

2001 DRAFTING REQUEST

Bill

Received: **10/04/2000**

Received By: **traderc**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Wong**

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

Drafter: **traderc**

May Contact:

Alt. Drafters:

Subject: **Environment - env. cleanup**

Extra Copies:

Pre Topic:

DOA:.....Wong -

Topic:

Change PECFA farm tank coverage

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 10/06/2000	csicilia 10/10/2000		_____			State
/1			rschluet 10/11/2000	_____	lrb_docadmin 10/11/2000		State
/2	traderc 12/06/2000	csicilia 12/07/2000	martykr 12/07/2000	_____	lrb_docadmin 12/07/2000		State
/3	traderc 12/13/2000	wjackson 12/14/2000	martykr 12/14/2000	_____	lrb_docadmin 12/14/2000		

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FE Sent For:

/3 cjs 12/14
 06
 ✓ Km 12/74
 PG 13
 Km 74

<END>

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May Contact:

Alt. Drafters:

Subject: **Environment - env. cleanup**

Extra Copies: **Commerce**

Pre Topic:

DOA:.....Wong -

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By/Representing: Wong

This file may be shown to any legislator: NO

Drafter: traderc

May Contact:

Alt. Drafters:

Subject: Environment - env. cleanup

Extra Copies: Commerce

Pre Topic:

DOA:.....Wong -

Topic:

Change PECFA farm tank coverage

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	1 cjs 10/9 00	S 10-10-00	S 10-10-00 KF			

FE Sent For:

<END>

IV. Division of Environmental & Regulatory Services

A. Farm Tank Coverage

Intent: Match PECFA farm tank coverage to the PECFA provisions on farm income. This will allow more flexibility and coverage options.

Currently, the PECFA fund provides coverage for smaller farm tank systems on active farms that meet specific criteria. The criteria are (1) the claimant owns a parcel of 35 or more acres of contiguous land which is devoted primarily to agricultural use and (2) the 35 or more acres produced gross farm profits of not less than \$6,000 in the year preceding submission of a claim or \$18,000 in the 3 years preceding the submission. The statute criteria were designed to allow only active farms to obtain assistance from the fund. Coverage was not provided to farms that were being subdivided or taken out of agricultural use. The most restrictive part of the criteria, is the "ownership" requirement, which clearly states that to be a claimant, the individual must own the parcel of land at time of claim submittal.

As written, the claimant must meet the ownership criteria at the time of claim submittal. There is no latitude in the wording as there is with the income criteria, which allows the income level to be met in the year or "3 years preceding submission of a claim." If an individual sells his or her farm property prior to filing his or her first claim, he or she loses eligibility. This complicated process has caused a number of owners, who expected to have program coverage, to be denied assistance

Proposed Change: Modify 101.143 (4) (ei), Stats., to allow similar requirements for farm tank ownership as farm income. The provision on farm income, located in 101.143

(4) (ei), Stats., requires that the 35 or more acres produced gross farm profits of not less than \$6,000 in the year preceding submission of a claim or \$18,000 in the 3 years preceding the submission. The change should match the income time frames to the ownership time frames. The proposed change has two parts:

- 101.143 (4) (ei), Stats., should be modified to provide for ownership in the previous three years or require ownership only at the time of initial eligibility determination. The change could be accomplished by modifying the term “owns” to “owns or owned” and/or “owns at the time of initial eligibility determination”.
- 101.143 (4) (ei), Stats., should also be modified to clarify the property owned, producing farm income and with coverage is the property where the eligible tank system is located. The change would simplify and clarify coverage.

RCT

Farm Tank Coverage. This change will match PECFA farm tank coverage to the PECFA provisions on farm income. As written, the claimant must meet the ownership criteria at the time of claim submittal. There is no latitude in the wording as there is with the income criteria, which allows the income level to be met in the year or "3 years preceding submission of a claim". If an individual sells his or her farm property prior to filing his or her first claim, he or she loses eligibility. This complicated process has caused a number of owners, who expected to have program coverage, to be denied assistance.

