

## 2005 DRAFTING REQUEST

### Bill

Received: **04/12/2005**

Received By: **jkreye**

Wanted: **Today**

Identical to LRB:

For: **Jason Fields (608) 266-3756**

By/Representing: **necl**

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

Drafter: **jkreye**

May Contact:

Addl. Drafters:

Subject: **Tax, Property - other**

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to: **joseph.kreye@legis.state.wi.us**

---

### Pre Topic:

No specific pre topic given

---

### Topic:

Assignment of property contaminated by hazardous substances

---

### Instructions:

See Attached

---

### 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>
/?	jkreye 04/12/2005	kfollett 04/12/2005		_____			S&L
/1	jkreye 05/19/2005	kfollett 05/19/2005	pgreensl 04/12/2005	_____	sbasford 04/12/2005	mbarman 04/12/2005	S&L
/2			pgreensl 05/19/2005	_____	lnorthro 05/19/2005	lnorthro 05/19/2005	

FE Sent For: 04/13/2005.

(1/1")

<END>

→ (1/2")  
At Intro.

### 2005 DRAFTING REQUEST

#### Bill

Received: 04/12/2005

Received By: jkreye

Wanted: Today

Identical to LRB:

For: Jason Fields (608) 266-3756

By/Representing: neci

This file may be shown to any legislator: NO

Drafter: jkreye

May Contact:

Addl. Drafters:

Subject: Tax, Property - other

Extra Copies:

Submit via email: YES

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

Carbon copy (CC:) to: joseph.kreye@legis.state.wi.us

---

#### Pre Topic:

No specific pre topic given

---

#### Topic:

Assignment of property contaminated by hazardous substances

---

#### Instructions:

See Attached

---

#### 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>
/?	jkreye 04/12/2005	kfollett 04/12/2005	5/19 ps	5/19			S&L
/1		12kjf 5/19	pgreensl 04/12/2005	ps/19	sbasford 04/12/2005	mbarman 04/12/2005	

FE Sent For:

→ 04-13-2005  
("1")

see attached

<END>

**2005 DRAFTING REQUEST**

**Bill**

Received: 04/12/2005

Received By: jkreye

Wanted: Today

Identical to LRB:

For: Jason Fields (608) 266-3756

By/Representing: neci

This file may be shown to any legislator: NO

Drafter: jkreye

May Contact:

Addl. Drafters:

Subject: Tax, Property - other

Extra Copies:

Submit via email: YES

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

Carbon copy (CC:) to: joseph.kreye@legis.state.wi.us

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Assignment of property contaminated by hazardous substances

---

**Instructions:**

See Attached

---

**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>
/?	jkreye 04/12/2005	kfollett 04/12/2005		_____			S&L
/1		12 kjf 5/19	pgreensl 04/12/2005	_____	sbasford 04/12/2005		

FE Sent For:

<END>

**2005 DRAFTING REQUEST**

**Bill**

Received: **04/12/2005**

Received By: **jkreye**

Wanted: **Today**

Identical to LRB:

For: **Jason Fields (608) 266-3756**

By/Representing: **neci**

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

Drafter: **jkreye**

May Contact:

Addl. Drafters:

Subject: **Tax, Property - other**

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to: **joseph.kreye@legis.state.wi.us**

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Assignment of property contaminated by harzardous substances

---

**Instructions:**

See Attached

---

**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>
/?	jkreye	1/12/05 4/12/05	4/12/05 P8	4/12/05 SMB			

FE Sent For:

<END>

**Kreye, Joseph**

---

**From:** Riley, Neci  
**Sent:** Tuesday, April 12, 2005 11:22 AM  
**To:** Kreye, Joseph  
**Subject:** FW: Residential Brownfields

Hi Joe,

Rep. Fields and Sen. Kanavas are working together on the residential brownfields bill, LRB 2706/1 . Rep. Fields is interested in drafting a companion bill in the Assembly. Could you please prepare the bill for the Assembly? Please see the attachment and emails below for more information.

