



1997 ASSEMBLY BILL 80

February 12, 1997 - Introduced by Representatives GROTHMAN, BAUMGART, DOBYNS, HUEBSCH, KELSO, LAZICH, MUSSER, OLSEN, OTTE, RYBA, ZIEGELBAUER and ZUKOWSKI, cosponsored by Senators C. POTTER, WELCH, GROBSCHMIDT and HUELSMAN. Referred to Committee on Environment.

1 **AN ACT to amend** 101.143 (1) (fg), 101.143 (4) (d) 2. (intro.), 101.143 (4) (d) 2. d.,
2 101.143 (4) (dm) 2. b., 101.143 (4) (dm) 3. b. and 101.143 (4) (e) 2.; and **to create**
3 101.143 (1) (fp) of the statutes; **relating to:** reimbursement of costs incurred
4 because of discharges from heating oil tanks that serve buildings primarily
5 used for religious worship and heating oil tanks that serve nonprofit private
6 schools.

Analysis by the Legislative Reference Bureau

Under current law, the department of commerce administers the petroleum storage environmental cleanup program, commonly called PECFA. Under PECFA, the department reimburses persons owning or operating certain petroleum product storage tanks from which discharges occur for a portion of the costs of cleaning up the discharges. Under current law, PECFA generally does not cover the costs of cleaning up discharges from tanks used to store heating oil for use on the premises where stored. PECFA does cover heating oil tanks owned by school districts and technical college districts and provides limited coverage of home and farm heating oil tanks.

Under this bill, PECFA covers the costs of cleaning up discharges from heating oil tanks that serve buildings primarily used for religious worship and from heating oil tanks that serve nonprofit private schools.

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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:

1 **SECTION 1.** 101.143 (1) (fg) of the statutes is amended to read:

2 101.143 (1) (fg) "Petroleum product storage system" means a storage tank that
3 is located in this state and is used to store petroleum products together with any
4 on-site integral piping or dispensing system. The term does not include pipeline
5 facilities; tanks of 110 gallons or less capacity; residential tanks of 1,100 gallons or
6 less capacity storing petroleum products that are not for resale; farm tanks of 1,100
7 gallons or less capacity storing petroleum products that are not for resale, except as
8 provided in sub. (4) (ei); tanks used for storing heating oil for consumptive use on the
9 premises where stored, except for heating oil tanks owned by school districts and
10 heating oil tanks owned by technical college districts, heating oil tanks that serve
11 buildings primarily used for religious worship and heating oil tanks that serve
12 nonprofit private schools and except as provided in sub. (4) (ei); or tanks owned by
13 this state or the federal government.

14 **SECTION 2.** 101.143 (1) (fp) of the statutes is created to read:

15 101.143 (1) (fp) "Private school" has the meaning given in s. 115.001 (3r).

16 **SECTION 3.** 101.143 (4) (d) 2. (intro.) of the statutes is amended to read:

17 101.143 (4) (d) 2. (intro.) The department shall issue the award under this
18 paragraph without regard to fault in an amount equal to the amount of the eligible
19 costs that exceeds a deductible amount of \$2,500 plus 5% of the eligible costs, but not
20 more than \$7,500 per occurrence, except that the deductible amount for a petroleum
21 product storage system ~~that is owned by a school district or a technical college district~~

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1 and that is used for storing heating oil for consumptive use on the premises and that
2 is owned by a school district or technical college district, serves a building used
3 primarily for religious worship or serves a nonprofit private school is 25% of eligible
4 costs. An award issued under this paragraph may not exceed the following for each
5 occurrence:

6 **SECTION 4.** 101.143 (4) (d) 2. d. of the statutes is amended to read:

7 101.143 (4) (d) 2. d. ~~For a school district or a technical college district with~~ With
8 respect to a discharge from a petroleum product storage system that is used for
9 storing heating oil for consumptive use on the premises where stored and that is
10 owned by a school district or technical college district, serves a building used
11 primarily for religious worship or serves a nonprofit private school, \$190,000.

12 **SECTION 5.** 101.143 (4) (dm) 2. b. of the statutes is amended to read:

13 101.143 (4) (dm) 2. b. ~~For a school district or a technical college district with~~
14 With respect to a discharge from a petroleum product storage system that is used for
15 storing heating oil for consumptive use on the premises where stored and that is
16 owned by a school district or technical college district, serves a building used
17 primarily for religious worship or serves a nonprofit private school, 25% of eligible
18 costs.

19 **SECTION 6.** 101.143 (4) (dm) 3. b. of the statutes is amended to read:

20 101.143 (4) (dm) 3. b. ~~For a school district or a technical college district with~~
21 With respect to a discharge from a petroleum product storage system that is used for
22 storing heating oil for consumptive use on the premises where stored and that is
23 owned by a school district or technical college district, serves a building used
24 primarily for religious worship or serves a nonprofit private school, \$190,000.

25 **SECTION 7.** 101.143 (4) (e) 2. of the statutes is amended to read:

ASSEMBLY BILL 80**SECTION 7**

1 101.143 (4) (e) 2. The department shall issue the award under this paragraph
2 without regard to fault in an amount equal to the amount of the eligible costs that
3 exceeds a deductible amount of \$10,000, except that the deductible amount for a
4 petroleum product storage system ~~that is owned by a school district or a technical~~
5 ~~college district and that is used for storing heating oil for consumptive use on the~~
6 ~~premises where stored and that is owned by a school district or technical college~~
7 ~~district, serves a building used primarily for religious worship or serves a nonprofit~~
8 ~~private school~~ is 25% of eligible costs and except that the deductible for a petroleum
9 product storage system that is described in par. (ei) 1. is \$2,500 plus 5% of the eligible
10 costs, but not more than \$7,500 per occurrence without regard to when the eligible
11 costs are incurred.

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(END)