The proposed change will allow more flexibility and coverage options. The proposed change will match the income time frames to the ownership time frames, which will require ownership in the previous three years or ownership only at the time of initial eligibility determination. The proposed change will also clarify that the property owned, producing farm income and with coverage is the property where the eligible tank system is located.

1999 ASSEMBLY BILL

There will be a budget heading
BUDGET

insert

DNote

head Environment

sub Hazardous substances and environmental cleanup

1
2
3
4
5
6

do not gen
AN ACT to renumber 101.143 (4) (ei) 1. (intro.) and 101.143 (4) (ei) 1. b.; to renumber and amend 101.143 (4) (ei) 2.; to amend 101.143 (4) (a) 6., 101.143 (4) (d) 2. c., 101.143 (4) (dm) 2. c., 101.143 (4) (dm) 3. c., 101.143 (4) (e) 2. and 101.143 (4) (e) 2m.; and to create 101.143 (4) (ei) 1. (intro.) and 101.143 (4) (ei) 1. b. of the statutes; relating to: coverage of certain farm tanks under the petroleum storage remedial action program.

Analysis by the Legislative Reference Bureau

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. Farm petroleum product storage tanks of 1,100 gallons or less capacity are covered under PECFA only if the owner of the tank owns at least 35 acres of land devoted primarily to agricultural use that produced gross farm profits of at least \$6,000 in the year before the owner applies for PECFA reimbursement, or gross farm profits of at least \$18,000 during the three years before application, and if the owner received a letter from the department of natural resources or the department of commerce indicating that the owner must conduct a cleanup.

This bill expands PECFA coverage of farm tanks so that a farm tank owner who formerly owned at least 35 acres of land devoted primarily to agricultural use is eligible if the owner submits a PECFA claim within 3 years after he or she

DNR caps

Three

ASSEMBLY BILL

④ This bill also provides that a farm tank owner is only eligible for PECSA coverage if the farm tank is located on the parcel of land that meets the gross profits test.

transferred ownership of the land, if the land produced gross farm profits of at least \$6,000 in the year before the owner transferred ownership of the land, or gross farm profits of at least \$18,000 during the three years before the owner transferred ownership of the land, and if the owner received a letter indicating that the owner must conduct a 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. 101.143 (4) (a) 6. of the statutes is amended to read:

101.143 (4) (a) 6. In any fiscal year, the department may not award more than 5% of the amount appropriated under s. 20.143 (3) (v) as awards for petroleum product storage systems described in par. (ei) 1.

SECTION 2. 101.143 (4) (d) 2. c. of the statutes is amended to read:

101.143 (4) (d) 2. c. For an owner or operator of a petroleum product storage system described in par. (ei) 1., \$100,000.

SECTION 3. 101.143 (4) (dm) 2. c. of the statutes ~~as affected by 1999 Wisconsin~~

~~Act~~ is amended to read:

101.143 (4) (dm) 2. c. For the owner or operator of a petroleum product storage system that is described in par. (ei) 1., \$2,500 plus 5% of eligible costs ~~but not more than \$7,500~~ per occurrence.

SECTION 4. 101.143 (4) (dm) 3. c. of the statutes is amended to read:

101.143 (4) (dm) 3. c. For an owner or operator of a petroleum product storage system described in par. (ei) 1., \$100,000.

SECTION 5. 101.143 (4) (e) 2. of the statutes is amended to read:

101.143 (4) (e) 2. The department shall issue the award under this paragraph without regard to fault in an amount equal to the amount of the eligible costs that

PWF
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PWF

ASSEMBLY BILL

PWF

1 exceeds a deductible amount of \$10,000, except that the deductible amount for a
2 petroleum product storage system that is owned by a school district or a technical
3 college district and that is used for storing heating oil for consumptive use on the
4 premises where stored is 25% of eligible costs and except that the deductible for a
5 petroleum product storage system that is described in par. (ei) 1. is \$2,500 plus 5%
6 of the eligible costs, but not more than \$7,500 per occurrence without regard to when
7 the eligible costs are incurred.

