## Bill

FE Sent For:

Received: 01/8/99  Wanted: Soon  For: Administration-Budget 6-1040  This file may be shown to any legislator: NO  May Contact:					Received By: trac											
					Identical to LRB:  By/Representing: Schmiedicke  Drafter: traderc  Alt. Drafters:											
									Subject:	Envir	onment - env. c	leanup		Extra Copies:	KSH	
									Topic:	Schmiedick	re - PECFA site 1	oid insurance				
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/1	traderc 02/2/99	gilfokm 02/2/99	hhagen 02/2/99		lrb_docadmin 02/2/99		State									

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Environment - env. cleanup

Extra Copies:

**KSH** 

Topic:

DOA:.....Schmiedicke - PECFA site bid insurance

**Instructions:** 

See Attached

**Drafting History:** 

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#### CORRESPONDENCE\MEMORANDUM

STATE OF WISCONSIN Department of Administration

Date:

January 7, 1999

To:

Steve Miller

Legislative Reference Bureau

From:

David P. Schmiedicke

State Budget Office

Subject: 1999-01 Budget Drafting Instructions

Please draft the following for inclusion in the Governor's 1999-01 biennial budget:

#### **PECFA**

#### Site Bid Insurance

Under Commerce rules for the PECFA program, sites can be let out to bid as a means of establishing a cost limit to remediate a site. The dollar amount associated with the selected bid serves as the maximum cost for a site. As a means of addressing cost overruns, authorize Commerce to charge a fee for submittal of bids to clean up sites under the PECFA program. This fee would be used to support processing costs associated with purchase of insurance by the program. The insurance would offset cleanup costs that exceed the bid amount selected for the site under Commerce rules. Require Commerce to establish the fee through rule and deposit the proceeds of the fee in the Petroleum Inspection Fund.

Authorize use of the proceeds in the PECFA award appropriation (s. 20.143 (3)(v)) to purchase insurance to support costs in excess of limits determined through bidding.

#### Geographic Information System Registry for Sites with Groundwater Exceedences

Authorize the Department of Natural Resources to assess a fee to record a property with contamination above the enforcement standard under Chapter 160 on a database. Provide DNR with emergency rule-making authority to implement this provision.

#### **PECFA Claim Maximums**

Set the maximum allowable claim per occurance for underground petroleum storage systems under s. 101.143 (4)(d)2 a, b, and d at \$100,000 for those sites classified as low and medium priority under s. 101.144 (3m)(a)3. This change should be effective December 1, 1999.

Please feel free to call me at 6-1040 with questions. Thanks.



# State of Misconsin 1999 - 2000 LEGISLATURE

LRB-1668/P1
RCT:|/:...

DOA:.....Schmiedicke - PECFA site bid insurance

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

AN ACT.; relating to: the budget.

# Analysis by the Legislative Reference Bureau ENVIRONMENT

## HAZARDUŚ SUBSTANCES AND ENVIRONMENTAL CLEANUP

Under current law, the department of commerce administers a program to reimburse owners of certain petroleum product storage tanks for a portion of the costs of cleaning up discharges from those tanks. This program is commonly known as PECFA.

This bill authorizes the department of commerce to require a person to pay a fee as a condition of submitting a bid to provide a service for a cleanup under the PECFA program. If the department of commerce imposes a fee, the department may purchase, or provide funding for the purchase of, insurance to cover the amount by which the costs of conducting a cleanup exceed the amount bid to conduct the cleanup.

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:

SECTION 1. 20.143 (3) (v) of the statutes is amended to read:

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20.143 (3) (v) Petroleum storage environmental remedial action; awards.
Biennially, from the petroleum inspection fund, the amounts in the schedule to pay
awards under s. 101.143 and legal costs incurred under s. 101.143 (7m) and, if the
department promulgates rules under s. 101.143 (2) (i) 1., to purchase, or provide
funding to purchase, insurance described in s. 101.143 (2) (i) 2.

