

2001 DRAFTING REQUEST

Bill

Received: 05/30/2001

Received By: traderc

Wanted: As time permits

Identical to LRB:

For: Legislative Council - LRC

By/Representing: Nick Zavos

This file may be shown to any legislator: NO

Drafter: traderc

May Contact:

Addl. Drafters:

Subject: Environment - env. cleanup

Extra Copies:

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

Eliminate PECFA council

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> |
|--------------|-----------------------|-----------------------|------------------------|----------------|----------------------------|----------------------------|-----------------|
| /? | traderc 05/30/2001 | gilfokm 05/30/2001 | | _____ | | | State |
| /P1 | | | jfrantze 05/31/2001 | _____ | lrb_docadmin 05/31/2001 | | State |
| /1 | traderc 01/15/2002 | gilfokm 01/15/2002 | jfrantze 01/15/2002 | _____ | lrb_docadmin 01/15/2002 | lrb_docadmin 01/22/2002 | |

FE Sent For:

AT intro.

<END>

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| /? | traderc 05/30/2001 | gilfokm 05/30/2001 | | | | | State |
| /P1 | | 1-1/15-02 kmg | jfrantze 05/31/2001 | | lrb_docadmin 05/31/2001 | | |

FE Sent For:

Self
6/1/15 1/15

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|--------------|----------------|--------------------|--------------|----------------|------------------|-----------------|-----------------|
| 1? | traderc | 1/1-5/kmg 30-01 | 205/31 | 26/31 | | | |

FE Sent For:

<END>

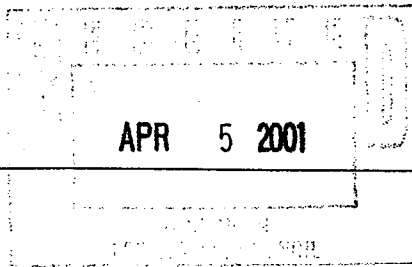
MEMORANDUM

from NICHOLAS R. ZAVOS
Legislative Council Staff
(608) 266-1308
nicholas.zavos@legis.state.wi.us

Here is the drafting request
for the law revision committee.
Please phone if you have any
questions.

THANKS

Nick



April 3, 2001

Terry C. Anderson, Director
State of Wisconsin Legislative Council
One East Main Street, Suite 401
Madison, WI 53701-2536

Dear Mr. ^{Terry}Anderson:

Recently, in the Legislative Fiscal Bureau's memo to the Joint Committee on Finance regarding policy items in the Governor's 2001-2003 Budget Bill, Bob Lang identified a provision in the Department of Commerce's portion of the bill, which he states is "of a technical nature and do[es] not raise any policy issues." The item is titled Eliminate PECFA Council (Page 192, Item #6).

The Joint Committee will likely remove the provision when it begins the executive session on the bill. However, as the Fiscal Bureau has suggested, the Department of Commerce would like to pursue this statutory change through the Law Revision Committee.

The PECFA Council has become a redundant structure that is no longer relevant. In recent years the council has not been active. The code committees that are used on a continuing basis have replaced its role and maintained the involvement of the groups designated for membership. Through the code committee structure, broader representation and input is allowed along with more continuing and detailed involvement and actual work products. Currently the PECFA Council is to include representatives from petroleum product transporters, manufacturers, suppliers, retailer and wholesalers, professional geologists, hydrologists, soil scientists and environmental scientists, consultants, contractors and engineers. The previous members, or the groups they represent, are currently represented on the code committees created by the PECFA program.

If you have any questions about the item, please contact Louie Cornelius, Director of Policy and Budget. He can be reached at 266-8629. You may also contact Christopher Spooner, the Department's Legislative Liaison. He can be reached at 266-0148.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Blanchard", with a long horizontal flourish extending to the right.

Brenda J. Blanchard
SECRETARY

completed more than five years (the first day of the 61st month) after the applicant notified Commerce about the discharge or more than two years (the first day of the 25th month) after the effective date of the bill, whichever is later, the applicant is ineligible for reimbursement for interest costs incurred after the later of those periods.