Thanks,

Neci

Neci Riley  
Office of State Representative Jason M. Fields  
11th Assembly District  
420 North State Capitol  
PO Box 8952  
Madison, WI 53708

Phone: (608) 266-3756  
Fax: (608) 282-3611

---

**From:** Shepherd, Jeremy  
**Sent:** Monday, April 11, 2005 5:00 PM  
**To:** Riley, Neci; Reader, Chris  
**Cc:** 'hcolon@milwaukee.gov'  
**Subject:** RE: Residential Brownfields

OK, here's the draft for the residential Brownfield bill...please let me know if it looks alright with everyone.



05-27061.pdf

---

**From:** Riley, Neci  
**Sent:** Monday, April 11, 2005 3:21 PM  
**To:** Shepherd, Jeremy  
**Subject:** RE: Residential Brownfields

Hi Jeremy,

Sounds good.

Thanks,

Neci

Neci Riley  
Office of State Representative Jason M. Fields  
11th Assembly District  
420 North State Capitol  
Madison, WI 53702

Phone: (608) 266-3756  
Fax: (608) 282-3611

---

**From:** Shepherd, Jeremy  
**Sent:** Thursday, April 07, 2005 5:07 PM  
**To:** Riley, Neci; Reader, Chris  
**Subject:** Residential Brownfields

Hello,

It is my understanding that Kanavas, Fields and Honadel are going to work together on a Residential Brownfield bill. I have requested a bill draft in the Senate.

When I get the draft back, I'll share it with you so we can get an Assembly companion drafted. Please let me know if that works...

Thanks!

**Jeremy J. Shepherd**  
**Office of Senator Ted Kanavas**  
Wisconsin 33rd Senate District  
Room 10 South, State Capitol  
Madison, WI 53707-7882  
(608) 266-9174

2736/1  
JK:kj/rs  
AM

2005 BILL

Regen

in 4-12-05  
Woley, please

1 AN ACT *to amend* 75.106 (1) (a) of the statutes; **relating to:** the assignment of  
2 property contaminated by hazardous substances.

***Analysis by the Legislative Reference Bureau***

Under current law, a county may assign to a person the county's right to take judgment on property that is subject to foreclosure for delinquent taxes, if the parcel is a brownfield and if the person to whom the property is assigned agrees to clean up the property. Under current law, a brownfield is, generally, any abandoned, idle, or underused industrial or commercial property that has not been expanded or redeveloped because of actual or perceived environmental contamination. Under this bill, for purposes of assigning contaminated property, a brownfield also includes abandoned, idle, or underused residential property that has not been expanded or redeveloped because of actual or perceived environmental contamination.

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:***

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

4 75.106 (1) (a) "Brownfield" has the meaning given in s. 560.13 (1) (a) means  
5 abandoned, idle, or underused industrial, residential, or commercial facilities or



**BILL**

1 sites, the expansion or redevelopment of which is adversely affected by actual or  
2 perceived environmental contamination.

3 (END)

**Barman, Mike**

---

**From:** Fields, Jason  
**Sent:** Tuesday, April 12, 2005 2:28 PM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 05-2736/1 Topic: Assignment of property contaminated by hazardous substances

It has been requested by <Fields, Jason> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 05-2736/1 Topic: Assignment of property contaminated by hazardous substances

**Kreye, Joseph**

---

**From:** Riley, Neci  
**Sent:** Wednesday, April 13, 2005 2:06 PM  
**To:** Kreye, Joseph  
**Subject:** LRB 2736/1 Residential Brownfields

Hi Joe,

Can we please get a fiscal estimate for LRB 2736/1 relating to the assignment of property contaminated by hazardous substances?