8 SECTION 6. 101.143 (4) (e) 2m. of the statutes is amended to read:

9 101.143 (4) (e) 2m. An award issued under this paragraph may not exceed
10 \$190,000 for each occurrence, except that an award under this paragraph to the
11 owner or operator of a petroleum product storage system described in par. (ei) 1. may
12 not exceed \$100,000 per occurrence.

13 SECTION 7. 101.143 (4) (ei) 1. (intro.) of the statutes is renumbered 101.143 (4)

14 (ei) (intro.).

15 SECTION 8. 101.143 (4) (ei) 1^m (intro.) of the statutes is created to read:

16 101.143 (4) (ei) 1^m (intro.) One of the following conditions is satisfied:

17 SECTION 9. 101.143 (4) (ei) 1. b. of the statutes is renumbered 101.143 (4) (ei)

18 2^m SECTION 10. 101.143 (4) (ei) 1^m b. of the statutes is created to read:

19 20 101.143 (4) (ei) 1^m b. Within 36 months before the owner or operator of the farm
21 tank submits a claim under sub. (3), the owner or operator of the farm tank owned
22 a parcel of 35 or more acres of contiguous land on which the farm tank is located,
23 which was devoted primarily to
24 agricultural use, as defined in s. 91.01 (1), including land designated by the
25 department of natural resources as part of the ice age trail under s. 23.17, which
during the year preceding the transfer of the parcel to another person produced gross

Insert A

22

ASSEMBLY BILL

SECTION 10

1 farm profits, as defined in s. 71.58 (4), of not less than \$6,000 or which, during the
 2 3 years preceding that transfer produced gross farm profits, as defined in s. 71.58 (4),
 3 of not less than \$18,000, or a parcel of 35 or more acres ^{on which the farm tank is located,} of which at least 35 acres,
 4 during part or all of the year preceding the transfer of the parcel to another person,
 5 were enrolled in the conservation reserve program under 16 USC 3831 to 3836.

6 SECTION 11. 101.143 (4) (ei) 2. of the statutes ~~as affected by 1999 Wisconsin~~
 7 ~~Act~~ is renumbered 101.143 (4) (a) 5m. and amended to read:

PWF

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

(END)

DNote

Insert A

0662

renumbered 101.143 (4)(ei) 1m. a.

Section #. 101.143 (4) (ei) 1. a. of the statutes is amended to read:

, on which the Farm tank is located,

101.143 (4) (ei) 1. a. The owner or operator of the farm tank owns a parcel of 35 or more acres of contiguous land which is devoted primarily to agricultural use, as defined in s. 91.01 (1), including land designated by the department of natural resources as part of the ice age trail under s. 23.17, which during the year preceding submission of a claim under sub. (3) produced gross farm profits, as defined in s. 71.58 (4), of not less than \$6,000 or which, during the 3 years preceding that submission produced gross farm profits, as defined in s. 71.58 (4), of not less than \$18,000, or a parcel of 35 or more acres of which at least 35 acres, during part or all of the year preceding that submission, were enrolled in the conservation reserve program under 16 USC 3831 to 3836.

History: 1987 a. 399; 1989 a. 31, 254, 255; 1991 a. 39, 82, 269; 1993 a. 16, 301, 416, 491; 1995 a. 27 ss. 3665 to 3683m, 9116 (5); 1995 a. 227, 247, 378, 417; 1997 a. 27, 35, 237, 252, 283; 1999 a. 9, 185.

Note

Please review this draft carefully to ensure that it complies with your intent.

I ~~do~~ suspect that there ^{are} ~~many~~ farms on which the residence and ^{product} petroleum storage tank are located on a small parcel that is separate from the larger parcel on which the crops (for example) are raised. Those farm tanks would seem to be ineligible for PECF _{CAPS} coverage under this ~~new~~ draft.

Please contact me if you have any questions about this.