The interest cost reimbursement limits under the bill would not apply to: (a) local government applicants who receive federal or state financial assistance other than PECFA for the expansion or redevelopment; and (b) applicants engaged in the expansion or redevelopment of brownfields, if federal or state financial assistance other than PECFA was provided for the expansion or redevelopment. Brownfields would be defined the same as under the Commerce brownfields grant program to mean abandoned, idle or underused industrial or commercial facilities or sites, the expansion or redevelopment of which is adversely affected by actual or perceived environmental contamination.

[Bill Sections: 2470 and 2471]

5. PECFA -- FARM TANK ELIGIBILITY

Governor: Modify PECFA eligibility for certain farm tanks. Currently farm petroleum product storage tanks of 1,100 gallons or less capacity are eligible under PECFA if the owner or operator owns at least 35 acres of contiguous land devoted primarily to agricultural use that produced gross farm profits of at least \$6,000 in the year before the owner or operator submits a claim for PECFA reimbursement or gross farm profits of at least \$18,000 during the three years before application, and if the owner or operator received a letter from DNR or Commerce indicating that the owner must conduct a cleanup. The bill would make the following changes: (a) an owner or operator who formerly owned at least 35 acres of contiguous land devoted primarily to agricultural use would be eligible to submit a PECFA claim if the owner or operator submits a PECFA claim within one year after he or she transferred ownership of the land, and the land produced gross farm profits of at least \$6,000 in the year before the owner or operator transferred ownership or gross farm profits of at least \$18,000 during the three years before the transfer of ownership; and (b) the current or former owner or operator of the farm tank, whichever is applying for PECFA reimbursement under the bill, is eligible only if the farm tank is located on the parcel that meets the gross profits eligibility test.

[Bill Sections: 2469 and 2472 thru 2482]

6. ELIMINATE PECFA COUNCIL

Governor: Eliminate the PECFA Council. The Council is statutorily required to advise the Secretaries of Commerce and DNR on implementation of the PECFA program and is required to include representatives of petroleum product transporters, manufacturers, suppliers, retailers, wholesalers, hydrogeologists, environmental scientists, consultants, contractors and engineers. The Council has not met since December, 1996. Since then, some of

the Council members have served as members of code advisory committees created by Commerce to develop administrative rule changes.

[Bill Sections: 173, 2483 and 2484]

7. PETROLEUM TANK PLAN REVIEW FEES

| | |
|---------|---------------|
| PR-REV | - \$2,035,300 |
| SEG-REV | 2,035,300 |

Governor: Deposit fees collected since July 1, 1996, for petroleum tank plan review and installation inspection in the segregated petroleum inspection fund instead of in the safety and buildings program revenue general operations appropriation. This would result in a decrease of approximately \$2,035,300 in safety and buildings program revenue during the 2001-03 biennium and a corresponding revenue increase in the petroleum inspection fund. The bill would include the following components: (a) transfer \$1,280,641 from the safety and buildings program revenue appropriation to the petroleum inspection fund (the amount of tank fees collected between July 1, 1996 and June 30, 2000); (b) transfer the amount of tank fees collected between July 1, 2000, and the effective date of the bill, less the costs encumbered during that period for two PECFA program specialists from the safety and buildings program revenue appropriation to the petroleum inspection fund (estimated at \$174,900 in 2000-01 revenues after deduction of the staff costs approved by the Joint Committee on Finance in May, 2000, under s. 16.505/515); and (c) deposit of tank fees in the petroleum inspection fund after the effective date of the bill (estimated at \$289,900 annually beginning in 2001-02). Petroleum tank plan review and inspection revenues collected prior to 1995-96 were transferred to the petroleum inspection fund. Staff who perform tank plan reviews and installation inspections were transferred in the 1993-95 biennial budget act from the safety and buildings appropriation to a new SEG petroleum inspection appropriation. Due to an oversight, petroleum tank plan review and installation inspection revenues collected since July 1, 1996, continue to be deposited in the safety and buildings appropriation instead of the petroleum inspection fund.

