

# State of Wisconsin



1995 Assembly Bill 291

Date of enactment: **August 16, 1995**

Date of publication\*: **August 30, 1995**

## 1995 WISCONSIN ACT 52

AN ACT *to renumber and amend* 144.3712 (2) and 144.3712 (3); and *to create* 144.3712 (2) (b), 144.3712 (3) (b) and (c) and 144.3712 (4) and (5) of the statutes; **relating to:** the employe trip reduction program and granting rule-making authority.

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

**SECTION 1.** 144.3712 (2) of the statutes is renumbered 144.3712 (2) (a) and amended to read:

144.3712 (2) (a) The department shall promulgate by rule requirements for employers who are located in areas described under sub. (1) (a) or (b) to implement programs to reduce work-related trips and miles traveled by employes. The department shall develop the rules in accordance with [42 USC 7511a](#) (d) (1) (B) and the guidance issued by the administrator of the federal environmental protection agency under [42 USC 7408](#) (f). ~~The rules shall require that each employer who employs 100 or more persons in an area described under sub. (1) (a) or (b) increase average passenger occupancy per vehicle in commuting trips between home and workplace during peak travel periods by not less than 25% above the average passenger occupancy per vehicle for all such trips in the area as of November 15, 1992, or any later date specified by the federal environmental protection agency.~~

**SECTION 2.** 144.3712 (2) (b) of the statutes is created to read:

144.3712 (2) (b) The rules under par. (a) shall establish reasonable limits on the direct and indirect expenses that an employer may be required to incur to comply with

the rules. The rules shall specify a limit for each of the following:

1. The maximum annual expenses for each worksite subject to the rules.

2. The maximum annual expenses for each employe subject to the rules at a worksite.

**SECTION 3.** 144.3712 (3) of the statutes is renumbered 144.3712 (3) (a) and amended to read:

144.3712 (3) (a) ~~If~~ Except as provided under sub. (4) or (5), if an employer is located in an area that is described before November 15, 1993, by the department under sub. (1) (a) or (b) and is subject to the rules promulgated under sub. (2), the employer shall submit to the department, no later than November 15, 1994, a plan that demonstrates that the employer will comply with the rules no later than November 15, 1996.

**SECTION 4.** 144.3712 (3) (b) and (c) of the statutes are created to read:

144.3712 (3) (b) The department may not require as a condition of approving a compliance plan that an employer incur annual expenses greater than the limits established under sub. (2) (b).

(c) Notwithstanding any other provision of this section, an employer is considered to meet the requirements of this section if the employer's compliance plan is

\* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

approved by the department and the employer makes reasonable efforts to implement the compliance plan.

**SECTION 5.** 144.3712 (4) and (5) of the statutes are created to read:

144.3712 (4) ALTERNATIVE CONTROL PLAN. (a) Instead of submitting a compliance plan under sub. (3) (a), an employer may submit to the department a plan for an alternate control program that provides for any of the following:

1. Air quality benefits similar to a compliance plan under sub. (3) (a), as determined by the department.

2. A reduction of emissions of volatile organic compounds, achieved after the effective date of this subdivision .... [revisor inserts date], in the areas described under sub. (1) (a) or (b) that is at least 1.3 times the reduction of the emissions of volatile organic compounds that would be achieved under a compliance plan under sub. (3) (a).

3. A reduction of emissions of volatile organic compounds, achieved after the effective date of this subdivision .... [revisor inserts date], in the areas described under sub. (1) (a) or (b) that is equal to or greater than the reduc-

tion of the emissions of volatile organic compounds that would be achieved under a compliance plan under sub. (3) (a), if the emissions reduction is included in an operation permit under s. 144.391 or another document that is enforceable by the federal government.

(b) Notwithstanding any other provision of this section, an employer with an alternate control plan under par. (a) 1. or 2. that is approved by the department is considered to meet the requirements of this section if the employer makes reasonable efforts to implement the alternate control plan.

(5) SUSPENSION. (a) If the secretary determines that the requirement for an employe trip reduction program under 42 USC 7511a (d) (1) (B) is suspended or terminated, the secretary may suspend the program under this section.

(b) If the U.S. congress has passed and the president has signed legislation that eliminates or suspends the requirement for an employe trip reduction program under 42 USC 7511a (d) (1) (B), the governor may suspend the program under this section.