Becky

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0662/1dn
RCT:cjs:rs

October 10, 2000

Please review this draft carefully to ensure that it complies with your intent.

I suspect that there are farms on which the residence and petroleum product storage tank are located on a small parcel that is separate from the larger parcel on which the crops (for example) are raised. Those farm tanks would seem to be ineligible for PECFA coverage under this draft.

Please contact me if you have any questions about this.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.state.wi.us

Tradewell, Becky

From: Wong, Manyee
Sent: Wednesday, December 06, 2000 3:33 PM
To: Tradewell, Becky
Subject: LRB 0662/1

Hi Becky,

Please change the requested 3 years to 1 year. Thanks.

Manyee



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0662/2

RCT:cjs:rs

SOEN

RMV

DOA:.....Wong - Change PECFA farm tank coverage

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

- 1 AN ACT ...; relating to: coverage of certain farm tanks under the petroleum
- 2 storage remedial action program.

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. Farm petroleum product storage tanks of 1,100 gallons or less capacity are covered under PECFA only if the owner of the tank owns at least 35 acres of land devoted primarily to agricultural use that produced gross farm profits of at least \$6,000 in the year before the owner applies for PECFA reimbursement, or gross farm profits of at least \$18,000 during the three years before application, and if the owner received a letter from DNR or the department of commerce indicating that the owner must conduct a cleanup.

(*)

This bill expands PECFA coverage of farm tanks so that a farm tank owner who formerly owned at least 35 acres of land devoted primarily to agricultural use is eligible if the owner submits a PECFA claim within ~~three~~^{one} years after he or she transferred ownership of the land, if the land produced gross farm profits of at least \$6,000 in the year before the owner transferred ownership of the land, or gross farm profits of at least \$18,000 during the three years before the owner transferred

ownership of the land, and if the owner received a letter indicating that the owner must conduct a cleanup.

This bill also provides that a farm tank owner is only eligible for PECFA coverage if the farm tank is located on the parcel of land that meets the gross profits test.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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3 5% of the amount appropriated under s. 20.143 (3) (v) as awards for petroleum
4 product storage systems described in par. (ei) ~~1~~.

5 **SECTION 2.** 101.143 (4) (d) 2. c. of the statutes is amended to read:

6 101.143 (4) (d) 2. c. For an owner or operator of a petroleum product storage
7 system described in par. (ei) ~~1~~, \$100,000.

8 **SECTION 3.** 101.143 (4) (dm) 2. c. of the statutes is amended to read:

9 101.143 (4) (dm) 2. c. For the owner or operator of a petroleum product storage
10 system that is described in par. (ei) ~~1~~, \$2,500 plus 5% of eligible costs per occurrence.

11 **SECTION 4.** 101.143 (4) (dm) 3. c. of the statutes is amended to read:

12 101.143 (4) (dm) 3. c. For an owner or operator of a petroleum product storage
13 system described in par. (ei) ~~1~~, \$100,000.

14 **SECTION 5.** 101.143 (4) (e) 2. of the statutes is amended to read:

15 101.143 (4) (e) 2. The department shall issue the award under this paragraph
16 without regard to fault in an amount equal to the amount of the eligible costs that
17 exceeds a deductible amount of \$10,000, except that the deductible amount for a
18 petroleum product storage system that is owned by a school district or a technical

1 college district and that is used for storing heating oil for consumptive use on the
2 premises where stored is 25% of eligible costs and except that the deductible for a
3 petroleum product storage system that is described in par. (ei) ~~1.~~ is \$2,500 plus 5%
4 of the eligible costs, but not more than \$7,500 per occurrence without regard to when
5 the eligible costs are incurred.

6 **SECTION 6.** 101.143 (4) (e) 2m. of the statutes is amended to read:

7 101.143 (4) (e) 2m. An award issued under this paragraph may not exceed
8 \$190,000 for each occurrence, except that an award under this paragraph to the
9 owner or operator of a petroleum product storage system described in par. (ei) ~~1.~~ may
10 not exceed \$100,000 per occurrence.