Thank you,

Neci

Neci Riley  
Office of State Representative Jason M. Fields  
11th Assembly District  
420 North State Capitol  
PO Box 8952  
Madison, WI 53708

Phone: (608) 266-3756  
Fax: (608) 282-3611

**Kreye, Joseph**

---

**From:** Riley, Neci  
**Sent:** Wednesday, May 18, 2005 4:53 PM  
**To:** Kreye, Joseph  
**Subject:** LRB 2736 & SB 198



05-27062.pdf

*2736*

Hello Joe,

Months ago Rep. Fields was working on a bill with Sen. Kanavas re brownfields. Rep. Fields was drafting an Assembly companion (LRB 2738) to Sen. Kanavas' LRB 2706 (which is now SB 198). There were some changes made to Sen. Kanavas' original bill, LRB 2706. Could we please have those same changes made to LRB 2738? LRB 2738 should be identical to SB 198. Please reference info below and attachment. After the changes are made please have the bill jacketed.

Thanks,

Neci

Neci Riley  
Office of State Representative Jason M. Fields  
11th Assembly District  
420 North State Capitol  
PO Box 8952  
Madison, WI 53708

Phone: (608) 266-3756  
Fax: (608) 282-3611

-----Original Message-----

**From:** Kreye, Joseph  
**Sent:** Wednesday, April 20, 2005 8:17 AM  
**To:** 'Hector Colon'; Shepherd, Jeremy  
**Cc:** Carver, Anthony; Reader, Chris; Riley, Neci  
**Subject:** RE: We need a /2 to LRB 2706 - relating to residentialbrownfields

Hello all.

I believe Representative Albers' concern related to the foreclosure process may already be addressed under s. 75.106 (2), which reads as follows:

"intro.) Assignment authorized. Before a judgment is issued under s. 75.521, the governing body of a county may assign to a person the county's right to take judgment with respect to any parcel that is subject to the county's foreclosure action under s. 75.521, if all of the following apply:

...

(e) The assignment requires an environmental assessment of the parcel and requires that the department be provided the results of that assessment before a final judgment under s. 75.521 related to the parcel is granted to the assignee.

...

(g) The assignment and an affidavit from the county treasurer that attests to the county governing body's approval of the assignment are filed with the court that is presiding over the county's foreclosure action under s. 75.521."

In other words, current law already provides that the foreclosure process be initiated before the county may assign contaminated property. I can add the last phrase related to foreclosure, but it's redundant. Please advise.

Joseph T. Kreye  
Senior Legislative Attorney  
Legislative Reference Bureau  
(608) 266-2263

## 2005 SENATE BILL 198

May 5, 2005 – Introduced by Senators KANAVAS, DARLING, KEDZIE, GROTHMAN, ROESSLER and LASSA, cosponsored by Representatives FIELDS, HONADEL, GARD, ZEPNICK, MONTGOMERY, JENSEN, GRIGSBY, OTT, TOWNSEND, MCCORMICK, ALBERS, HAHN, GIELOW, HINES, LOTHIAN, PRIDEMORE, CULLEN, VRAKAS and BALLWEG. Referred to Committee on Natural Resources and Transportation.

1 AN ACT *to amend* 75.106 (1) (a) of the statutes; **relating to:** the assignment of  
2 property contaminated by hazardous substances.

---

### *Analysis by the Legislative Reference Bureau*

Under current law, a county may assign to a person the county's right to take judgment on property that is subject to foreclosure for delinquent taxes, if the parcel is a brownfield and if the person to whom the property is assigned agrees to clean up the property. Under current law, a brownfield is, generally, any abandoned, idle, or underused industrial or commercial property that has not been expanded or redeveloped because of actual or perceived environmental contamination. Under this bill, for purposes of assigning contaminated property, a brownfield is any abandoned, idle, or underused industrial or commercial property or any abandoned residential property.

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:*

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

4 75.106 (1) (a) "Brownfield" has the meaning given in s. 560.13 (1) (a) means  
5 abandoned, idle, or underused industrial or commercial facilities or sites or

**SENATE BILL 198**

**SECTION 1**

1 abandoned residential property, if the county in which the facility, site, or property  
2 is located has commenced a foreclosure action under s. 75.521.

