

**2001 DRAFTING REQUEST**

**Senate Amendment (SA-SB55)**

Received: **05/03/2001**

Received By: **traderc**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Bonderud**

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

Drafter: **traderc**

May Contact:

Addl. Drafters:

Subject: **Environment - env. cleanup**

Extra Copies:

Submit via email: **NO**

Requester's email:

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**Pre Topic:**

LFB:.....Bonderud -

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**Topic:**

PECFA program changes

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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>
/?	traderc 05/11/2001	gilfokm 05/14/2001		_____			
/1			haugca 05/15/2001	_____	lrb_docadmin 05/15/2001		

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1?	traderc	<i>1-5/kmg 14-01</i>	<i>CH 5-15</i>	<i>CH 5-15 PS</i>			

FE Sent For:

<END>



**Legislative Fiscal Bureau**

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

Date: 5/3/01

DELIVER TO: Becky Tradewell

Addressee Fax #: 4-8522 Addressee Phone #: 6-7290

# of Pages, Including Cover: 2 Sender's Initials: \_\_\_\_\_

From: Kendra Bonderud

Message: Please draft as JFC amendment.

COMMERCE -- BUILDING AND ENVIRONMENTAL REGULATION

PECFA Program Changes

Motion:

Move to make the following changes to the Petroleum Environmental Cleanup Fund Award (PECFA) program:

1. *Appeals process.*

✓ a. Modify the current provision that allows a person to choose arbitration rather than an administrative hearing for an appeal of a decision of Commerce related to PECFA if the amount at issue would be \$100,000 or less (instead of \$20,000 or less currently). (65)

✓ b. Direct Commerce to submit permanent administrative rules to the Legislature under s. 227.19 no later than May 1, 2002, to implement the voluntary arbitration provision.

✓ c. Direct Commerce to submit a plan to the Joint Committee on Finance no later than March 1, 2002, that includes recommendations for development of a mediation process for appeals of Department decisions related to PECFA.

✓ 2. *Maximum Interest Cost Reimbursement.* Change the maximum reimbursable interest cost reimbursement for loans secured on or after the effective date of the bill to the prime rate minus 1%. (Currently, if gross revenues are up to \$25 million, interest reimbursement is limited to the prime rate minus 1% and if gross revenues are over \$25 million, interest reimbursement is limited to 4%.) (4)(c) 8:

3. *Annual Progress Payments.* Allow an owner or operator to submit a claim annually if the owner or operator has incurred \$50,000 or more in eligible PECFA costs and at least one year has elapsed since submission of the last claim.

Per Kendra - Don't repeal s. 101.143 (4)(a) 2.

2001

Date (time)  
needed

SOON

LRB b 0202 1 1

**LFB BUDGET AMENDMENT  
[ONLY FOR LFB]**

RET : *img* :

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**LFB AMENDMENT  
TO 2001 ASSEMBLY BILL 144 AND 2001 SENATE BILL 55**

>>FOR JT. FIN. SUB. — NOT FOR INTRODUCTION<<

At the locations indicated, amend the bill as follows:

✓ #. Page 10.65, line 8.: after that line insert:

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :



2468 P

Section ~~#~~ 101.143 (4) (a) 2. of the statutes is renumbered 101.14<sup>3</sup>(4) (a) 2. (intro.) and amended to read:

101.14<sup>3</sup>(4) (a) 2. (intro.) The department may not issue an award before all eligible costs have been incurred and written approval is received under sub. (3) (c) 4., ~~unless~~ the department determines that the delay in issuing the award would cause a financial hardship to the owner or operator or the person.

*plain comma*

History: 1987 a. 399; 1989 a. 31, 254, 255; 1991 a. 39, 82, 269; 1993 a. 16, 301, 416, 491; 1995 a. 27 ss. 3665 to 3683m, 9116 (5); 1995 a. 227, 247, 378, 417; 1997 a. 27, 35, 237, 252, 283; 1999 a. 9, 185.

except as follows:  
# a. The department may issue an award before all eligible costs have been incurred and written approval is received under sub. (3) (c) 4. if

Section 2468 r. CR; 101.143 (4) (a) 2, <sup>Δ</sup>b.

101.143 (4) (a) 2, <sup>Δ</sup>b. The department shall issue <sup>an</sup> award <sup>CU</sup> if the owner or operator or the person has incurred at least \$50,000 in unreimbursed eligible costs and has not submitted a claim during the preceding 12 months. <sup>1/2</sup>



# Page 1065, line 17: after that line insert:

Section ~~f.~~ <sup>2470r.</sup> 101.143 (4) (c) 8. <sup>Central and a.</sup> of the statutes <sup>are</sup> consolidated, renumbered 101.143 (4) (c) 8. and amended to read:

~~101.143 (4) (c) 8. Interest costs incurred by an applicant that exceed interest at the following rate:~~

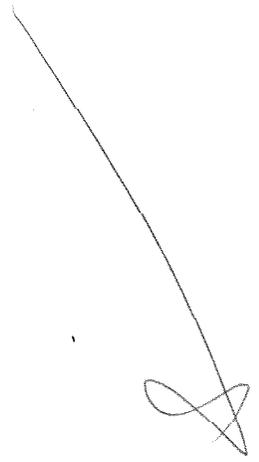
~~a. If the applicant has gross revenues of not more than \$25,000,000 in the most recent tax year before the applicant submits a claim, 1% under the prime rate.~~

d. If the applicant has gross revenues of more than \$25,000,000 in the most recent tax year before the applicant submits a claim, 4%.

