



**SENATE SUBSTITUTE AMENDMENT 2,
TO 1997 SENATE BILL 57**

March 18, 1997 - Offered by JOINT COMMITTEE ON FINANCE.

1 **AN ACT to repeal** 85.50 (title), 166.20 (7g) and 166.21 (2) (bm); **to renumber and**
2 **amend** 20.395 (4) (bh), 20.465 (3) (jm) and 85.50; **to amend** 20.465 (3) (rp),
3 166.20 (2) (bg), 166.21 (2) (br) and 166.21 (2m) (intro.); and **to create** 341.406
4 of the statutes; **relating to:** hazardous materials transportation registration
5 fees, auditing emergency response teams, emergency planning grants,
6 granting rule-making authority and making an appropriation.

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

7 **SECTION 1.** 20.395 (4) (bh) of the statutes is renumbered 20.395 (4) (bq) and
8 amended to read:

9 20.395 (4) (bq) (title) *Hazardous materials transportation fees, state funds.*
10 Biennially, from the general fund, from the moneys received from the hazardous
11 ~~materials transportation registration fees established under s. 166.20 (7g) and~~

1 collected under s. 85.50, the amounts in the schedule for the purpose of collecting and
2 administering these the hazardous materials transportation registration fees under
3 s. 341.406.

4 **SECTION 2.** 20.465 (3) (jm) of the statutes is amended to read:

5 20.465 (3) (jm) *State emergency response board; emergency planning grants.*

6 All moneys received by the state emergency response board from fees assessed under
7 s. 166.20 (7), except moneys appropriated under par. (i) for the payment of grants
8 under s. 166.21, except grants under s. 166.21 (2) (~~bm~~) (br). The secretary of
9 administration shall lapse from this appropriation amounts totaling the amount
10 expended under par. (d) at the times and in the instalments determined by the
11 secretary of administration.

12 **SECTION 3.** 20.465 (3) (rp) of the statutes is amended to read:

13 20.465 (3) (rp) *Emergency response equipment.* From the transportation fund,
14 the amounts in the schedule for grants for the costs of computers and emergency
15 response equipment under s. 166.21 (2) (~~bm~~) (br). Notwithstanding s. 20.001 (3) (a),
16 the unencumbered balance of this appropriation on June 30 of each year shall be
17 transferred to the appropriation account under par. (rt), except that transfers to the
18 appropriation account under par. (rt) shall cease whenever the balance in the
19 appropriation account under par. (rt) exceeds \$500,000 and shall not recommence
20 until the balance in the appropriation account under par. (rt) is less than \$400,000.
21 No moneys may be transferred from this appropriation account to the appropriation
22 account under par. (rt) after June 30, 1998.

23 **SECTION 4.** 85.50 (title) of the statutes is repealed.

24 **SECTION 5.** 85.50 of the statutes is renumbered 341.406 (2) and amended to
25 read:

1 341.406 **(2)** The department shall collect the fees established under s. ~~166.20~~
2 ~~(7g)~~ sub. (1) to be paid by persons who may be required to file hazardous materials
3 transportation registration statements with the federal department of
4 transportation under 49 USC Appendix 1805 (e) 5108 or who may be required to
5 register with the state under 49 USC 5119.

6 **SECTION 6.** 166.20 (2) (bg) of the statutes is amended to read:

7 166.20 **(2)** (bg) Promulgate rules establishing an amount not to exceed \$6,000
8 that may be an eligible cost for computers in an emergency planning grant under s.
9 166.21 (2) ~~(bm)~~ (br).

10 **SECTION 7.** 166.20 (7g) of the statutes is repealed.

11 **SECTION 8.** 166.21 (2) (bm) of the statutes is repealed.

12 **SECTION 9.** 166.21 (2) (br) of the statutes is amended to read:

13 166.21 **(2)** (br) Subject to sub. (2m), ~~for grant applications submitted during the~~
14 ~~period after May 31, 1995, and before September 1, 1997,~~ 80% of the costs of
15 computers and emergency response equipment, but not to exceed \$10,000. In-kind
16 contributions may be used to meet the committee's contribution under this
17 paragraph.

18 **SECTION 10.** 166.21 (2m) (intro.) of the statutes is amended to read:

19 166.21 **(2m)** STRATEGIC PLAN. (intro.) A committee is eligible for grant funds
20 under sub. (2) ~~(bm)~~ (br) for emergency response equipment only if it submits to the
21 board a strategic plan for emergency response to hazardous substance releases that
22 includes all of the following:

23 **SECTION 11.** 341.406 of the statutes is created to read:

24 **341.406 Uniform hazardous materials transportation plan and fees.**

25 **(1)** The department shall promulgate rules establishing criteria for the payment of

1 fees by persons who may be required to file hazardous materials transportation
2 registration statements with the federal department of transportation under 49 USC
3 5108 or who may be required to register with the state under 49 USC 5119. The rules
4 promulgated under this subsection shall be consistent with the procedures,
5 limitations and recommendations under 49 USC 5119 and shall provide revenue
6 from the fees paid in an amount that reasonably approximates the amounts
7 appropriated from the transportation fund for programs related to hazardous
8 substances and for collecting and administering those fees.

9 **SECTION 12. Nonstatutory provisions.**

10 (1) The authorized FTE positions for the department of transportation are
11 decreased by 2.0 PR positions, to reflect the transfer of the appropriation account
12 under section 20.395 (4) (bh) of the statutes to the appropriation account under
13 section 20.395 (4) (bq) of the statutes.

14 (2) The authorized FTE positions for the department of transportation are
15 increased by 2.0 SEG positions, to reflect the transfer of the appropriation account
16 under section 20.395 (4) (bh) of the statutes to the appropriation account under
17 section 20.395 (4) (bq) of the statutes.

18 (3) The joint legislative audit committee is requested to direct the legislative
19 audit bureau to perform a financial and performance evaluation audit of the
20 emergency response teams that respond to Level A releases of hazardous substances,
21 as defined in section 166.20 (1) (ge) (intro.) of the statutes.

22 (4) The department of transportation shall submit in proposed form the rules
23 required under section 341.406 of the statutes, as created by this act, to the
24 legislative council staff under section 227.15 (1) of the statutes no later than June
25 1, 1997.