3 (END)

# Memo

To: Senator  Representative  Fields

(The Draft's Requester)

Per your request: ... the attached fiscal estimate was prepared for your unIntroduced 2005 draft.

LRB Number: LRB -2736

Version: "1"

Fiscal Estimate Prepared By: (agency abbr.) DNR

If you have questions about the enclosed fiscal estimate, you may contact the state agency representative that prepared the fiscal estimate. If you disagree with the enclosed fiscal estimate, please contact the LRB drafter of your proposal to discuss your options under the fiscal estimate procedure.

Entered In Computer And Copy Sent To Requester Via E-Mail: 04/19 / 2005

\* \* \* \* \*

To: LRB - Legal Section PA's

Subject: *Fiscal Estimate Received For An Unintroduced Draft*

- > **If redrafted** ... please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version that this fiscal estimate was based on), and before the markup of the draft on the updated version.
- > **If introduced** ... and the version of the attached fiscal estimate is for a **previous version** ... please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version that this fiscal estimate was based on), and before the markup of the draft on the updated version. Have Mike (or Lynn) get the ball rolling on getting a fiscal estimate prepared for the introduced version.
- > **If introduced** ... and the version of the attached fiscal estimate is for the **current version** ... please write the draft's introduction number below and give to Mike (or Lynn) to process.

THIS DRAFT WAS INTRODUCED AS: 2005 \_\_\_\_\_



**Barman, Mike**

---

**From:** Barman, Mike  
**Sent:** Tuesday, April 19, 2005 11:09 AM  
**To:** Rep.Fields  
**Cc:** Riley, Neci  
**Subject:** LRB 05-2736/1 (FE by DNR - attached - for your review)



FE\_Fields.PDF

### Fiscal Estimate - 2005 Session

Original       Updated       Corrected       Supplemental

<b>LRB Number</b> 05-2736/1		<b>Introduction Number</b>	
<b>Subject</b> Assignment of property contaminated by harzardous substances			
<b>Fiscal Effect</b>			
<b>State:</b>			
<input type="checkbox"/> No State Fiscal Effect			
<input checked="" type="checkbox"/> Indeterminate			
<input type="checkbox"/> Increase Existing Appropriations		<input type="checkbox"/> Increase Existing Revenues	
<input type="checkbox"/> Decrease Existing Appropriations		<input type="checkbox"/> Decrease Existing Revenues	
<input type="checkbox"/> Create New Appropriations		<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input type="checkbox"/> No	
		<input type="checkbox"/> Decrease Costs	
<b>Local:</b>			
<input type="checkbox"/> No Local Government Costs			
<input checked="" type="checkbox"/> Indeterminate			
1. <input type="checkbox"/> Increase Costs		3. <input type="checkbox"/> Increase Revenue	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
2. <input type="checkbox"/> Decrease Costs		4. <input type="checkbox"/> Decrease Revenue	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
5. Types of Local Government Units Affected			
<input type="checkbox"/> Towns		<input type="checkbox"/> Village	
<input checked="" type="checkbox"/> Counties		<input checked="" type="checkbox"/> Others	
<input type="checkbox"/> School Districts		<input type="checkbox"/> Cities	
		City of Milwaukee	
		<input checked="" type="checkbox"/> WTCS Districts	
<b>Fund Sources Affected</b>		<b>Affected Ch. 20 Appropriations</b>	
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS			
<b>Agency/Prepared By</b>		<b>Authorized Signature</b>	
DNR/ Joe Polasek (608) 266-2794		Joe Polasek (608) 266-2794	
		<b>Date</b>	
		4/19/2005	

**Fiscal Estimate Narratives**

**DNR 4/19/2005**

LRB Number <b>05-2736/1</b>	Introduction Number	Estimate Type <b>Original</b>
<b>Subject</b> Assignment of property contaminated by harzardous substances		

**Assumptions Used in Arriving at Fiscal Estimate**

**Bill Summary:**

Under the current state statues dealing with land sold for taxes, a county or first class city may assign the right to foreclose on a tax delinquent brownfields property to a third party to promote cleanup and reuse. The current statutes define brownfields as industrial or commercial property. For the purposes of assigning contaminated property, this bill defines brownfields as including abandoned, idle, or underused residential or commercial property that has not been expanded or redeveloped because of actual or perceived environmental contamination.