History: 1979 c. 361; 1981 c. 20, 21, 349; 1983 a. 27, 83, 192, 381; 1985 a. 29 ss. 169 to 204, 3202 (14); 1985 a. 120, 332, 334; 1987 a. 27, 109, 317, 318, 399, 403; 1989 a. 31, 185, 237, 317, 325, 335, 336, 342, 359; 1991 a. 39, 259, 261, 269, 315; 1993 a. 5, 16, 75, 110, 232, 437; 1995 a. 27 ss. 483, 505 to 517, 608s, 609g, 609j, 964, 965, 977, 987, 988, 990 to 993, 1080h, 1085h, 1086h, 9116 (5): 1995 a. 116. 119. 216. 227; 1997 a. 9, 27, 35, 215, 237, 252, 310; s. 13.93 (2) (c).

SECTION 2. 25.47 of the statutes is amended to read:

25.47 Petroleum inspection fund. There is established a separate nonlapsible trust fund designated as the petroleum inspection fund, to consist of the fees imposed under s. 168.12 (1), any fees imposed under s. 101.143 (2) (i), the payments under s. 101.143 (4) (h) 1m., the payments under s. 101.143 (5) (a) and the net recoveries under s. 101.143 (5) (c).

History: 1987 a. 27, 399; 1991 a. 269; 1993 a. 16; 1997 a. 27. **SECTION 3.** 101.143 (2) (i) of the statutes is created to read:

101.143 (2) (i) 1. The department may promulgate rules that specify a fee that must be paid by a service provider as a condition of submitting a bid to conduct an activity under sub. (3) (c) for which a claim for reimbursement under this section will be submitted. Any fees collected under the rules shall be deposited in the petroleum inspection fund.

2. If the department promulgates rules under subd. 1., the department may purchase, or provide funding for the purchase of, insurance to cover the amount by which the costs of conducting activities under sub. (3) (c) exceed the amount bid to conduct those activities.

(END)



# State of Misconsin 1999 - 2000 LEGISLATURE

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LRB-1668/1 RCT:kmg:hmh redulf

DOA:.....Schmiedicke - PECFA site bid insurance

FOR 1999-01 BUDGET -- NOT READY FOR INTRODUCTION

Note

AN ACT 2; relating to: the budget.

# Analysis by the Legislative Reference Bureau ENVIRONMENT

#### HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP

Under current law, the department of commerce administers a program to reimburse owners of certain petroleum product storage tanks for a portion of the costs of cleaning up discharges from those tanks. This program is commonly known as PECFA.

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SECTION 1. 20.143 (3) (v) of the statutes is amended to read:

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SECTION 2. 25.47 of the statutes is amended to read:

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2. If the department promulgates rules under subd. 1., the department may purchase, or provide funding for the purchase of, insurance to cover the amount by which the costs of conducting activities under sub. (3) (c) exceed the amount bid to conduct those activities.

1999–2000 DRAFTING INSERT FROM THE

LRB-1668/1ins RCT:kmg:hmh

LEGISLATIVE REFERENCE BUREAU

SECTION 1. 25.47 (1m) of the statutes is created to read:

25.47 (1m) Any fees imposed under s. 101.143 (2) (i).

\*\*\*\*Note: This is reconciled s  $(25.47 \, (1m))$ . This Section has been affected by drafts with the following LRB numbers: LRB-1668 and LRB-1432.

## DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-1668/1dn RCT::

Dave and Manyee:

This draft reconciles LRB-1668 and LRB-1432. All of these drafts should continue to appear in the compiled bill.

Rebecca C. Tradewell Managing Attorney Phone: (608) 266–7290

E-mail: Becky.Tradewell@legis.state.wi.us

# DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-1668/1dn RCT:kmg:hmh

Tuesday, February 2, 1999

#### Dave and Manyee:

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Rebecca C. Tradewell Managing Attorney Phone: (608) 266–7290

E-mail: Becky.Tradewell@legis.state.wi.us



## State of Misconsin 1999 - 2000 LEGISLATURE

LRB-1668/1 RCT:kmg:hmh

DOA:.....Schmiedicke - PECFA site bid insurance

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AN ACT ...; relating to: the budget.

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2. If the department promulgates rules under subd. 1., the department may purchase, or provide funding for the purchase of, insurance to cover the amount by which the costs of conducting activities under sub. (3) (c) exceed the amount bid to conduct those activities.

12 (END)