

**2021 DRAFTING REQUEST**

**Bill**

For: **Robert Cowles (608) 266-0484** Drafter: **mpfotenh**  
 By: **Evan** Secondary Drafters:  
 Date: **6/2/2021** May Contact:  
 Same as LRB: **-4212**

Submit via email: **YES**  
 Requester's email: **Sen.Cowles@legis.wisconsin.gov**  
 Carbon copy (CC) to: **mary.pfotenhauer@legis.wisconsin.gov**  
**zachary.wyatt@legis.wisconsin.gov**  
**elisabeth.shea@legis.wisconsin.gov**

**Pre Topic:**

No specific pre topic given

**Topic:**

Deadlines for applying under the Clean Water Fund and Safe Drinking Water Loan Programs

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mpfotenh 6/2/2021				
/P1		ccarmich 6/2/2021	ccarmich 6/2/2021		State
/P2	mpfotenh 7/12/2021	ccarmich 6/14/2021	ccarmich 6/14/2021		State
/1			bgrunwal 7/12/2021	bgrunwal 7/12/2021	State

FE Sent For: 8/5/2021

<END>

**See attached for further instructions**

LRB-3760

**Instructions for version \_\_\_\_\_**

**From:** Shea, Elisabeth  
**Sent:** Wednesday, June 2, 2021 2:55 PM  
**To:** Pfothenauer, Mary  
**Subject:** FW: Drafting Request on EIF

Hi Mary,

I think you took this one?

Lis

---

**From:** Miller, Evan <Evan.Miller@legis.wisconsin.gov>  
**Sent:** Wednesday, June 02, 2021 2:44 PM  
**To:** Shea, Elisabeth <Elisabeth.Shea@legis.wisconsin.gov>  
**Subject:** RE: Drafting Request on EIF

Hi Lis,

I hope all is well! With these items now removed by JFC Motion #19 and with the EIF closed as of today, I wanted to follow-up on this drafting request for the items changing process for applicants to EIF programs. Again, no rush, but just figured I'd put back in a plug in case it fell down in the inbox. I've included the language below that we were looking to use:

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SECTION 2610. 281.58 (8m) of the statutes is repealed.

SECTION 2611. 281.58 (9) (a) of the statutes is amended to read:

281.58 (9) (a) After the department approves a municipality's facility plan submitted under sub. (8s), the municipality shall submit an application for participation to the department. The application shall be in such form and include such information as the department and the department of administration prescribe and shall include design plans and specifications. The department shall review applications for participation in the clean water fund program. The department shall determine which applications meet the eligibility requirements and criteria under subs. (6), (7), (8), ~~(8m)~~ and (13).

SECTION 2612. 281.58 (9m) (a) 1. of the statutes is amended to read:

281.58 (9m) (a) 1. The department determines that the project meets the eligibility requirements and criteria under subs. (7), (8), ~~(8m)~~ and (8s).

SECTION 2631. 281.61 (3) of the statutes is repealed.

SECTION 2632. 281.61 (4) of the statutes is amended to read:

281.61 (4) ENGINEERING REPORT. A The department may require a local governmental unit or private owner of a community water system that serves a local governmental unit seeking financial assistance for a project under this section shall to submit an engineering report, as required by the department by rule. If an engineering report is required by the department, the local governmental unit or private owner of a community water system shall submit the engineering report prior to or concurrent with the submission of the application for financial assistance.

SECTION 2633. 281.61 (5) (a) of the statutes is amended to read:

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submit an application for safe drinking water financial assistance and an engineering report, if required, to the department. ~~The applicant department shall submit the application on or before the June 30 preceding the beginning of the fiscal year in which the applicant wishes to receive the financial assistance, except that if funds are available in a fiscal year after funding has been allocated under sub. (8) for all approved applications submitted before the June 30 preceding that fiscal year, the department of administration may allocate funding for approved applications submitted after June 30 at least annually provide application submittal instructions to applicants, including a deadline for submitting applications, if any.~~ The application shall be in the form and include the information required by the department and the department of administration and shall include plans and specifications that are approvable by the department under this section. An applicant may not submit more than one application per project per year.

SECTION 2635. 281.61 (10) of the statutes is repealed.

---

Again, no rush, but thank you in advance for your help with this request!!

