

2001 DRAFTING REQUEST

Bill

Received: **02/02/2001**

Received By: **rmarchan**

Wanted: **As time permits**

Identical to LRB:

For: **John Steinbrink (608) 266-0455**

By/Representing: **Geoff Gaston**

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

Drafter: **rmarchan**

May Contact:

Addl. Drafters:

Subject: **Buildings/Safety - misc.**

Extra Copies:

Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

Removal or capping of pipes used to pump heating oil into residential furnaces.

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>
/?	rmarchan 03/15/2001	gilfokm 03/15/2001		_____			
/1	rmarchan 10/02/2001	gilfokm 10/02/2001	jfrantze 03/15/2001	_____	lrb_docadmin 03/15/2001		
/2	rmarchan 11/08/2001	gilfokm 11/09/2001	jfrantze 10/03/2001	_____	lrb_docadmin 10/03/2001	lrb_docadmin 10/03/2001	
/3			jfrantze 11/09/2001	_____	lrb_docadmin 11/09/2001	lrb_docadmin 11/09/2001	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

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NONE NEEDED

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/2		13-11/9 kmg	jfrantze 10/03/2001	_____	lrb_docadmin 10/03/2001	lrb_docadmin 10/03/2001	

FE Sent For:

Handwritten signatures and dates: 10/11/9, 10/9, 10/9

Handwritten note in a circle: for Assm Per RJM

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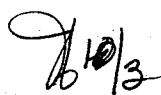
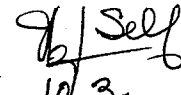
Instructions:

See Attached

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/?	rmarchan 03/15/2001	gilfokm 03/15/2001					
/1		12-10/2 kmg	jfrantze 03/15/2001		lrb_docadmin 03/15/2001		

FE Sent For:



 10/3
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Alt. Drafters:

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1?	rmarchan	1-3/KMG 15-01	2/3/15	2/6/3elf 3/15			

FE Sent For:

<END>

Marchant, Robert

From: Smith, Irma
Sent: Wednesday, January 31, 2001 11:25 AM
To: Tradewell, Becky; Marchant, Robert
Subject: is this something either of you would do? Please let me know, Thank you, Irma

-----Original Message-----

From: Gaston, Geoff
Sent: Wednesday, January 31, 2001 10:51 AM
To: LRB.Legal
Subject:

Representative Steinbrink would like to have a bill drafted that would require that external pipes for fuel oil furnaces be removed or permanently sealed when fuel oil furnaces are replaced with furnaces of another type.

His intent is to prevent situations that occur periodically where a fuel oil company unaware that the furnace has been replaced pumps oil into the remaining external pipe no longer connected to the furnace, therefore pumping the oil directly into the basement or worse.

He would like the responsibility for removal or capping to fall on the contractor or company doing the work.

Thanks, and please call or e-mail with any questions, etc.

Geoff
Rep. Steinbrink's office
6-0455



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-23827-1

RJM: King
P. W. W. K.

Due 4-12-01

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

NOTE

1 AN ACT ^{GEN. CAT.} ...; relating to: removal of home heating oil storage systems.

Analysis by the Legislative Reference Bureau

This bill requires any contractor that removes a home heating oil storage system or renders a home heating oil storage system inoperable to ensure that the external piping used for delivery of heating oil into the system is capped or removed. Current law does not contain any similar requirement.

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

2 SECTION 1. 101.147 of the statutes is created to read:
3 101.147 Removal of home heating oil storage systems. (1) DEFINITION.
4 In this section, "home oil tank system" has the meaning given in s. 101.143 (1) (cm).
5 (2) REQUIREMENT. Any person who, under contract with a person who owns or
6 controls property, removes or renders inoperable a home oil tank system on the
7 property shall, as part of the work performed under the contract, remove or cap all

1 piping that is part of the system and that is used for delivery of heating oil into the
2 system.

3

(END)

home oil tank

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2382/7dn

RJM:.....

kmj

Representative Steinbrink:

The attached draft does not include a specific penalty. As a result, the general penalty in s. 101.02 (13) (a) would apply and would require any person who violates the bill to forfeit between \$10 and \$100. Please let me know if you intend to apply a different penalty.

Robert J. Marchant
Legislative Attorney
Phone: (608) 261-4454
E-mail: robert.marchant@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2382/1dn
RJM:kmg:jf

March 15, 2001

Representative Steinbrink:

The attached draft does not include a specific penalty. As a result, the general penalty in s. 101.02 (13) (a) would apply and would require any person who violates the bill to forfeit between \$10 and \$100. Please let me know if you intend to apply a different penalty.

Robert J. Marchant
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State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

March 15, 2001

MEMORANDUM

To: Representative Steinbrink
From: Robert J. Marchant, Legislative Attorney
Re: LRB-2382 Removal or capping of pipes used to pump heating oil into residential furnaces.

1 change, if possible, would be to add "permanently" so the cap would be permanent. Otherwise ready for jacketing. Thanks Geoff Steinbrink Rep.

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 261-4454 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2382/1dn
RJM:kmg:jf

March 15, 2001

Representative Steinbrink:

The attached draft does not include a specific penalty. As a result, the general penalty in s. 101.02 (13) (a) would apply and would require any person who violates the bill to forfeit between \$10 and \$100. Please let me know if you intend to apply a different penalty.

