

2007 DRAFTING REQUEST

Bill

Received: **11/14/2006**

Received By: **btradewe**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Council - LRC**

By/Representing: **Don Dyke**

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

Drafter: **btradewe**

May Contact:

Addl. Drafters:

Subject: **Environment - env. cleanup**

Extra Copies:

Submit via email: **YES**

Requester's email: **don.dyke@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Eliminate petroleum storage cleanup council

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	btradewe 11/14/2006	jdye 12/04/2006	rschlue 12/04/2006	_____	cduerst 12/04/2006		State
/1	btradewe 10/26/2007	jdye 10/29/2007	pgreensl 10/29/2007	_____	lparisi 10/29/2007	cduerst 10/30/2007	State

FE Sent For:

at intro
11/12/07

<END>

2007 DRAFTING REQUEST

Bill

Received: **11/14/2006**

Received By: **btradewe**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Council - LRC**

By/Representing: **Don Dyke**

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

Drafter: **btradewe**

May Contact:

Addl. Drafters:

Subject: **Environment - env. cleanup**

Extra Copies:

Submit via email: **YES**

Requester's email: **don.dyke@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Eliminate petroleum storage cleanup council

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	btradewe 11/14/2006	jdyer 12/04/2006	rschluet 12/04/2006	_____	cduerst 12/04/2006		State
/1	btradewe 10/26/2007	jdyer 10/29/2007	pgreensl 10/29/2007	_____	lparisi 10/29/2007		State

FE Sent For:

<END>

2007 DRAFTING REQUEST

Bill

Received: 11/14/2006

Received By: btradewe

Wanted: As time permits

Identical to LRB:

For: Legislative Council - LRC

By/Representing: Don Dyke

This file may be shown to any legislator: NO

Drafter: btradewe

May Contact:

Addl. Drafters:

Subject: Environment - env. cleanup

Extra Copies:

Submit via email: YES

Requester's email: don.dyke@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Eliminate petroleum storage cleanup council

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	btradewe 11/14/2006	jdyer 12/04/2006	rschluet 12/04/2006		cdurst 12/04/2006		State

FE Sent For:

Handwritten notes and signatures:

- 1/10/28 jld
- 10/29 p8
- 10/29 p8
- 10/29 p8
- 1/11/11
- <END>

2007 DRAFTING REQUEST

Bill

Received: 11/14/2006

Received By: **btradewe**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Council - LRC**

By/Representing: **Don Dyke**

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

Drafter: **btradewe**

May Contact:

Addl. Drafters:

Subject: **Environment - env. cleanup**

Extra Copies:

Submit via email: **YES**

Requester's email: **don.dyke@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

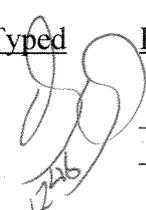
Topic:

Eliminate petroleum storage cleanup council

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	btradewe	P1 12/4 jld		_____	_____	_____	_____

FE Sent For:

<END>

MEMORANDUM

mgg/rnk

DATE: October 26, 2006
TO: Terry Anderson, Director
Joint Legislative Council
FROM: Mary P. Burke, Secretary
Department of Commerce
SUBJECT: Proposals for Law Revision Committee

In response to your September 14, 2006 memo relating to statutory changes for consideration by the Law Revision Committee, the Department of Commerce is submitting the following two proposed changes:

1. Repeal of the Petroleum Storage Environmental Clean-up Council.

A. Requested Change

The Department is requesting the repeal of the Petroleum Storage Environmental Clean-up Council, including s. 15.157 (11), Stats., which establishes the Petroleum Storage Environmental Clean-Up Council within the Department of Commerce, and s. 101.143 (8), Stats., which assigns duties to the Council.

B. Problem

The PECFA Council has become a redundant structure that is no longer relevant. The Council has not convened for over six years. Instead, as occurs with various other programs, the Department more effectively establishes ad-hoc committees, whenever needed, to include contemporary stakeholders and focus on contemporary issues. For an example, s. 227.13, Stats., authorizes agencies to appoint advisory committees and use informal conferences and consultation with respect to contemplated rule-making.