Best,  
Evan

**Evan Miller** Policy Advisor and Communications Director  
Office of State Senator Robert Cowles | Wisconsin's 2nd Senate District  
(608) 266-0484 | 118 South, State Capitol | [legis.wi.gov/senate/02/cowles](https://legis.wi.gov/senate/02/cowles)



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**From:** Miller, Evan <[Evan.Miller@legis.wisconsin.gov](mailto:Evan.Miller@legis.wisconsin.gov)>  
**Sent:** Sunday, March 28, 2021 12:45 PM  
**To:** Shea, Elisabeth <[Elisabeth.Shea@legis.wisconsin.gov](mailto:Elisabeth.Shea@legis.wisconsin.gov)>  
**Subject:** Drafting Request on EIF

Hi Lis,

We're looking to take a few aspects of the Governor's budget on the Safe Drinking Water Loan Program and Clean Drinking Water Loan Program that are nonfiscal and work them into a clean bill. Specifically, we're looking to take Sections 2610 thru 2612, 2631 thru 2633, and 2635 of SB 111. We are certainly in no rush with this request, and please let me know if you have any questions.

Thanks!  
Evan

**Evan Miller** Policy Advisor and Communications Director  
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(608) 266-0484 | 118 South, State Capitol | [legis.wi.gov/senate/02/cowles](https://legis.wi.gov/senate/02/cowles)



**From:** Miller, Evan  
**Sent:** Friday, June 11, 2021 12:47 PM  
**To:** Pfothenhauer, Mary  
**Subject:** RE: Drafting Request on EIF

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Mary,

Thanks for providing us with the draft of the EIF bill (LRB 3760/P1) so quickly last week! After talking with the DNR a little further, we have two small changes for a P2:

- We'd like to eliminate the prohibition on submitting more than one application in a twelve-month period under s. 281.58 (9) (am) for the Clean Water Fund Program.
- Page 3, Lines 23-24: Similar to above but for the Safe Drinking Water Loan Program, we'd like to eliminate the sentence at the end of s. 281.61 (5) (a) that reads "An applicant may not submit more than one application per project per year."

The DNR believes that, with these changes, applicants will not be prevented from withdrawing and resubmitting an application for the same project within the rolling funding cycle.

Thanks again!  
Evan

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**From:** Miller, Evan <Evan.Miller@legis.wisconsin.gov>  
**Sent:** Thursday, June 03, 2021 11:54 AM  
**To:** Pfothenhauer, Mary <Mary.Pfothenhauer@legis.wisconsin.gov>  
**Subject:** RE: Drafting Request on EIF

Thank you, Mary! I appreciate you getting that draft along so quickly! It looks great. We've sent it along to the DNR with a few questions and are talking to some stakeholders on the draft, so we'll be in touch soon.

Best,  
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**From:** Pfothenhauer, Mary <[Mary.Pfothenhauer@legis.wisconsin.gov](mailto:Mary.Pfothenhauer@legis.wisconsin.gov)>

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Hi Evan:

I can take care of this one for you. It should go out tomorrow.

Best,  
Mary



Mary Pfothenauer

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Senior Legislative Attorney  
Wisconsin Legislative Reference Bureau  
1 East Main Street, Suite 200  
Madison, WI 53703  
608.504.5854

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**From:** Miller, Evan  
**Sent:** Monday, July 12, 2021 3:00 PM  
**To:** Pfothauer, Mary  
**Cc:** Tobias, Adam  
**Subject:** RE: Drafting Request on EIF

Hi Mary,

I hope all is well! I'm hoping that we can get the /1 and the jacket of the Environmental Improvement Fund bill, LRB 3760/P2. We'd also like to release the bill to Representative Kitchens' office so they may receive a companion.

Thanks!  
Evan

**Evan Miller** Policy Advisor and Communications Director  
Office of State Senator Robert Cowles | Wisconsin's 2nd Senate District  
(608) 266-0484 | 118 South, State Capitol | [legis.wi.gov/senate/02/cowles](https://legis.wi.gov/senate/02/cowles)



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Mary



Mary Pfothenhauer

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Senior Legislative Attorney  
Wisconsin Legislative Reference Bureau  
1 East Main Street, Suite 200  
Madison, WI 53703  
608.504.5854

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State of Wisconsin  
2021 - 2022 LEGISLATURE

LRB-3760/P1  
MCP:cdc

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1     **AN ACT to repeal** 281.58 (8m), 281.61 (3) and 281.61 (10); and **to amend** 281.58  
2           (9) (a), 281.58 (9m) (a) 1., 281.61 (4) and 281.61 (5) (a) of the statutes; **relating**  
3           **to:** procedural changes for applications under the Clean Water Fund Program  
4           and the Safe Drinking Water Loan Program.

---

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

This bill makes various changes to the process for applying for financial assistance under the Clean Water Fund Program and the Safe Drinking Water Loan Program. The Clean Water Fund Program, which is administered by the Department of Natural Resources, provides financial assistance to municipalities for projects to control water pollution, such as sewage treatment plants. Under the Safe Drinking Water Loan Program, DNR provides low-interest loans to municipalities for drinking water infrastructure projects to help them comply with federal drinking water standards.

Under current law, a municipality that intends to apply for financial assistance under either program must submit notice of its intent to apply to DNR at least six months before the beginning of the fiscal year in which it will request to receive the assistance. The bill eliminates the requirement to submit a notice of intent to apply before applying.