Robert J. Marchant
Legislative Attorney
Phone: (608) 261-4454
E-mail: robert.marchant@legis.state.wi.us

Permanently



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-2382/2

RJM:kmg:jf

5000

RMVR

2001 BILL

or permanently capped

1 AN ACT to create 101.147 of the statutes; relating to: removal of home heating
2 oil storage systems.

Analysis by the Legislative Reference Bureau

This bill requires any contractor that removes a home heating oil storage system or renders a home heating oil storage system inoperable to ensure that the external piping used for delivery of heating oil into the system is capped or removed. Current law does not contain any similar requirement.

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

3 SECTION 1. 101.147 of the statutes is created to read:

4 101.147 Removal of home heating oil storage systems. (1) DEFINITION.

5 In this section, "home oil tank system" has the meaning given in s. 101.143 (1) (cm).

6 (2) REQUIREMENT. Any person who, under contract with a person who owns or
7 controls property, removes or renders inoperable a home oil tank system on the
8 property shall, as part of the work performed under the contract, remove or cap all

permanently

BILL

1 piping that is part of the home oil tank system and that is used for delivery of heating
2 oil into the home oil tank system.

3 (END)

Marchant, Robert

From: Gaston, Geoff
Sent: Monday, November 05, 2001 10:48
To: Marchant, Robert
Subject: LRB 2382

Rep. Steinbrink would like to request a (hopefully) final draft of his bill related to home fuel tanks.

He'd like to request the following changes:

1) Could the definition be changed to the definition in Comm 10.01 (98) (g) which is that case is an exception but here would be a definition if appropriate: (reads "*Comm 10.01(98)(g)*
(g) Storage tank situated in an underground area, such as but not limited to a basement, cellar, mineworking, drift, shaft, or tunnel, if the storage tank is situated upon or above the surface of the floor.")

The reason for this is that the current definition references underground tanks, and the tanks primarily in question are actually aboveground tanks located in basements.

2) Could the reference to "permanently cap" be changed to "filled with concrete"

3) Could a requirement be added that the homeowner be required to notify their most recent fuel oil vendor in writing that the tank has been disconnected and oil deliveries should be discontinued. This can be done by giving rule-making authority if most appropriate.

Thanks, sending by e-mail so it's in writing before calling, but am at 6-0455 if there are questions, comments, etc.

Geoff
Rep. Steinbrink's office

Marchant, Robert

From: Gaston, Geoff

Sent: Wednesday, November 07, 2001 11:25

To: Marchant, Robert

Subject: fuel tank bill

Below is the suggested language for the definition from Commerce:

Storage tank situated in an ~~underground~~ area, such as but not limited to a basement, cellar, mineworking, drift, shaft, or tunnel, if the storage tank is situated upon or above the surface of the floor.

SOON

Kg

2001 BILL

The bill also applies to a person who performs this work on property the person owns or controls. In addition, the bill requires a person who owns or controls property where this work is performed to discontinue any home heating oil delivery service that is used for delivery of heating oil into the system that is removed or rendered inoperable.

1 AN ACT to create 101.147 of the statutes; relating to: removal of home heating
2 oil storage systems.

Analysis by the Legislative Reference Bureau

Filed with concrete

This bill requires any contractor that removes a home heating oil storage system or renders a home heating oil storage system inoperable to ensure that the external piping used for delivery of heating oil into the system is removed or permanently capped. Current law does not contain any similar requirement. (5)

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

3 SECTION 1. 101.147 of the statutes is created to read:

ANSWER 1-5

101.147 Removal of home heating oil storage systems. (1) DEFINITION.

(5) In this section, "home oil tank system" has the meaning given in s. 101.143 (1) (em).

(2) REQUIREMENT. Any person who, under contract with a person who owns or controls property, removes or renders inoperable a home heating oil tank system on the property shall, as part of the work performed under the contract, remove or

(a) Contractors.

INS 2-2

BILL

fill with concrete

1 permanently cap all piping that is part of the home oil tank system and that is used
2 for delivery of heating oil into the home oil tank system.

3 (END)

heating oil storage system that is removed or rendered inoperable

(CS)

(3) NOTICE TO VENDORS. Any person who owns or controls property on which work described under sub. (2) is performed shall ~~provide notice~~ discontinue all services for delivery of home heating oil for use in the home. The person shall discontinue the service by providing written notice to the home heating oil vendor ~~at least~~ 7 days before the next scheduled delivery after the date on which the system is removed or rendered inoperable.

consistent with the terms of any contract between the person and the vendor, but in no case later than

INSERT 1-5 ✓

"home heating oil storage system" means a home heating oil tank that is used for ^{con}sumptive use on the premises and that is situated on or above the floor in a basement, cellar, or similar area, together with any ^{on}-site integral piping or dispensing system.

(L.R. 2.05)

I

INSERT d-d

Owners.

⊕ (b) Any person who removes or renders inoperable a home heating oil storage system on property owned or controlled by the person shall remove or fill with concrete all piping that is part of the system and that is used for delivery of heating oil into the system.