

**2003 DRAFTING REQUEST**

**Bill**

Received: **09/19/2003**

Received By: **btradewe**

Wanted: **Soon**

Identical to LRB:

For: **Carol Roessler (608) 266-5300**

By/Representing: **Karen Asbjornson**

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

Drafter: **btradewe**

May Contact: **Darci Foss, DNR**

Addl. Drafters:

Subject: **Environment - env. cleanup**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Roessler@legis.state.wi.us**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Brownfields, authorize DNR to create voluntary environmental insurance program

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**Instructions:**

See Attached

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**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>
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FE Sent For:

*None  
needed*

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**LRB-3323**

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/?	btradewe	11/10/27 JLD					

FE Sent For:

<END>

# Tradewell, Becky

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**From:** Asbjornson, Karen  
**Sent:** Friday, September 19, 2003 9:35 AM  
**To:** Tradewell, Becky  
**Subject:** Re: Brownfields Legislation

**Importance:** High

Hi Becky,

Per our discussion, please draft each of the following topics individually.

The first document contains the actual draft statutory language for the first four items in the "Table of FY 2003-2005 BF Study Group Recommendations." This language was drafted, included in the Governor's 2001-03 executive budget, but pulled out at JFC. It covers:

- The 2 county tax delinquency issues
- Changes to the Voluntary Party statute
- An exemption for local governments for solid waste sites



Exec budget lang  
2001-03 Inst ...



Table of 2003-05  
Recos\_.doc



ER Law changes -  
lists.doc



292.31 editorial  
clarification...



Cost recovery and  
exemptions.d...



drycleaner lien  
issue.doc



deed  
restrictions.doc



bf and taxes.doc



development zone  
tax credits.d...



ertifstatBFSG03510  
WSA1.doc



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statchangeINSURA  
NCE.doc



LR Loan Program  
changes.doc



Revolving loan fund  
authority...



. SW Exemption.doc



VPLE changes  
2.doc

Here is Darsi's contact info if you need it:

**Darsi Foss**

Chief

Brownfields Section

Bureau for Remediation and Redevelopment

Wisconsin Department of Natural Resources

( ) phone: (608) 267-6713

( ) fax: (608) 267-7646

(+) e-mail: darsi.foss@dnr.state.wi.us

www.dnr.state.wi.us/org/aw/rr

Other individuals who have copies of the these are Tad in Panzer's office and Darsi Foss at DNR.

Please call or email with any questions or concerns. Thank you for your assistance. As I am sure you know, the sooner the better on the drafts.

Karen Asbjornson  
Office of Senator Carol Roessler  
(608) 266-5300/1-888-736-8720  
Karen.Asbjornson@legis.state.wi.us

**Recommended Changes to Wisconsin Statutes  
By the Brownfields Study Group**

TOPIC	Draft Language	RECOMMENDATION
7. Modify the Development Zone Tax Credits	No, Issue paper attached	-allow tax credits to be transferable between parent/subsidiary and, similar to Illinois, to successive property owners. -clarify that the tax credit be applicable to the owner's State of Wisconsin income, and not just income generated at the property
8. Clarify that persons "exempt" from specific provisions in the Spill Law (e.g., lenders and local governments) are not subject to cost recovery by the DNR.	Yes, for dry cleaners, but not for other two provisions.	-clarify that persons exempt from liability in the Spill Law are also exempt from cost recovery provisions in ss. 292.11, 292.31, 292.65, and 292.81, Stats. -Language attached for changes to s. 292.65, Stats., (Dry cleaners) but not for changes to 292.31 & 292.81, Stats. -LRB will need to draft cross-reference language for 292.31 and 292.81 regarding exempt parties and liens
9. Updates to the Environmental Repair law concerning the creation of the inventory, hazard ranking, remedial action schedule, and other updates	Yes Language is attached.	-clarify that the DNR will compile and maintain one data base of properties where hazardous substance discharges or environmental pollution has been reported to the DNR -- eliminate the inventory and hazard ranking. -Eliminate the remedial action schedule requirement, as this is outdated. -Other technical clarifications.
10. Language to clarify that the use of deed restrictions as part of an environmental clean up are enforceable by the DNR and run with the land once placed.	Yes. Language is attached.	-Clarify that the DNR has the authority to require a deed restriction be placed on a property, in accordance with DNR clean up rules. -Clarify that DNR can enforce that requirement. -Clarify that the deed restriction runs with the land.
11. Authorize DNR to create statewide, voluntary environmental insurance program for brownfields.	No. Issue paper is attached.	-Create new statutory section in ch. 292, Stats., which would authorize the DNR to create a program that makes "pre-negotiated, self-price" environmental insurance coverage available -- on a voluntary basis -- to stimulate private and public investment in brownfields cleanup and redevelopment.
12. Streamline the Land Recycling Loan Program (LRP).	No. Issue paper is attached.	-Eliminate the use of the Intent to Apply (ITA) form, and the December 31 deadline associated with it -direct financing for Phase I and II environmental assessments, and site investigations