History: 1987 a. 399; 1989 a. 31, 254, 255; 1991 a. 39, 82, 269; 1993 a. 16, 301, 416, 491; 1995 a. 27 ss. 3665 to 3683m, 9116 (5); 1995 a. 227, 247, 378, 417; 1997 a. 27, 35, 237, 252, 283; 1999 a. 9, 185.

<sup>2470r.</sup>  
~~RP~~  
Section ~~f.~~ RP; 101.143 (4) (c) 8. d. "

(4)



#. Page 1069, line 13: after that line insert!

2483k.  
Section # 101.143 (6s) of the statutes is amended to read:

\* 101.143 (6s) ARBITRATION. Upon the request of a person who files an appeal of a decision of the department under this section, if the amount at issue is ~~\$20,000~~<sup>\$100,000</sup> or less, the appeal shall be heard by one or more individuals designated by the department to serve as arbitrator under rules promulgated for this purpose by the department. In such an arbitration, the arbitrator shall render a decision at the conclusion of the hearing, or within 5 business days after the conclusion of the hearing if the arbitrator determines that additional time is needed to review materials submitted during the hearing, affirming, modifying or rejecting the decision of the department. The arbitrator shall promptly file his or her decision with the department. The decision of the arbitrator is final and shall stand as the decision of the department. An arbitrator's decision may not be cited as precedent in any other proceeding before the department or before any court. A decision under this subsection is subject to review under ss. 227.53 to 227.57 only on the ground that the decision was procured by corruption, fraud or undue means. The record of a proceeding under this subsection shall be transcribed as provided in s. 227.44 (8). //

History: 1987 a. 399; 1989 a. 31, 254, 255; 1991 a. 39, 82, 269; 1993 a. 16, 301, 416, 491; 1995 a. 27 ss. 3665 to 3683m, 9116 (5); 1995 a. 227, 247, 378, 417; 1997 a. 27, 35, 237, 252, 283; 1999 a. 9, 185.



**NONSTAT SESSLAW**

1. In the component bar:

For the action phrase, execute: ..... create → action: → \*NS: → nonstat

For the budget action phrase, execute: ..... create → action: → \*NS: → 91XX

For a subsection, execute: ..... create → text: → \*NS: → sub

For a paragraph, execute: ..... create → text: → \*NS: → par

For a subdivision, execute: ..... create → text: → \*NS: → subd

For a subdivision paragraph, execute: ..... create → text: → \*NS: → subpar

2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the 9100 department code.

¶ #, Page 1740, line 8: after that line insert:

**SECTION #**   91   **Nonstatutory provisions; ...**

.....  
(2x) (1) Rules for ~~arbitration~~ arbitration. INS. "KA"

The department of commerce shall submit in proposed form the rules required under section 101.143(6<sup>s</sup>) of the statutes, as affected by this act, to the legislative council staff under section 227.15(1) of the statutes no later than May 1, 2002.



**NONSTAT SESSLAW**

1. In the component bar:

For the action phrase, execute: ..... create → action: → \*NS: → nonstat

For the budget action phrase, execute: ..... create → action: → \*NS: → 91XX

For a subsection, execute: ..... create → text: → \*NS: → sub

For a paragraph, execute: ..... create → text: → \*NS: → par

For a subdivision, execute: ..... create → text: → \*NS: → subd

For a subdivision paragraph, execute: ..... create → text: → \*NS: → subpar

2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the 9100 department code.

*March 1, 2002,*

**SECTION # [91]. Nonstatutory provisions; ...**

.....  
.....  
..... **(INS "KA")** .....

*(#1) (24) Mediation for [PATT] appeals.*

*No later than the department of commerce shall submit recommendations to the joint committee on Finance*

*For a process for mediating disputes over the department's decisions related to the program under section 101.143 of the statutes. "*

*↓*

Nonstat File Sequence: **E E E**

**INITIAL APPLICABILITY**

✓ #. Page 1795, line 14: after that line insert!

1. In the component bar:

For the action phrase, execute: ..... create → action: → \*NS: → inappl

For the budget action phrase, execute: ..... create → action: → \*NS: → 93XX

For the text, execute: ..... create → text: → \*NS: → inappl

2. Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the 9300 department code.

SECTION # 93 Initial applicability; .....