11 **SECTION 7.** 101.143 (4) (ei) 1. (intro.) of the statutes is renumbered 101.143 (4)
12 (ei) (intro.).

13 **SECTION 8.** 101.143 (4) (ei) 1. a. of the statutes is renumbered 101.143 (4) (ei)
14 1m. a. and amended to read:

15 101.143 (4) (ei) 1m. a. The owner or operator of the farm tank owns a parcel
16 of 35 or more acres of contiguous land, on which the farm tank is located, which is
17 devoted primarily to agricultural use, as defined in s. 91.01 (1), including land
18 designated by the department of natural resources as part of the ice age trail under
19 s. 23.17, which during the year preceding submission of a claim under sub. (3)
20 produced gross farm profits, as defined in s. 71.58 (4), of not less than \$6,000 or
21 which, during the 3 years preceding that submission produced gross farm profits, as
22 defined in s. 71.58 (4), of not less than \$18,000, or a parcel of 35 or more acres, on
23 which the farm tank is located, of which at least 35 acres, during part or all of the
24 year preceding that submission, were enrolled in the conservation reserve program
25 under 16 USC 3831 to 3836.

Tradewell, Becky

From: Wong, Manyee
Sent: Wednesday, December 13, 2000 9:19 AM
To: Tradewell, Becky
Subject: FW: Legislative Drafts

Hi Becky,

Please incorporate Commerce's comments into LRB draft 0664/1 (plan review fee) and 0662/2 (farm tank coverage). Do not, however, use the 36 months Commerce speaks of below. Please use 12 months instead as instructed in my prior email. I am still waiting to talk to Michael Wolffe on the Land Recycling Loan Program issue. I hope to talk to him today and will get back to you as soon as I can.

Thanks.
Manyee

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

From: Horton, David
Sent: Wednesday, December 13, 2000 9:09 AM
To: Wong, Manyee
Subject: Legislative Drafts

Hi Manyee,

We have received copies of the PLAN REVIEW FEE transfer and the FARM TANK COVERAGE legislative drafts and have had a chance to review them, including the specific concerns Becky had in her cover page. These are our comments:

1. On the fee draft.

The draft works, but after reviewing the \$1,289,612 amount, it needs to be changed to \$1,280,641.

2. On the farm tank draft.

- In 101.143 (4)(e)1m. a. on line "19" insert "first" between "a" and "claim" so that it reads "a first claim". This also needs to happen on 101.143 (4) (e) 1m. b. on line "7" (line will read "farm tank submits a "first" claim under). This will help clarify where the 36 months are measured from.
- Provision on the location of the tank works and will help clarify that the income needs to have come from the property that has/had the tank and cleanup.
- The draft broadens coverage some (which we knew it would) to those that may have sold a farm to a commercial venture. I would tend to include the draft as written and the legislature can trim it back to existent farms if they want to hold the sites to continued farming operations.

3. I also wanted to make sure you got Louie's message that the PECFA INTEREST COST REIMBURSEMENT item should be dropped.

Thanks. Any questions let me know. 6-5860 David.



SO ON

RM

DOA:.....Wong - Change PECFA farm tank coverage

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

Do NOT GET

1 AN ACT...; relating to: coverage of certain farm tanks under the petroleum
2 storage remedial action program.

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This bill expands PECFA coverage of farm tanks so that a farm tank owner who formerly owned at least 35 acres of land devoted primarily to agricultural use is eligible if the owner submits a PECFA claim within one year after he or she transferred ownership of the land, if the land produced gross farm profits of at least \$6,000 in the year before the owner transferred ownership of the land, or gross farm profits of at least \$18,000 during the three years before the owner transferred

ownership of the land, and if the owner received a letter indicating that the owner must conduct a cleanup.

This bill also provides that a farm tank owner is only eligible for PECFA coverage if the farm tank is located on the parcel of land that meets the gross profits test.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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4 product storage systems described in par. (ei) ~~1~~.

