

2013 DRAFTING REQUEST

Bill

Received: 1/2/2013 Received By: jkreye
Wanted: As time permits Same as LRB:
For: Natural Resources By/Representing: Michael Bruhn
May Contact: Drafter: jkreye
Subject: Tax, Other - miscellaneous Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: michael.bruhn@wisconsin.gov
Carbon copy (CC) to: joseph.kreye@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Public disclosure of licensed dry cleaners

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>
/P1	jkreye 1/17/2013	jdyer 1/17/2013	jmurphy 1/17/2013	_____	lparisi 1/17/2013		
/1		jdyer 1/17/2013	phenry 1/17/2013	_____	lparisi 1/17/2013	sbasford 4/12/2013	

FE Sent For:



<END>

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/P1	jkreye 1/3/2013	jdyer 1/17/2013	jmurphy 1/17/2013	_____	lparisi 1/17/2013		

FE Sent For:

1/17/13 JLD *km* *x*
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/P1	jkreye	PI 1/7 jld	Jan 18/13	Self			

FE Sent For:

<END>

Kreye, Joseph

From: Tradewell, Becky
Sent: Friday, December 28, 2012 3:19 PM
To: Kreye, Joseph
Subject: FW: DNR Drafting Request -Publically disclose business name and address of licensed dry cleaners
Attachments: Cover Memo_Proposed Statutory Change to Ch.11.15.12.docx; Legislative Proposals Form_Disclosure_Licensed_DC 11 15 12.docx

Joe, I think this is yours. Let me know if you think otherwise. Becky

From: Bruhn, Michael L - DNR [<mailto:Michael.Bruhn@wisconsin.gov>]
Sent: Friday, December 28, 2012 3:17 PM
To: Tradewell, Becky
Cc: Bruhn, Michael L - DNR
Subject: RE: DNR Drafting Request -Publically disclose business name and address of licensed dry cleaners

Becky,

Here is a DNR drafting request for the 2013-2014 Legislative Session.

Publically disclose business name and address of licensed dry cleaners. The Department of Revenue does not have the authority to disclose information necessary for the Department of Natural Resources to run its dry cleaners clean-up program. They cannot publically disclose the names and addresses of licensed dry cleaners. Without this information DNR is unable to fairly regulate all dry cleaners. Add language to Ch. 77.9964 to ensure that fees are being fairly paid by all dry cleaners and to comply with statutory provisions that dry cleaning solvent be distributed only to licensed dry cleaners.

There are two issue papers that provide additional information on these issues. Please feel free to contact me with any questions you may have.

Thanks!

Michael Bruhn
Legislative Liaison
Wisconsin Department of Natural Resources
(☎) phone: (608) 266-5375
(✉) e-mail: michael.bruhn@wisconsin.gov
Website: dnr.wi.gov
Find us on Facebook: www.facebook.com/WIDNR

CORRESPONDENCE/MEMORANDUM

DATE: November 15, 2012

TO: Mark Giesfeldt, Bureau Director – RR/5
Pat Stevens, Division Administrator – AD/8

FROM: Theresa Evanson – RR/5

SUBJECT: Proposed Statutory Change to Ch. 77.9964: Public Disclosure of Licensed Dry Cleaners

Under current statute, DOR is prohibited from disclosing the names and locations of licensed dry cleaners. In December 2011, the Governor's Dry Cleaner Council recommended* to the Governor and Legislature that DOR publish quarterly a list of all licensed dry cleaners. The purpose of this recommendation is to ensure that dry cleaner fees are fairly paid by all dry cleaners and obtain compliance with state statutes that require solvent be delivered only to licensed dry cleaners. The attached Legislative Proposal Form sets out the rational and proposed statutory language to allow disclosure of licensed dry cleaners.

If you have any questions please contact Theresa Evanson at (608) 266-0941 or theresa.evanson@wisconsin.gov or Lacey Cochart at (608) 267-0846 or lacey.cochart@wisconsin.gov.

