

Vote Record

AB 50

7

Assembly Committee on Environment

1) Unanimous consent to Intro. amendment

Date: 4-15

Executive Session

Public Hearing

Bill Number: ~~80~~

Moved by: Hahn

Seconded by: Duff

2) Motion: Adopt Ament 0301

Committee Member

Aye

No

Absent

Present

Absent

Rep. Marc Duff, Chair

Rep. Tim Hoven

Rep. DuWayne Johnsrud

Rep. Eugene Hahn

Rep. Lorraine Seratti

Rep. Neal Kedzie

Rep. Peter Bock

Rep. Judy Robson

Rep. Spencer Black

Rep. John La Fave

Totals: 10

0

Motion Carried

Motion Failed

Vote Record

(2)

Assembly Committee on Environment

Date: 4-15 Executive Session Public Hearing

Bill Number: 80

Moved by: Johnsrud Seconded by: Hahn

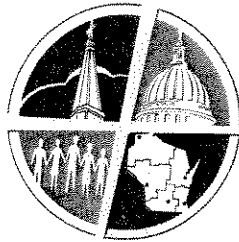
Motion: Recom. as amended

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Present</u>	<u>Absent</u>
Rep. Marc Duff, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tim Hoven	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. DuWayne Johnsrud	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Eugene Hahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Lorraine Seratti	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Neal Kedzie	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Peter Bock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Judy Robson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Spencer Black	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. John La Fave	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: 10 _____

Motion Carried

Motion Failed



WISCONSIN CATHOLIC CONFERENCE

30 WEST MIFFLIN STREET • MADISON, WISCONSIN 53703 • 608/257-0004 • FAX 608/257-0376

TO: Members Assembly Committee on the Environment
FROM: John Haebscher
DATE: March 31, 1997
RE: Assembly Bill 80 - Grants for Heating Oil Tank Cleanup

On behalf of the Wisconsin Catholic Conference, I urge you to support Assembly Bill 80, which makes churches and nonpublic schools eligible for grants under the PECFA program.

Extending the program to include cleanup of tanks owned by churches and nonpublic schools is consistent with the purposes of the program, which is to make grants available to tank owners, such as homeowners, schools, and family farmers, who are unlikely to be able to afford the cleanup costs. Many rural schools and churches also fit into this category.

We believe extending the program to these entities is appropriate for several reasons, including the following:

First, PECFA operates for a secular public purpose, that of assuring a clean environment.

Second, the funds are earmarked to cover cleanup costs already incurred or to which the recipient is committed. There is no way to divert the funds and hence no way that these funds will advance the educational or religious purposes of the recipients.

Third, a previous opinion of the Attorney General (74 Atty. Gen. 25) has held that the use of public funds for pollution abatement purposes does not violate the Article VIII, Section 3, of our constitution which prohibits the use of public funds for private purposes, or Art. VIII, Section 10 which prohibits the use of such fund for internal improvements.

PECFA funds pollution abatement activities. Since, all Constitutional provisions are equal, there is not a separate definition of a public purpose under Article X and another under Article I. Just as the lakes or streams which benefit from pollution abatement do not stop at the property line, neither does the groundwater at risk of contamination by leaking tanks respect such boundaries.

As the Attorney General stated in his opinion, structures that control waste or pollution are not construed as an aid to an individual, but "in aid" of the public purpose of eliminating the water pollution.

In light of all this, AB 80, which extends grants made under this program to tanks owned by nonpublic schools and churches is good public policy. Only a policy of hostility to religion would deny them the same access to these grants that is enjoyed by other tank owners in a similar situation.

Your support of AB 80 will be appreciated.

WANS MEMBER ORGANIZATIONS



Christian Schools International
District IV

Archdiocese of Milwaukee

Diocese of Green Bay

Diocese of LaCrosse

Diocese of Madison

Diocese of Superior

Lutheran Church - Missouri Synod
Northern Wisconsin District

Lutheran Church - Missouri Synod
Southern Wisconsin District

Wisconsin Conference of
Seventh Day Adventists

Wisconsin Association of
Independent Schools

Wisconsin Evangelical
Lutheran Synod

TO: Members, Assembly Environment Committee

FROM: Sharon L. Schmeling, Executive Secretary

DATE: April 1, 1997

RE: Assembly Bill 80 -- heating oil tank cleanup funds

Thank you for this opportunity to provide input on Assembly Bill 80.

The Wisconsin Association of Nonpublic Schools represents 75 percent of the state's nonpublic schools, which enroll 128,000 students in more than 700 schools.

Fully 15 percent of Wisconsin's school children attend nonpublic schools. We believe the inclusion of nonpublic schools in the petroleum cleanup fund (PECFA) is in the public interest because it would protect the health and safety of these students.

During the 1993-1995 Biennium, the Legislature expanded the types of tanks covered by the PECFA program. These new categories included public school district heating oil tanks, Indian trust land, aboveground and underground farm tanks, and VTAE oil tanks.

