

**1999 DRAFTING REQUEST**

**Bill**

Received: **01/8/99**

Received By: **traderc**

Wanted: **Soon**

Identical to LRB:

For: **Administration-Budget 6-1040**

By/Representing: **Schmiedicke**

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

Drafter: **traderc**

May Contact:

Alt. Drafters:

Subject: **Environment - env. cleanup**  
**Environment - water quality**

Extra Copies:

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**Topic:**

DOA:.....Schmiedicke - Authorize DNR to assess fee to record properties with groundwater enforcement standard exceedences

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**Instructions:**

See Attached

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**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>
/P1	traderc 01/11/99	ygeller 01/11/99	lpaasch 01/11/99	_____	lrb_docadmin 01/11/99		State

FE Sent For:

<END>

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/?	traderc		1/11/99	<del>1/11/99</del> JR			

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<END>

**CORRESPONDENCE MEMORANDUM**STATE OF WISCONSIN  
Department of Administration

**Date:** January 7, 1999

**To:** Steve Miller  
Legislative Reference Bureau

**From:** David P. Schmiedicke *DP*  
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 occurrence 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.

Per Dave  
Now under NR 700.1 record a deed restriction of groundwater  
use restriction

This proposal: We'll close site if you register on GCS  
system - not just PECEA ✓



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-1670/P1

RCT:.....

SOON

JLg

DOA:.....Schmiedicke - Authorize DNR to assess fee to record properties with groundwater enforcement standard exceedences

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

ONote

1 AN ACT <sup>do not gen</sup> ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**ENVIRONMENT** ✓

**HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP** ✓

Under current law, the department of natural resources (DNR) and the department of health and family services (DHFS) establish standards for the concentration of contaminants in groundwater. When the groundwater standards are exceeded, action must be taken under this state's groundwater law. This bill authorizes DNR to charge a fee for placing information concerning a property on which a groundwater standard is exceeded into a database.

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:*

2 SECTION 1. 292.57 <sup>X</sup> of the statutes is created to read:

3 292.57 Database of properties on which groundwater standards are  
4 exceeded. (1) In this section, "groundwater standard" <sup>✓</sup> means an enforcement

1 standard, as defined in s. 160.01 (2), or a preventive action limit, as defined in s.  
2 160.01 (6).

3 (2) (a) The department may promulgate a rule specifying a fee for placing  
4 information concerning a property on which a groundwater standard is exceeded into  
5 a database.

6 (b) Any moneys collected under this subsection shall be credited to the  
7 appropriation account under s. 20.370 (2) (mi).

8 **SECTION 9136. Nonstatutory provisions; natural resources.**

9 (1) DATABASE OF PROPERTIES ON WHICH GROUNDWATER STANDARDS ARE EXCEEDED:

10 Using the procedure under section 227.24 of the statutes, the department of natural

11 resources may promulgate a rule under section 292.57 of the statutes, as created by  
12 this act, for the period before the effective date of the rule promulgated under section

13 292.57 of the statutes, as created by this act, but not to exceed the period authorized  
14 under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24

15 (1) (a), (2) (b) and (3) of the statutes, the department is not required to provide  
16 evidence that promulgating a rule under this subsection as an emergency rule is

17 necessary for the preservation of the public peace, health, safety or welfare and is not  
18 required to provide a finding of emergency for a rule promulgated under this

19 subsection.

20

(END)

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1670/P1dn

RCT:.....

Dave:

Please review this draft carefully. I am not certain that it accomplishes your intent. Should the draft refer to a geographic information system? If so, should the proceeds of the fee be credited to s. 20.370 (8) (ni)? Or do you want a separate appropriation?

Rebecca C. Tradewell  
Managing Attorney  
266-7290



**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1670/P1dn  
RCT:jlglp

January 11, 1999

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State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-1670/P1

RCTjlg:lp

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FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

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

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15 section 227.24 (1) (a), (2) (b) and (3) of the statutes, the department is not required  
16 to provide evidence that promulgating a rule under this subsection as an emergency  
17 rule is necessary for the preservation of the public peace, health, safety or welfare  
18 and is not required to provide a finding of emergency for a rule promulgated under  
19 this subsection.

20 (END)

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**NOTE TO DRAFTING FILE for LRB-1670:**

Per the drafter, this draft has been redrafted to a “/1” as no problems remain in the draft that require resolution before introduction of the budget bill. There are no changes between the “/PX” and the “/1.”

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