C. Need for the Change

The code committees that are used on a continuing basis have replaced the Council's role and maintained the involvement of the groups designated for membership. Through the code committee structure, broader representation and input are allowed along with more continuing and detailed involvement and actual work products. Currently, the PECFA Council is to include representatives from petroleum product transporters, manufacturers, suppliers, retailer and wholesalers, professional geologists, hydrologists, soil scientists and environmental scientists, consultants, contractors and engineers. The previous members, or the groups they represent, are currently represented on the code committees created by the PECFA program.

D. Fiscal Effect

No fiscal impact is expected from this change, because current revenues or expenditures would not be affected.

E. Other

This proposal does not involve any significant policy change, and no public- or private-sector groups are expected to oppose this proposal.

F. Proposed Statutory Changes

15.157 Same; councils.

~~(11) PETROLEUM STORAGE ENVIRONMENTAL CLEANUP COUNCIL.~~
There is created in the department of commerce a petroleum storage environmental cleanup council consisting of 5 members appointed for 4-year terms and the secretary of natural resources and the secretary of commerce, or their designees. The governor shall appoint the members, other than ex officio members, to the council from lists of names submitted by the secretary of natural resources and by the secretary of commerce. In preparing the lists, each secretary shall consider representatives from petroleum product transporters, manufacturers, suppliers, retailers and wholesalers, professional geologists, hydrologists and soil scientists and environmental scientists, consultants, contractors and engineers.

101.143 Petroleum storage remedial action; financial assistance.

~~(8) PETROLEUM STORAGE ENVIRONMENTAL CLEANUP COUNCIL.~~
The petroleum storage environmental cleanup council shall do all of the following:

~~(a) Advise the secretary on any rules which may be promulgated under this section.~~

~~(b) Review and advise the secretary and the secretary of natural resources on the implementation of the petroleum product remedial action program established under this section.~~

2. Labeling of Packages With Hazardous Substances.

A. Requested Change

The Department requests the repeal of s. 167.11, Stats., which (1) prohibits the sale and distribution of packages of spontaneously combustible organic substances, unless the packages have an adequate warning label; and which (2) requires the Department to establish and enforce rules for these labels.

B. Problem

Section 167.11 is outdated and duplicative because these substances are now regulated more effectively by the Department and other federal agencies under other statutory and federal criteria.



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0740/P1

RCT:...

Handwritten initials/signature

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Gen

- 1
- 2
- 3

AN ACT ...; relating to: eliminating the petroleum storage environmental cleanup council (suggested as remedial legislation by the department of commerce).

(council)

Analysis by the Legislative Reference Bureau

This bill eliminates the Petroleum Storage Environmental Cleanup Council. Under current law, the council is required to advise the Department of Natural Resources and the Department of Commerce about the petroleum storage remedial action program, commonly known as PECFA.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

For further information see the state 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:

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Commerce and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0740/P1

RCT:jld:rs

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Becky -

Please prepare
attached draft
as a "1".

Thanks,

Don Dyke

- 1 **AN ACT to repeal** 15.157 (11) and 101.143 (8); and **to amend** 101.143 (6) (b) of
2 the statutes; **relating to:** eliminating the Petroleum Storage Environmental
3 Cleanup Council (suggested as remedial legislation by the Department of
4 Commerce).

Analysis by the Legislative Reference Bureau

This bill eliminates the Petroleum Storage Environmental Cleanup Council (council). Under current law, the council is required to advise the Department of Natural Resources and the Department of Commerce about the petroleum storage remedial action program, commonly known as PECFA.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

For further information see the **state** 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:

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Commerce and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes

1 INSERTS TO LRB-0740/P1

INSERT 2A

NOTE: Repeals the statutory provision creating the petroleum storage environmental cleanup council. The repealed language provides as follows:

15.157 (11) PETROLEUM STORAGE ENVIRONMENTAL CLEANUP COUNCIL. There is created in the department of commerce a petroleum storage environmental cleanup council consisting of 5 members appointed for 4-year terms and the secretary of natural resources and the secretary of commerce, or their designees. The governor shall appoint the members, other than ex officio members, to the council from lists of names submitted by the secretary of natural resources and by the secretary of commerce. In preparing the lists, each secretary shall consider representatives from petroleum product transporters, manufacturers, suppliers, retailers and wholesalers, professional geologists, hydrologists and soil scientists and environmental scientists, consultants, contractors and engineers.

According to the Department of Commerce, the petroleum storage environmental cleanup council has not convened for several years. The department states that code committees, used on a continuing basis, have replaced the council's role and that stakeholders who previously participated as part of the council are now represented in the code committees, as well as additional stakeholders.

