amended to read:

4 **25.48 Dry cleaner environmental response fund.** There is established a
5 separate nonlapsible trust fund designated as the dry cleaner environmental
6 response fund, to consist of the moneys required under s. 77.9964 (3) to be deposited
7 in the fund and moneys collected under ss. 292.65 (8) (j), (8m)₁ and (9) (c).”.

8 **2.** Page 2, line 1: substitute “**1m**” for “**1**”.

9 **3.** Page 7, line 11: after that line insert:

10 “SECTION **21r.** 292.65 (7) (b) of the statutes is created to read:

11 292.65 (7) (b) *Costs incurred by 3rd parties.* 1. In this paragraph, “3rd party”
12 means a person who is not an owner or operator or the agent of an owner or operator.

1 2. Eligible costs for an award under this section include reasonable and
2 necessary costs, up to \$15,000, incurred by a 3rd party in the discovery of a discharge
3 of dry cleaning product from an eligible owner’s or operator’s dry cleaning facility
4 before the eligible owner or operator discovered the discharge, notwithstanding
5 noncompliance with the procedural requirements of sub. (4) in relation to the costs
6 incurred by the 3rd party.”.

7 **4.** Page 8, line 6: after that line insert:

8 “**SECTION 24m.** 292.65 (8) (c) of the statutes is amended to read:

9 292.65 **(8)** (c) *Approval.* Subject to par. (d), if the department finds that an
10 applicant meets the requirements of this section and rules promulgated under this
11 section, the department shall make an award as provided in this subsection to
12 reimburse the applicant for eligible costs paid. The department may not make an
13 award for an investigation before it approves the investigation. The department may
14 not make an award for remedial action activities before it approves the remedial
15 action activities.”.

16 **5.** Page 8, line 11: after that line insert:

17 “**SECTION 25g.** 292.65 (8) (e) (intro.) of the statutes is amended to read:

18 292.65 **(8)** (e) *Deductible.* (intro.) The department may reimburse make an
19 award to the owner or operator of a dry cleaning facility only for eligible costs
20 incurred at each dry cleaning facility that exceed the following deductible.”.

21 **6.** Page 8, line 21: after that line insert:

22 “**SECTION 26r.** 292.65 (8) (j) 3m. of the statutes is created to read:

23 292.65 **(8)** (j) 3m. If a person other than an owner or operator prepares a
24 statement that is submitted by the owner or operator to obtain payment for costs

1 incurred by a 3rd party under sub. (7) (b) and the statement includes ineligible costs,
2 the person shall pay to the department an amount equal to 50% of the amount of
3 ineligible costs included in the statement. Payments made under this subdivision
4 shall be deposited in the dry cleaner environmental response fund.”.

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(END)