[Bill Sections: 1129, 2449, 2490, 9101(1) and 9210(1)]

8. GREEN TIER AND ENVIRONMENTAL MANAGEMENT SYSTEM GRANTS

| | |
|-----|-----------|
| SEG | \$300,000 |
|-----|-----------|

Governor: Provide \$100,000 in 2001-02 and \$200,000 in 2002-03 from the segregated environmental fund in a biennial appropriation to create a green tier and environmental management system grant program within the Environmental Regulatory Services Division. Direct Commerce to provide information about environmental management systems to potential participants in the green tier program created in DNR under the bill. (See "DNR – Air, Waste and Contaminated Land" for more information.) The green tier program is intended to improve the environmental performance of public and private entities through the provision of incentives.

Direct Commerce to provide two types of grants under the program: (a) grants to nongovernmental organizations to help those organizations develop the ability to participate as

SENATE BILL 55

1 acres, on which the farm tank is located, of which at least 35 acres, during part or
2 all of the year preceding the transfer of the parcel to another person, were enrolled
3 in the conservation reserve program under 16 USC 3831 to 3836.

4 **SECTION 2482.** 101.143 (4) (ei) 2. of the statutes is renumbered 101.143 (4) (a)
5 5m. and amended to read:

6 101.143 (4) (a) 5m. The department shall review claims related to discharges
7 from farm tanks described in ~~subd. 1. par. (ei)~~ as soon as the claims are received. The
8 department shall issue an award for an eligible discharge from a farm tank described
9 in ~~subd. 1. par. (ei)~~ as soon as it completes the review of the claim.

10 **SECTION 2483.** 101.143 (6) (b) of the statutes is amended to read:

11 101.143 (6) (b) The department, ~~after consultation with the petroleum storage~~
12 ~~environmental cleanup council,~~ shall determine whether proof of financial
13 responsibility submitted under par. (a) satisfies par. (a).

14 **SECTION 2484.** 101.143 (8) of the statutes is repealed.

15 **SECTION 2485.** 101.143 (9m) (g) 2. of the statutes is amended to read:

16 101.143 (9m) (g) 2. Revenue obligations issued under this subsection may not
17 exceed ~~\$270,000,000~~ \$370,000,000 in principal amount. In addition to this limit on
18 principal amount, the building commission may contract revenue obligations under
19 this subsection as the building commission determines is desirable to fund or refund
20 outstanding revenue obligations, to pay issuance or administrative expenses, to
21 make deposits to reserve funds, or to pay accrued or capitalized interest.

22 **SECTION 2486.** 101.143 (12) of the statutes is created to read:

23 101.143 (12) HIGH-COST SITES. (a) In this subsection:

SENATE BILL 55

1 services, or their designees. The appointed members shall include all of the
2 following:

3 **SECTION 172.** 15.157 (8) (g) of the statutes is amended to read:

4 15.157 (8) (g) A physician licensed under ch. 448, a dentist licensed under ch.
5 447, and a nurse licensed under ch. 441, both all of whom practice in a rural area,
6 and a representative of public health services.

7 **SECTION 173.** 15.157 (11) of the statutes is repealed.

8 **SECTION 174.** 15.195 (5) of the statutes is renumbered 15.105 (11) and amended
9 to read:

10 15.105 (11) ADOLESCENT PREGNANCY PREVENTION AND PREGNANCY SERVICES BOARD.
11 There is created an adolescent pregnancy prevention and pregnancy services board
12 which is attached to the department of ~~health and family services~~ administration
13 under s. 15.03. The board shall consist of 13 members. Notwithstanding s. 15.07 (2)
14 (intro.), one member shall be the executive director of the women's council under s.
15 16.01, who shall be a nonvoting member and shall serve permanently as chairperson
16 of the board. Six members shall be state employees who are appointed for
17 membership by the women's council and shall be nonvoting members. The
18 remaining 6 members shall be appointed for 3-year terms, shall represent an equal
19 balance of points of view on pregnancy prevention and pregnancy services and shall
20 be persons who are nominated for membership by statewide organizations that
21 together represent an equal balance of points of view on pregnancy prevention and
22 pregnancy services.