INSERT 2B

NOTE: Deletes reference to the petroleum storage environmental cleanup council, reflecting the repeal of the council by this bill.

INSERT 2C

NOTE: Repeals statutory language setting forth duties of the petroleum storage environmental cleanup council, which is repealed by this bill. The repealed language provides as follows:

101.143 (8) PETROLEUM STORAGE ENVIRONMENTAL CLEANUP COUNCIL. The petroleum storage environmental cleanup council shall do all of the following:

- (a) Advise the secretary on any rules which may be promulgated under this section.

(b) Review and advise the secretary and the secretary of natural resources on the implementation of the petroleum product remedial action program established under this section.



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0740/P1

RCT:jld:rs

5000 (in 10/26)

vmr

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

USE
LRB-0847
AS
NOTE EXAMPLE
Regen

LPS-
I asked the leg. Council
attorney to have the
document with the inserts
put where you can access
it.
RCT

1 AN ACT *to repeal* 15.157 (11) and 101.143 (8); and *to amend* 101.143 (6) (b) of
2 the statutes; **relating to:** eliminating the Petroleum Storage Environmental
3 Cleanup Council (suggested as remedial legislation by the Department of
4 Commerce).

Analysis by the Legislative Reference Bureau

This bill eliminates the Petroleum Storage Environmental Cleanup Council (council). Under current law, the council is required to advise the Department of Natural Resources and the Department of Commerce about the petroleum storage remedial action program, commonly known as PECFA.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

For further information see the *state* 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:

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Commerce and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes

minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1 *Insert* ✓
2 *A* →

SECTION 1. 15.157 (11) of the statutes is repealed. ✕

2

SECTION 2. 101.143 (6) (b) of the statutes is amended to read: ✕

3

101.143 (6) (b) The department, ~~after consultation with the petroleum storage~~

4

~~environmental cleanup council,~~ shall determine whether proof of financial

5 *Insert* ✓
2B →

responsibility submitted under par. (a) satisfies par. (a).

SECTION 3. 101.143 (8) of the statutes is repealed. ✕

Insert 2C →

(END)

1

INSERTS TO LRB-0740/P1

INSERT 2A

NOTE: Repeals the statutory provision creating the petroleum storage environmental cleanup council. The repealed language provides as follows:

LPS-
PWF
↳

15.157 (11) PETROLEUM STORAGE ENVIRONMENTAL CLEANUP COUNCIL. There is created in the department of commerce a petroleum storage environmental cleanup council consisting of 5 members appointed for 4-year terms and the secretary of natural resources and the secretary of commerce, or their designees. The governor shall appoint the members, other than ex officio members, to the council from lists of names submitted by the secretary of natural resources and by the secretary of commerce. In preparing the lists, each secretary shall consider representatives from petroleum product transporters, manufacturers, suppliers, retailers and wholesalers, professional geologists, hydrologists and soil scientists and environmental scientists, consultants, contractors and engineers.

According to the Department of Commerce, the petroleum storage environmental cleanup council has not convened for several years. The department states that code committees, used on a continuing basis, have replaced the council's role and that stakeholders who previously participated as part of the council are now represented in the code committees, as well as additional stakeholders.

INSERT 2B

NOTE: Deletes reference to the petroleum storage environmental cleanup council, reflecting the repeal of the council by this bill.

INSERT 2C

NOTE: Repeals statutory language setting forth duties of the petroleum storage environmental cleanup council, which is repealed by this bill. The repealed language provides as follows:

LPS-
PWF
↳

101.143 (8) PETROLEUM STORAGE ENVIRONMENTAL CLEANUP COUNCIL. The petroleum storage environmental cleanup council shall do all of the following:

- (a) Advise the secretary on any rules which may be promulgated under this section.



INSERT
2C cont

LPS
PWF

(b) Review and advise the secretary and the secretary of natural resources on the implementation of the petroleum product remedial action program established under this section.

(end of insert 2C)

Duerst, Christina

From: Dyke, Don
Sent: Tuesday, October 30, 2007 3:23 PM
To: LRB.Legal
Subject: Draft Review: LRB 07-0740/1 Topic: Eliminate petroleum storage cleanup council

Please Jacket LRB 07-0740/1 for the SENATE.