Current law also requires an applicant for financial assistance under the Safe Drinking Water Loan Program to submit an engineering report as required by DNR by rule. Under the bill, DNR may require submission of an engineering report and, if an engineering report is required, the bill requires the applicant to submit the report either before or at the same time as the application.

In addition, current law requires an applicant for assistance under the Safe Drinking Water Loan Program to submit the application on or before the June 30 before the fiscal year in which the applicant wishes to receive funding, with certain exceptions. The bill removes this requirement and instead requires DNR to provide, at least annually, instructions for submitting applications, including the deadline for submittal, if any.

Finally, under the current Safe Drinking Water Loan Program, if funding is allocated for a loan and the loan is not closed before June 30 of the year following the year in which funding is allocated, DOA must release the allocated funding. The bill repeals this provision.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 281.58 (8m) of the statutes is repealed.

2           **SECTION 2.** 281.58 (9) (a) of the statutes is amended to read:

3           281.58 **(9)** (a) After the department approves a municipality's facility plan  
4 submitted under sub. (8s), the municipality shall submit an application for  
5 participation to the department. The application shall be in such form and include  
6 such information as the department and the department of administration prescribe  
7 and shall include design plans and specifications. The department shall review  
8 applications for participation in the clean water fund program. The department  
9 shall determine which applications meet the eligibility requirements and criteria  
10 under subs. (6), (7), (8), ~~(8m)~~ and (13).

11           **SECTION 3.** 281.58 (9m) (a) 1. of the statutes is amended to read:

12           281.58 **(9m)** (a) 1. The department determines that the project meets the  
13 eligibility requirements and criteria under subs. (7), (8), ~~(8m)~~ and (8s).

14           **SECTION 4.** 281.61 (3) of the statutes is repealed.

15           **SECTION 5.** 281.61 (4) of the statutes is amended to read:

1           281.61 (4) ENGINEERING REPORT. ~~A~~ The department may require a local  
2 governmental unit or private owner of a community water system that serves a local  
3 governmental unit seeking financial assistance for a project under this section ~~shall~~  
4 to submit an engineering report, as required by the department by rule. If an  
5 engineering report is required by the department, the local governmental unit or  
6 private owner of a community water system shall submit the engineering report  
7 prior to or concurrent with the submission of the application for financial assistance.

8           **SECTION 6.** 281.61 (5) (a) of the statutes is amended to read:

9           281.61 (5) (a) ~~After the department approves an engineering report submitted~~  
10 ~~under sub. (4), the~~ A local governmental unit or private owner of a community water  
11 system that serves a local governmental unit shall submit an application for safe  
12 drinking water financial assistance and an engineering report, if required, to the  
13 department. ~~The applicant~~ department shall submit the application on or before the  
14 ~~June 30 preceding the beginning of the fiscal year in which the applicant wishes to~~  
15 ~~receive the financial assistance, except that if funds are available in a fiscal year~~  
16 ~~after funding has been allocated under sub. (8) for all approved applications~~  
17 ~~submitted before the June 30 preceding that fiscal year, the department of~~  
18 ~~administration may allocate funding for approved applications submitted after June~~  
19 ~~30~~ at least annually provide application submittal instructions to applicants,  
20 including a deadline for submitting applications, if any. The application shall be in  
21 the form and include the information required by the department and the  
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23 approvable by the department under this section. An applicant may not submit more  
24 than one application per project per year.







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2021 - 2022 LEGISLATURE

LRB-3760/P2  
MCP:cdc

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2             **to amend** 281.58 (9) (a), 281.58 (9m) (a) 1., 281.61 (4) and 281.61 (5) (a) of the  
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Under current law, a municipality that intends to apply for financial assistance under either program must submit notice of its intent to apply to DNR at least six months before the beginning of the fiscal year in which it will request to receive the assistance. The bill eliminates the requirement to submit a notice of intent to apply before applying. Current law also prohibits a municipality from submitting more than one application per year under either program. The bill eliminates this prohibition.

Current law also requires an applicant for financial assistance under the Safe Drinking Water Loan Program to submit an engineering report as required by DNR

by rule. Under the bill, DNR may require submission of an engineering report and, if an engineering report is required, the bill requires the applicant to submit the report either before or at the same time as the application.

In addition, current law requires an applicant for assistance under the Safe Drinking Water Loan Program to submit the application on or before the June 30 before the fiscal year in which the applicant wishes to receive funding, with certain exceptions. The bill removes this requirement and instead requires DNR to provide, at least annually, instructions for submitting applications, including the deadline for submittal, if any.

Finally, under the current Safe Drinking Water Loan Program, if funding is allocated for a loan and the loan is not closed before June 30 of the year following the year in which funding is allocated, DOA must release the allocated funding. The bill repeals this provision.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 281.58 (8m) of the statutes is repealed.