*Dry Cleaner Environmental Response Program: 5 Year Program Evaluation, Dec. 2011,
<http://dnr.wi.gov/topic/Brownfields/documents/derp/2011govreport.pdf>

CORRESPONDENCE/MEMORANDUM

DATE: November 15, 2012

TO: Paul Heinen

FROM: Bureau of Remediation and Redevelopment
Division of Air, Waste, Remediation and Redevelopment

SUBJECT: 2013-2014 Legislative Proposal

1. Problem/Issue

Currently, DOR does not have the authority to publically disclose the business name and physical address of licensed dry cleaners in Wisconsin. DOR and DNR are in agreement that publishing a list of licensed dry cleaners would be beneficial. The purpose of this recommendation is to ensure that fees are being fairly paid by all dry cleaners in the state and to comply with statutory provisions that dry cleaning solvent only be distributed to licensed dry cleaners.

2. Description of Legislation

Add language to Ch. 77.9964, Stats:

“A current and regularly updated list, made available on paper and on the department's Internet Web site, of license holders that minimally includes detailed information on the business name, address where dry cleaning occurs, contact person, and date of license issuance for every dry cleaning facility issued under s. 77.9961.”

Strike: Reference to Ch. 71.78(1) to (4), Stats. from Ch. 77.9964(2), Stats.

3. Background

The Dry Cleaner Environmental Response Fund (DERF) has experienced significant revenue shortfall (up to \$1 million/yr) since 2007. The DERF helps protect the environment as well as the viability of small dry cleaner businesses. The Governor's Dry Cleaner Council recommended in December 2011 that the list of currently licensed dry cleaner businesses be made available to the public. This is necessary for two reasons:

- a. A publically available list would provide the public knowledge of which dry cleaner businesses are licensed and reveal which businesses are not licensed. This would allow the public to report unlicensed dry cleaners and provide DOR the opportunity to collect additional dry cleaner fees.
- b. Chapter 299.47, State stats., requires that suppliers of dry cleaner solvent may not sell or deliver solvent to any dry cleaning facility unless that facility is licensed. The penalty for such a sale is not more than \$500 per violation. A published list of licensed dry cleaner businesses would allow suppliers of dry cleaning solvent to more easily comply with this provision of the statute.

4. Past Legislation

5. Fiscal Estimate

Minimal impact. DOR receives 1 FTE from the Dry Cleaner Environmental Response Fund to manage fee collection from dry cleaners. The information requested is already available in DOR's database. This effort will require making the information publically available on a web page.

6. Bureau Contact

Theresa Evanson, 608-266-0941

SIGNATURES:

Legal Services _____

Bureau Director _____

Division Administrator _____



Handwritten initials

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

DWF
11/17/13
jm

in 1-3-13

X

Gen

1 AN ACT ...; relating to: the public disclosure of licensed dry cleaners. ✓

Analysis by the Legislative Reference Bureau

Under current law, no person may operate a dry cleaning facility in this state unless the person holds a valid license issued by the Department of Revenue (DOR) and pays a quarterly dry cleaning fee equal to 3.8 percent of the person's gross receipts from the previous 3 months from dry cleaning. This bill requires DOR to publish a list identifying each person who is issued a license to operate a dry cleaning facility in this state.

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

2 SECTION 1. 77.9964 (2) of the statutes is amended to read:
3 77.9964 (2) Except as provided in s. 77.9961 (1) (b), (d), and (e), ss. 71.74 (1) to
4 (3), (7), (9), and (10) to (12), 71.75 (1), (2), (6), (7), (9), and (10), 71.77 (1) and (4) to (8),
5 71.78 (1) to (4) and (5) to (8), 71.80 (1) (a) and (b), (4) to (6), (8) to (12), (14), (17), and
6 (18), 71.82 (1) and (2) (a) and (b), 71.83 (1) (a) 1. and 2. and (b) 1., 2., and 6., (2) (a)
7 1. to 3m. and (b) 1. to 3., and (3), 71.87, 71.88, 71.89, 71.90, 71.91 (1) (a), (2), (3), and

1 (4) to (7), 71.92, and 71.93 as they apply to the taxes under ch. 71 apply to the fees
2 under this subchapter.

3 History: 1997 a. 27; 1999 a. 9; 2003 a. 312; 2011 a. 68.

3 **SECTION 2.** 77.9964 (5) of the statutes is created to read:

4 77.9964 (5) The department shall publish, on paper and on the department's
5 Internet site, a list identifying each person who is issued a license under s. 77.9961.
6 The department shall include in the list the name and address of each dry cleaning
7 facility associated with the person issued a license under s. 77.9961 and the date on
8 which the license under s. 77.9961 was issued.