23 **SECTION 175.** 15.21 of the statutes is created to read:

24 15.21 **Department of electronic government; creation.** There is created
25 a department of electronic government under the direction and supervision of the

SOON

~~DOA: Wong - Eliminate the PECFA council~~

~~FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION~~

Prelim leg. instead

WPS: anal:renote

For further information, see the Notes provided by the law revision committee of the joint legislative council.

cleanup

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

eliminating the petroleum storage environmental cleanup council (suggested as remedial legislation by the department of agriculture and commerce protection) → commerce

the department of natural resources

Analysis by the Legislative Reference Bureau

ENVIRONMENT

HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP

This bill eliminates the petroleum storage environmental cleanup council. Under current law, the council advises DNR and the department of commerce about the petroleum storage remedial action program, commonly known as PECFA.

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:

Insert 1-2

SECTION 1. 15.157 (11) of the statutes is repealed.

SECTION 2. 101.143 (6) (b) of the statutes is amended to read:

101.143 (6) (b) The department, ~~after consultation with the petroleum storage environmental cleanup council,~~ shall determine whether proof of financial responsibility submitted under par. (a) satisfies par. (a).

1

SECTION 3. 101.143 (8) of the statutes is repealed.

2

(END)

**2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3375/P1ins
RCT:.....

Insert 1-2

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the department of commerce and introduced by the law revision committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

Tradewell, Becky

From: Zavos, Nicholas
Sent: Monday, January 14, 2002 4:39 PM
To: Tradewell, Becky
Subject: Law Revision Bill LRB-3375

Becky -

The law revision committee has approved one last department of commerce bill. Could you please put LRB-3375 in introducible form and add the attached section note.



Section Notes -
Comm.doc

Thanks. Let me know if you have any questions.

Nicholas R. Zavos
Staff Attorney
Wisconsin Legislative Council
(608) 266-1308
nicholas.zavos@legis.state.wi.us



SOON (in 1/15)

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

1 *Gen. Cert* AN ACT *✓* to repeal 15.157 (11) and 101.143 (8); and *✓* to amend 101.143 (6) (b) of
 2 the statutes; **relating to:** eliminating the petroleum storage environmental
 3 cleanup council (suggested as remedial legislation by the department of
 4 commerce).

Analysis by the Legislative Reference Bureau

This bill eliminates the petroleum storage environmental cleanup council. Under current law, the council advises the department of natural resources and the department of commerce about the petroleum storage remedial action program, commonly known as PECFA.

For further information, see the **NOTE** provided by the law revision committee of the joint legislative council. *↑ state*

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:

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1 **SECTION 1.** 15.157 (11) of the statutes is repealed.

2 **SECTION 2.** 101.143 (6) (b) of the statutes is amended to read:

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4 ~~environmental cleanup council,~~ shall determine whether proof of financial
5 responsibility submitted under par. (a) satisfies par. (a).

6 **SECTION 3.** 101.143 (8) of the statutes is repealed.

(END)

Inert
Note

Insert Note

~~LRB 2015/1~~

NOTE: Sections 1 to 3 eliminate the petroleum storage environmental cleanup council. Under current law, the council advises the department of natural resources and the department of commerce about the petroleum storage remedial action program, commonly known as PECFA. The council has been inactive for several years, and other advisory committees have overtaken its functions.

LPS- I put this word doc
in the electronic file
RUT



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

January 15, 2002

MEMORANDUM

To: Legislative Council - LRC

From: Rebecca C. Tradewell, Managing Attorney

Re: LRB-3375/1 Eliminate PECFA council

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) 266-7290 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.