Tanks serving non-public schools is one of the last categories of tanks not currently covered under PECFA. There are more than 900 nonpublic schools in Wisconsin. They are located mostly in small towns and urban areas. As a matter of public health and environmental safety, we can think of no logical reason why public school tanks are covered and nonpublic school tanks are not.

There is precedence for including nonpublic schools in such cleanup efforts. When the federal government mandated cleanup of asbestos in schools, nonpublic schools received equal access to the funds.

This decision was based on the understanding that if we require current generations to rectify situations that our forbearers unwittingly created and that now pose a threat to public health and safety, we have some obligation to help facilitate those repairs.

Please help protect the health and safety of nonpublic school students by supporting AB 80.

Thank you for your consideration.

12:22PM OOSTBURG CONCRETE



Oostburg Christian School

610 Superior Avenue
P. O. Box 278
Oostburg, Wisconsin 53070-0278
Phone 414-564-2664



To: The Office of Glenn Grothman
Fax #: 1-608-266-7038

Re: Leaking Underground Storage Tank

An underground fuel tank was discovered by the foundation of Oostburg Christian School while trenching for a new water main in the fall of 1993. It was immediately obvious that there had been leaking of fuel oil into the soil. The proper authorities were notified and excavation took place in the spring of 1994.

We were notified during this time that there was no money available from the state to help defray the cost of removal of the contaminated soil and the tank itself. We were also told that local public school districts do get help for leaking underground storage tanks. When asked why public schools do get help and non-public schools do not, I received no satisfactory answer. Certainly, no one can claim that providing financial help to non-public schools for these situations somehow violates the separation of church and state. The money would serve no sectarian purpose. It would simply allow us to obey the state mandates concerning leaking underground storage tanks without causing so much fiscal stress that our building project would be in danger of being postponed or canceled. It is conceivable that some non-public schools would have to close up if they were unable to pay the high cost of tank and contaminated soil removal.

Please consider including churches and non-public schools in this program.
Thank you.

Rick Geertsma
Administrator
Oostburg Christian School

Glenn Grothman

STATE REPRESENTATIVE

59TH ASSEMBLY DISTRICT

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West Bend, Wisconsin 53095
(414) 338-8061

Talking Points – Assembly Bill 80

PECFA Expansion to Religious Institutions and Private Schools

- **Private Schools and Religious Institutions Pay the PECFA Fee:** The PECFA program is funded largely through a petroleum inspection fee imposed at the terminal level. Generally, retail distributors pay a 3-cent per gallon tax on gasoline, diesel fuel, and heating oil when they purchase the product from the wholesaler. The cost of this fee is reflected in the price the end consumer pays for those commodities. As a result, religious institutions and schools which use heating oil, or which own and use vehicles, lawn mowers, or other petroleum-burning products, pay their share toward the PECFA program.
- **Members of Religious Communities and the Parents of Private School Children Pay the PECFA Fee:** Because religious institution members and the tuition-paying parents at private schools are the ones most likely to end up paying for any environmental remediation at those sites and, because they already pay the fee as consumers of petroleum products used as fuel, their institutions ought to be able to benefit from the program.
- **Public Schools and Technical Colleges Are Already Eligible for PECFA:** As the result of changes to the program in recent biennia, public schools and technical colleges are eligible for relief under the program.
- **Many Religious Organizations and Private Schools Lack the Resources to Perform Thorough Remediations on Their Own:** The Department of Commerce estimates that 325 religious facilities and private schools will have discharges from heating oil tanks which will require remediation over the next five years. For many of these institutions, the cost will exceed what the congregation or school can afford. This encourages non-reporting of environmental contamination. It may also result in an incomplete remediation, or even in the abandonment of the property. The ability of these groups to obtain PECFA funding will go a long way toward guaranteeing a cleaner environment at and around these sites.
- **The PECFA Fund is Healthy:** At the end of the 1995-1996 fiscal year, the PECFA fund had a closing balance of \$12 million. Programmatic changes have also been made which will reduce the fund's liabilities. Finally, the very nature of the PECFA program dictates that its liabilities will decline as a function of time; each site needs to be cleaned only once, and there is a limited number of sites statewide.
- **This Legislation Does Not Expand the Overall Liability of the PECFA Fund:** The newly-eligible religious institutions and private schools will compete for the same, limited pool of funds currently available to public schools and technical colleges. Consequently, the eligibility rules applied to these public institutions now will also apply to the religious sites and private schools. All eligible parties are subject to a 25 percent deductible on all eligible costs, and the maximum possible award for any applicant is \$190,000. The fiscal estimate for this legislation portends an increased \$1.8 million in annual claims against the fund; it is important to remember, however, that the overall liability of the fund is *not* changed. Furthermore, the \$1.8 million figure may be high – it assumes that a large number of tanks will develop leaks, and that every leaky tank will be discovered, remediated, and claimed. Actual claims may amount to less than the fiscal estimate predicts.

Chairman:

Joint Committee for the Review
of Administrative Rules

Member:

Judiciary (Vice Chair)
Special Committee on Controlled
Substances (Vice Chair)
Labor and Employment
Law Revision
Urban Education
Welfare Reform