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8 **SECTION 3.** 101.143 (4) (dm) 2. c. of the statutes is amended to read:

9 101.143 (4) (dm) 2. c. For the owner or operator of a petroleum product storage
10 system that is described in par. (ei) ~~1~~, \$2,500 plus 5% of eligible costs per occurrence.

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9 owner or operator of a petroleum product storage system described in par. (ei) ~~1~~ may
10 not exceed \$100,000 per occurrence.

11 **SECTION 7.** 101.143 (4) (ei) 1. (intro.) of the statutes is renumbered 101.143 (4)
12 (ei) (intro.).

13 **SECTION 8.** 101.143 (4) (ei) 1. a. of the statutes is renumbered 101.143 (4) (ei)
14 1m. a. and amended to read:

15 101.143 (4) (ei) 1m. a. The owner or operator of the farm tank owns a parcel
16 of 35 or more acres of contiguous land, on which the farm tank is located, which is
17 devoted primarily to agricultural use, as defined in s. 91.01 (1), including land
18 designated by the department of natural resources as part of the ice age trail under
19 s. 23.17, which during the year preceding submission of a ^{first} claim under sub. (3)
20 produced gross farm profits, as defined in s. 71.58 (4), of not less than \$6,000 or
21 which, during the 3 years preceding that submission produced gross farm profits, as
22 defined in s. 71.58 (4), of not less than \$18,000, or a parcel of 35 or more acres, on
23 which the farm tank is located, of which at least 35 acres, during part or all of the
24 year preceding that submission, were enrolled in the conservation reserve program
25 under 16 USC 3831 to 3836.



DOA:.....Wong - Change PECFA farm tank coverage

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

- 1 AN ACT ...; relating to: coverage of certain farm tanks under the petroleum
2 storage remedial action program.

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. Farm petroleum product storage tanks of 1,100 gallons or less capacity are covered under PECFA only if the owner of the tank owns at least 35 acres of land devoted primarily to agricultural use that produced gross farm profits of at least \$6,000 in the year before the owner applies for PECFA reimbursement, or gross farm profits of at least \$18,000 during the three years before application, and if the owner received a letter from DNR or the department of commerce indicating that the owner must conduct a cleanup.

This bill expands PECFA coverage of farm tanks so that a farm tank owner who formerly owned at least 35 acres of land devoted primarily to agricultural use is eligible if the owner submits a PECFA claim within one year after he or she transferred ownership of the land, if the land produced gross farm profits of at least \$6,000 in the year before the owner transferred ownership of the land, or gross farm profits of at least \$18,000 during the three years before the owner transferred

ownership of the land, and if the owner received a letter indicating that the owner must conduct a cleanup.

This bill also provides that a farm tank owner is only eligible for PECFA coverage if the farm tank is located on the parcel of land that meets the gross profits test.

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:

1 **SECTION 1.** 101.143 (4) (a) 6. of the statutes is amended to read:

2 101.143 (4) (a) 6. In any fiscal year, the department may not award more than
3 5% of the amount appropriated under s. 20.143 (3) (v) as awards for petroleum
4 product storage systems described in par. (ei) 1.

5 **SECTION 2.** 101.143 (4) (d) 2. c. of the statutes is amended to read:

6 101.143 (4) (d) 2. c. For an owner or operator of a petroleum product storage
7 system described in par. (ei) 1., \$100,000.

8 **SECTION 3.** 101.143 (4) (dm) 2. c. of the statutes is amended to read:

9 101.143 (4) (dm) 2. c. For the owner or operator of a petroleum product storage
10 system that is described in par. (ei) 1., \$2,500 plus 5% of eligible costs per occurrence.

11 **SECTION 4.** 101.143 (4) (dm) 3. c. of the statutes is amended to read:

12 101.143 (4) (dm) 3. c. For an owner or operator of a petroleum product storage
13 system described in par. (ei) 1., \$100,000.