2           **SECTION 2.** 281.58 (9) (a) of the statutes is amended to read:

3           281.58 **(9)** (a) After the department approves a municipality's facility plan  
4 submitted under sub. (8s), the municipality shall submit an application for  
5 participation to the department. The application shall be in such form and include  
6 such information as the department and the department of administration prescribe  
7 and shall include design plans and specifications. The department shall review  
8 applications for participation in the clean water fund program. The department  
9 shall determine which applications meet the eligibility requirements and criteria  
10 under subs. (6), (7), (8), ~~(8m)~~ and (13).

11           **SECTION 3.** 281.58 (9) (am) of the statutes is repealed.

12           **SECTION 4.** 281.58 (9m) (a) 1. of the statutes is amended to read:

13           281.58 **(9m)** (a) 1. The department determines that the project meets the  
14 eligibility requirements and criteria under subs. (7), (8), ~~(8m)~~ and (8s).

1           **SECTION 5.** 281.61 (3) of the statutes is repealed.

2           **SECTION 6.** 281.61 (4) of the statutes is amended to read:

3           281.61 (4) ENGINEERING REPORT. ~~A~~ The department may require a local  
4 governmental unit or private owner of a community water system that serves a local  
5 governmental unit seeking financial assistance for a project under this section shall  
6 to submit an engineering report, as required by the department by rule. If an  
7 engineering report is required by the department, the local governmental unit or  
8 private owner of a community water system shall submit the engineering report  
9 prior to or concurrent with the submission of the application for financial assistance.

10          **SECTION 7.** 281.61 (5) (a) of the statutes is amended to read:

11          281.61 (5) (a) ~~After the department approves an engineering report submitted~~  
12 ~~under sub. (4), the~~ A local governmental unit or private owner of a community water  
13 system that serves a local governmental unit shall submit an application for safe  
14 drinking water financial assistance and an engineering report, if required, to the  
15 department. ~~The applicant~~ department shall submit the application on or before the  
16 ~~June 30 preceding the beginning of the fiscal year in which the applicant wishes to~~  
17 ~~receive the financial assistance, except that if funds are available in a fiscal year~~  
18 ~~after funding has been allocated under sub. (8) for all approved applications~~  
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21 ~~30~~ at least annually provide application submittal instructions to applicants,  
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## 2021 SENATE BILL 489

August 5, 2021 - Introduced by Senators COWLES and BALLWEG, cosponsored by Representatives KITCHENS, KNODL, MURPHY, MURSAU, NOVAK, TAUCHEN, TUSLER and VANDERMEER. Referred to Committee on Utilities, Technology and Telecommunications.

1 **AN ACT to repeal** 281.58 (8m), 281.58 (9) (am), 281.61 (3) and 281.61 (10); and  
2 **to amend** 281.58 (9) (a), 281.58 (9m) (a) 1., 281.61 (4) and 281.61 (5) (a) of the  
3 statutes; **relating to:** procedural changes for applications under the Clean  
4 Water Fund Program and the Safe Drinking Water Loan Program.

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

This bill makes various changes to the process for applying for financial assistance under the Clean Water Fund Program and the Safe Drinking Water Loan Program. The Clean Water Fund Program, which is administered by the Department of Natural Resources, provides financial assistance to municipalities for projects to control water pollution, such as sewage treatment plants. Under the Safe Drinking Water Loan Program, DNR provides low-interest loans to municipalities for drinking water infrastructure projects to help them comply with federal drinking water standards.

Under current law, a municipality that intends to apply for financial assistance under either program must submit notice of its intent to apply to DNR at least six months before the beginning of the fiscal year in which it will request to receive the assistance. The bill eliminates the requirement to submit a notice of intent to apply before applying. Current law also prohibits a municipality from submitting more than one application per year under either program. The bill eliminates this prohibition.

Current law also requires an applicant for financial assistance under the Safe Drinking Water Loan Program to submit an engineering report as required by DNR

**SENATE BILL 489**

by rule. Under the bill, DNR may require submission of an engineering report and, if an engineering report is required, the bill requires the applicant to submit the report either before or at the same time as the application.

In addition, current law requires an applicant for assistance under the Safe Drinking Water Loan Program to submit the application on or before the June 30 before the fiscal year in which the applicant wishes to receive funding, with certain exceptions. The bill removes this requirement and instead requires DNR to provide, at least annually, instructions for submitting applications, including the deadline for submittal, if any.

Finally, under the current Safe Drinking Water Loan Program, if funding is allocated for a loan and the loan is not closed before June 30 of the year following the year in which funding is allocated, DOA must release the allocated funding. The bill repeals this provision.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

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**SENATE BILL 489**

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