

1999 DRAFTING REQUEST

Bill

Received: **10/2/98**

Received By: **traderc**

Wanted: **Soon**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Wong**

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

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Subject: **Environment - env. cleanup**

Extra Copies:

Topic:

DOA:.....Wong - PECFA -- information disclosure

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>
/1	traderc 10/28/98	ptellez 10/28/98	hhagen 10/29/98	_____	lrb_docadmin 10/29/98		

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Contracts governed by the laws of non-member countries are not clearly valid. A party to such a contract could claim impossibility of performance (performance is no longer physically or legally possible) or frustration of purpose (the main purpose of the transaction is no longer attainable). The frustration of purpose would mainly come into play in a transaction such as a swap, which is a financial transaction in which the parties are betting that the value of a currency will move in a certain direction.

Proposed change: Language from California is attached.

RCT VI. **Division of Environmental and Regulatory Services**

A. PECFA -- Remediation Service Providers.

Provide ERS with a waiver from the state bid process when selecting remediation service providers. This authority would make it easier for Commerce to use its bundling authority, which it received in the last biennial budget, to control PECFA costs.

Proposed change: Amend § 101.143 (4) (ce) to provide Commerce with a waiver from the state bid process when selecting remediation service providers.

B. PECFA -- Information Disclosure.

The existing language on information disclosure focuses on maintaining strict confidentiality of the name of the owner and the location of the tank. It is not practical in responding to reasonable inquiries from owners, inspection agencies, real estate firms, lenders, etc.

Proposed change: Delete § 101.09 (3) (b).

C. PECFA -- Hazardous Substance Regulatory Authority.

Wisconsin statutes and federal rules provide the Department with authority over underground storage tanks. Federal rules also provide the Department with authority over hazardous substance tanks; however, state law does not clearly define the Department's authority over and technical requirements for hazardous substance tanks. Wisconsin Act 410 and the Federal Rule 40 CFR 280 strengthened the regulatory control over underground storage tanks. Existing chapter 101 statutory language provides regulatory authority for the Act 410 requirements while a June 17, 1985 designation (by the Governor) assigned the



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0422/1

RCT...:...

SOON

ksh

DOA:.....Wong - PECFA - information disclosure

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

1 AN ACT *do not gen cat*; relating to: the budget.

Analysis by the Legislative Reference Bureau ✓
COMMERCE AND ECONOMIC DEVELOPMENT
BUILDINGS AND SAFETY ✓

Under current law, the department of commerce (the department) regulates the storage of flammable and combustible liquids. Current law requires the department to treat the name of the owner, and the location, of a noncommercial heating oil tank as confidential. This bill eliminates that confidentiality requirement.

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

2 SECTION 1. 101.09 (3) (b) of the statutes is repealed.

3 (END)



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