14 **SECTION 5.** 101.143 (4) (e) 2. of the statutes is amended to read:

15 101.143 (4) (e) 2. The department shall issue the award under this paragraph
16 without regard to fault in an amount equal to the amount of the eligible costs that
17 exceeds a deductible amount of \$10,000, except that the deductible amount for a
18 petroleum product storage system that is owned by a school district or a technical

1 college district and that is used for storing heating oil for consumptive use on the
2 premises where stored is 25% of eligible costs and except that the deductible for a
3 petroleum product storage system that is described in par. (ei) ~~1.~~ is \$2,500 plus 5%
4 of the eligible costs, but not more than \$7,500 per occurrence without regard to when
5 the eligible costs are incurred.

6 **SECTION 6.** 101.143 (4) (e) 2m. of the statutes is amended to read:

7 101.143 (4) (e) 2m. An award issued under this paragraph may not exceed
8 \$190,000 for each occurrence, except that an award under this paragraph to the
9 owner or operator of a petroleum product storage system described in par. (ei) ~~1.~~ may
10 not exceed \$100,000 per occurrence.

11 **SECTION 7.** 101.143 (4) (ei) 1. (intro.) of the statutes is renumbered 101.143 (4)
12 (ei) (intro.).

13 **SECTION 8.** 101.143 (4) (ei) 1. a. of the statutes is renumbered 101.143 (4) (ei)
14 1m. a. and amended to read:

15 101.143 (4) (ei) 1m. a. The owner or operator of the farm tank owns a parcel
16 of 35 or more acres of contiguous land, on which the farm tank is located, which is
17 devoted primarily to agricultural use, as defined in s. 91.01 (1), including land
18 designated by the department of natural resources as part of the ice age trail under
19 s. 23.17, which during the year preceding submission of a first claim under sub. (3)
20 produced gross farm profits, as defined in s. 71.58 (4), of not less than \$6,000 or
21 which, during the 3 years preceding that submission produced gross farm profits, as
22 defined in s. 71.58 (4), of not less than \$18,000, or a parcel of 35 or more acres, on
23 which the farm tank is located, of which at least 35 acres, during part or all of the
24 year preceding that submission, were enrolled in the conservation reserve program
25 under 16 USC 3831 to 3836.

1 **SECTION 9.** 101.143 (4) (ei) 1. b. of the statutes is renumbered 101.143 (4) (ei)
2 2m.

3 **SECTION 10.** 101.143 (4) (ei) 1m. (intro.) of the statutes is created to read:
4 101.143 (4) (ei) 1m. (intro.) One of the following conditions is satisfied:

5 **SECTION 11.** 101.143 (4) (ei) 1m. b. of the statutes is created to read:

6 101.143 (4) (ei) 1m. b. Within 12 months before the owner or operator of the
7 farm tank submits a first claim under sub. (3), the owner or operator of the farm tank
8 owned a parcel of 35 or more acres of contiguous land, on which the farm tank is
9 located, which was devoted primarily to agricultural use, as defined in s. 91.01 (1),
10 including land designated by the department of natural resources as part of the ice
11 age trail under s. 23.17, which during the year preceding the transfer of the parcel
12 to another person produced gross farm profits, as defined in s. 71.58 (4), of not less
13 than \$6,000 or which, during the 3 years preceding that transfer produced gross farm
14 profits, as defined in s. 71.58 (4), of not less than \$18,000, or a parcel of 35 or more
15 acres, on which the farm tank is located, of which at least 35 acres, during part or
16 all of the year preceding the transfer of the parcel to another person, were enrolled
17 in the conservation reserve program under 16 USC 3831 to 3836.

18 **SECTION 12.** 101.143 (4) (ei) 2. of the statutes is renumbered 101.143 (4) (a) 5m.
19 and amended to read:

20 101.143 (4) (a) 5m. The department shall review claims related to discharges
21 from farm tanks described in ~~subd. 1.~~ par. (ei) as soon as the claims are received. The
22 department shall issue an award for an eligible discharge from a farm tank described
23 in ~~subd. 1.~~ par. (ei) as soon as it completes the review of the claim.

24

(END)