-3323 11

Statutory Language Proposals – Brownfields Legislation:

ISSUE/TOPIC:	Authorize DNR to create statewide, voluntary environmental insurance program for brownfields.
PROPOSED CHANGE:	Create new statutory section in ch. 292, Stats., which would authorize the DNR to create a program that makes “pre-negotiated, set-price” environmental insurance coverage available – on a voluntary basis - to stimulate private and public investment in brownfields cleanup and redevelopment.
EXPLANATORY NOTE:	Create statutory language that authorizes DNR to work with Department of Administration State Risk Management program to create an environmental insurance program for brownfields clean up and redevelopment. The law would give the DNR and DOA the authority, per s. 16.865(5), Stats., to assist with the creation of an insurance program and selection of an insurance company(ies) which will provide the insurance products for this program. Under this program, an insurance company selected would offer a pre-negotiated, set-price package of environmental insurance products. This program would be completely voluntary, and open to any person. In order to establish this program, the DNR may contract with an insurer to provide this coverage. The DNR need not promulgate administrative rules in order to establish this program.
DESIRED EFFECTIVE DATE:	The date the act takes effect.
CONTACT PERSON:	Darsi Foss (608) 267-6713



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-3323/1

RCT...:....

SOONCm 10/24)

Jld

2003 BILL

Gen

1 AN ACT ...; relating to: making private insurance available to facilitate  
2 environmental cleanups. ✓

*Analysis by the Legislative Reference Bureau*

\* This bill authorizes the Department of Natural Resources, in cooperation with the Department of Administration, to undertake activities to make insurance available to encourage and facilitate the cleanup and redevelopment of contaminated property. \*

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

3 SECTION 1. ✓ 292.53 of the statutes is created to read:

4 292.53 Availability of environmental insurance. The ✓ department, in  
5 cooperation with the department of administration, ✓ may undertake activities to  
6 make private environmental insurance products available to encourage and  
7 facilitate the cleanup ✓ and redevelopment of contaminated property. The department ✓

of natural resources



**Tradewell, Becky**

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**From:** Asbjornson, Karen  
**Sent:** Wednesday, February 04, 2004 5:27 PM  
**To:** Tradewell, Becky  
**Subject:** Re: Brownfield Legislation Priorities

Hi Becky,

The following two drafts are the two brownfields proposals that Senator Roessler would like to get introduced this session:

**1. LRB - 3319/1 Provide Clear Statutory Authority to Receive and Implement Federal Brownfields RLF**

One minor change is needed:

- Sections 3 and 4: Please add the term "or grants" to read "make loans or grants for the remediation..." If the state receives RLF moneys, it has the option to make the funds available either as loans, or as a combination of loans (no less than 60% of the funds) and grants (no more than 40% of the funds). Thus, we request the statute reflect that option.

**2. LRB 03-3323 Statewide Voluntary Insurance Program**

No changes - please jacket this draft

P.S. I will follow up with changes on the other drafts but these two are our priorities out of all the drafts we sent over regarding brownfields.

Karen Asbjornson  
Office of Senator Carol Roessler  
(608) 266-5300/1-888-736-8720  
Karen.Asbjornson@legis.state.wi.us