(#1) (x) Interest <sup>est</sup> reimbursement under ~~the~~ ~~act~~ ~~of~~ ~~the~~ ~~state~~ ~~of~~ ~~Illinois~~ "KA"

The treatment of sections ...  
101.143 (4) (c) 8. (intro), a, and d.

of the statutes first applies to loans secured on the effective date of this subsection.

(End)

1. In the component bar:

For the action phrase, execute: ..... create → action: → \*NS: → inappl

For the text, execute: ..... create → text: → \*NS: → inapplA

2. Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed.

SECTION # . Initial applicability; .....

( #1 ) ( ) This act first applies to

INS. "KA"

petroleum storage remedial action  
program

LFB:.....Bonderud – PECFA program changes

FOR 2001–03 BUDGET — NOT READY FOR INTRODUCTION

**LFB AMENDMENT**

**TO 2001 SENATE BILL 55 AND 2001 ASSEMBLY BILL 144**

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

2           **1.** Page 1065, line 8: after that line insert:

3           “**SECTION 2468p.** 101.143 (4) (a) 2. of the statutes is renumbered 101.143 (4)

4           (a) 2. (intro.) and amended to read:

5           101.143 (4) (a) 2. (intro.) The department may not issue an award before all  
6           eligible costs have been incurred and written approval is received under sub. (3) (c)

7           4., ~~unless~~ except as follows:

8           a. The department may issue an award before all eligible costs have been  
9           incurred and written approval is received under sub. (3) (c) 4. if the department  
10           determines that the delay in issuing the award would cause a financial hardship to  
11           the owner or operator or the person.

12           **SECTION 2468r.** 101.143 (4) (a) 2. b. of the statutes is created to read:

1           101.143 (4) (a) 2. b. The department shall issue an award if the owner or  
2 operator or the person has incurred at least \$50,000 in unreimbursed eligible costs  
3 and has not submitted a claim during the preceding 12 months.”.

4           **2.** Page 1065, line 17: after that line insert:

5           “**SECTION 2470p.** 101.143 (4) (c) 8. (intro.) and a. of the statutes are  
6 consolidated, renumbered 101.143 (4) (c) 8. and amended to read:

7           101.143 (4) (c) 8. Interest costs incurred by an applicant that exceed interest  
8 at the following rate: ~~a. If the applicant has gross revenues of not more than~~  
9 ~~\$25,000,000 in the most recent tax year before the applicant submits a claim, 1%~~  
10 under the prime rate.

11           **SECTION 2470r.** 101.143 (4) (c) 8. d. of the statutes is repealed.”.

12           **3.** Page 1069, line 13: after that line insert:

13           “**SECTION 2483k.** 101.143 (6s) of the statutes is amended to read:

14           101.143 (6s) ARBITRATION. Upon the request of a person who files an appeal of  
15 a decision of the department under this section, if the amount at issue is \$20,000  
16 \$100,000 or less, the appeal shall be heard by one or more individuals designated by  
17 the department to serve as arbitrator under rules promulgated for this purpose by  
18 the department. In such an arbitration, the arbitrator shall render a decision at the  
19 conclusion of the hearing, or within 5 business days after the conclusion of the  
20 hearing if the arbitrator determines that additional time is needed to review  
21 materials submitted during the hearing, affirming, modifying or rejecting the  
22 decision of the department. The arbitrator shall promptly file his or her decision with  
23 the department. The decision of the arbitrator is final and shall stand as the decision  
24 of the department. An arbitrator’s decision may not be cited as precedent in any

1 other proceeding before the department or before any court. A decision under this  
2 subsection is subject to review under ss. 227.53 to 227.57 only on the ground that the  
3 decision was procured by corruption, fraud or undue means. The record of a  
4 proceeding under this subsection shall be transcribed as provided in s. 227.44 (8).”.

5 **4.** Page 1740, line 8: after that line insert:

6 “(2x) RULES FOR PETROLEUM STORAGE REMEDIAL ACTION PROGRAM ARBITRATION. The  
7 department of commerce shall submit in proposed form the rules required under  
8 section 101.143 (6s) of the statutes, as affected by this act, to the legislative council  
9 staff under section 227.15 (1) of the statutes no later than May 1, 2002.

10 (2y) MEDIATION FOR PETROLEUM STORAGE REMEDIAL ACTION PROGRAM APPEALS. No  
11 later than March 1, 2002, the department of commerce shall submit to the joint  
12 committee on finance recommendations for a process for mediating disputes over the  
13 department’s decisions related to the program under section 101.143 of the  
14 statutes.”.

15 **5.** Page 1795, line 14: after that line insert:

16 “(1x) INTEREST REIMBURSEMENT UNDER PETROLEUM STORAGE REMEDIAL ACTION  
17 PROGRAM. The treatment of section 101.143 (4) (c) 8. (intro.), a., and d. of the statutes  
18 first applies to loans secured on the effective date of this subsection.”.

19 (END)