**Fiscal Estimate:**

DNR records indicate 6 such property foreclosure agreements have been finalized in the state. While the state and other taxing jurisdictions would lose tax revenues due to the cancellation of major financial encumbrances such as delinquent property taxes, generally the property is put back on the tax rolls. In addition, those agreements include a commitment to clean up the property, thus increasing the overall value of the brownfields property. While there is a short-term loss in revenues, these properties are put back onto the tax rolls with their values generally increasing. Because of this, it is difficult to quantify the short-term loss in terms of the long-term gains. Expanding this to include residential properties should have negligible fiscal impacts.

**Long-Range Fiscal Implications**

None

## Fiscal Estimate Worksheet - 2005 Session

Detailed Estimate of Annual Fiscal Effect

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> 05-2736/1		<b>Introduction Number</b>	
<b>Subject</b>			
Assignment of property contaminated by hazardous substances			
<b>I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):</b>			
<b>II. Annualized Costs:</b>		<b>Annualized Fiscal Impact on funds from:</b>	
		Increased Costs	Decreased Costs
<b>A. State Costs by Category</b>			
State Operations - Salaries and Fringes		\$	
(FTE Position Changes)			
State Operations - Other Costs			
Local Assistance			
Aids to Individuals or Organizations			
<b>TOTAL State Costs by Category</b>		<b>\$</b>	<b>\$</b>
<b>B. State Costs by Source of Funds</b>			
GPR			
FED			
PRO/PRS			
SEG/SEG-S			
<b>III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)</b>			
		Increased Rev	Decreased Rev
GPR Taxes		\$	\$
GPR Earned			
FED			
PRO/PRS			
SEG/SEG-S			
<b>TOTAL State Revenues</b>		<b>\$</b>	<b>\$</b>
<b>NET ANNUALIZED FISCAL IMPACT</b>			
		State	Local
NET CHANGE IN COSTS		\$	\$
NET CHANGE IN REVENUE		\$	\$
<b>Agency/Prepared By</b>		<b>Authorized Signature</b>	<b>Date</b>
DNR/ Joe Polasek (608) 266-2794		Joe Polasek (608) 266-2794	4/19/2005



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-2736/1  
JK:kjf:pg

RM not R

2005 BILL

industrial or commercial property or  
any abandoned

in 5-19  
Troley

Regen

1 AN ACT to amend 75.106 (1) (a) of the statutes; relating to: the assignment of  
2 property contaminated by hazardous substances.

**Analysis by the Legislative Reference Bureau**

Under current law, a county may assign to a person the county's right to take judgment on property that is subject to foreclosure for delinquent taxes, if the parcel is a brownfield and if the person to whom the property is assigned agrees to clean up the property. Under current law, a brownfield is, generally, any abandoned, idle, or underused industrial or commercial property that has not been expanded or redeveloped because of actual or perceived environmental contamination. Under this bill, for purposes of assigning contaminated property, a brownfield ~~also includes~~ <sup>is</sup> ~~abandoned, idle, or underused residential property that has not been expanded or redeveloped because of actual or perceived environmental contamination.~~ <sup>is any</sup>

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:**

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

4 75.106 (1) (a) "Brownfield" ~~has the meaning given in s. 560.13 (1) (a) means~~  
5 abandoned, idle, or underused industrial, residential, or commercial facilities or

**BILL**

1 sites, the expansion or redevelopment of which is adversely affected by actual or  
 2 perceived environmental contamination.)

3 (END)

*or abandoned residential property, if the  
 which the facility, site, or property <sup>is</sup> located has  
 commenced a foreclosure action under s. 75.521*