9 (END)

Kreye, Joseph

From: Bruhn, Michael L - DNR <Michael.Bruhn@wisconsin.gov>
Sent: Thursday, January 17, 2013 1:00 PM
To: Kreye, Joseph
Subject: FW: Draft review: LRB -0965/P1 Topic: Public disclosure of licensed dry cleaners
Attachments: 13-0965_P1.pdf

Hi Joseph,

Below is a note from our program specials on the % that dry cleaners pay; otherwise this looks good and can be drafted in a /1 instead of a preliminary draft.

Thanks!!

Michael Bruhn
Legislative Liaison
Wisconsin Department of Natural Resources
(☎) phone: (608) 266-5375
(✉) e-mail: michael.bruhn@wisconsin.gov
Website: dnr.wi.gov
Find us on Facebook: www.facebook.com/WIDNR

From: Evanson, Theresa A - DNR
Sent: Thursday, January 17, 2013 12:43 PM
To: Bruhn, Michael L - DNR
Subject: RE: Draft review: LRB -0965/P1 Topic: Public disclosure of licensed dry cleaners

Hi Michael – this looks fine & addresses our needs. I've added a note for correction of the document – the dry cleaners pay 2.8 percent of dry cleaning revenues into DERF, not 3.8 percent.

Thanks very much!

Terry

From: Bruhn, Michael L - DNR
Sent: Thursday, January 17, 2013 10:10 AM
To: Evanson, Theresa A - DNR
Subject: FW: Draft review: LRB -0965/P1 Topic: Public disclosure of licensed dry cleaners

Theresa,

Can you review this bill draft to ensure it meets our needs?

Thanks!!

Michael Bruhn
Legislative Liaison

Wisconsin Department of Natural Resources

(📞) phone: (608) 266-5375

(✉️) e-mail: michael.bruhn@wisconsin.gov

Website: dnr.wi.gov

Find us on Facebook: www.facebook.com/WIDNR

From: LRB.Legal [<mailto:LRB-LegalServices@legis.wisconsin.gov>]

Sent: Thursday, January 17, 2013 10:00 AM

To: Bruhn, Michael L - DNR

Subject: Draft review: LRB -0965/P1 Topic: Public disclosure of licensed dry cleaners

Following is the PDF version of draft LRB -0965/P1.



RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

h

in 1-17-13

due Friday 1-18

put ✓

✓

legen

1 AN ACT *to amend* 77.9964 (2); and *to create* 77.9964 (5) of the statutes; **relating**
2 **to:** the public disclosure of licensed dry cleaners. ✓

2.8 ✓

Analysis by the Legislative Reference Bureau

Under current law, no person may operate a dry cleaning facility in this state unless the person holds a valid license issued by the Department of Revenue (DOR) and pays a quarterly dry cleaning fee equal to 3.8 percent of the person's gross * receipts from the previous three months from dry cleaning. This bill requires DOR to publish a list identifying each person who is issued a license to operate a dry cleaning facility in this state.

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1 1. to 3m. and (b) 1. to 3., and (3), 71.87, 71.88, 71.89, 71.90, 71.91 (1) (a), (2), (3), and
2 (4) to (7), 71.92, and 71.93 as they apply to the taxes under ch. 71 apply to the fees
3 under this subchapter.

4 **SECTION 2.** 77.9964 (5)^X of the statutes is created to read:

5 77.9964 (5) The department shall publish, on paper and on the department's
6 Internet site, a list identifying each person who is issued a license under s. 77.9961.
7 The department shall include in the list the name and address of each dry cleaning
8 facility associated with the person issued a license under s. 77.9961 and the date on
9 which the license under s. 77.9961 was issued.

10 (END)

Basford, Sarah

From: Bruhn, Michael L - DNR <Michael.Bruhn@wisconsin.gov>
Sent: Thursday, April 11, 2013 6:07 PM
To: LRB.Legal
Subject: Draft Review: LRB -0965/1 Topic: Public disclosure of licensed dry cleaners

Please have delivered to 101 S. Webster (DNR Bldg) attn.: Michael Bruhn 8th Floor.

Please Jacket LRB -0965/1 for the ASSEMBLY.