

2003 DRAFTING REQUEST

Senate Amendment (SA-SB436)

Received: 02/16/2004

Received By: agary

Wanted: Soon

Identical to LRB:

For: Joseph Leibham (608) 266-2056

By/Representing: Patrick Vander Sanden (aide)

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: Transportation - motor vehicles

Extra Copies: PJH, RCT

Submit via email: YES

Requester's email: Sen.Leibham@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Funding school bus mufflers from certain vehicle emission and inspection program savings

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>
/P1	agary 02/16/2004	wjackson 02/24/2004	jfrantze 02/24/2004	_____	sbasford 02/24/2004		
/1	agary 02/27/2004	wjackson 02/27/2004	jfrantze 02/27/2004	_____	Inorthro 02/27/2004	Inorthro 02/27/2004	

FE Sent For:

<END>

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1 WJ 2/27 *[Signature]* / *[Signature]*
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/P1	agary	/plwj 2/24	2/24	2/24			

FE Sent For:

<END>

~~State~~

~~State of Wisconsin~~
~~Public Safety or Village~~ →

~~State of Wisconsin~~
~~Public Safety or Village~~
~~State of Wisconsin~~
~~Public Safety or Village~~

2/13

Mc w/ Patrick - Leibham LRB - ~~1801~~ 1801

AM: Using money saved from the K to req.
school buses in the ozone non-attainment
area to have school buses oxidize catalyst
mufflers →

- 10% of savings

(\$420,000)

- 10% transferred from DOT to BNR

- →

- already by → not huge rush except
maybe assembly will want it too

Gary, Aaron

From: Vander Sanden, Patrick
Sent: Monday, February 16, 2004 8:59 AM
To: Gary, Aaron
Subject: RE: amendment to LRB-1801: vehicle emissions

Aaron,

Unless you need any further information - I would ask that you draft an amendment to SB 436/AB 832 that establishes the funding mechanism that you describe below. When we get language, we can always adjust.

Thanks.
Patrick

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

From: Gary, Aaron
Sent: Friday, February 13, 2004 12:17 PM
To: Vander Sanden, Patrick
Subject: amendment to LRB-1801: vehicle emissions

Patrick,

I thought about our phone call further and also spoke with the DNR drafter. We both believe it would make the most sense to keep this in DOT; that is, to establish a grant program administered by DOT, in consultation with DNR, to disburse funds for the installation of these oxidation catalyst mufflers on school buses. I'll wait to hear further from you about the draft. Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

ARG
~

Wisconsin DNR Testimony on
SB 436
for the
Assembly and Senate
Joint Public Hearing
Assembly Committee on Transportation
Senate Committee on Transportation and Information Infrastructure
February 11, 2004

The Department of Natural Resources is happy to provide testimony on SB 436 that will make changes to the motor vehicle inspection and maintenance (I/M) program in Southeastern Wisconsin.

The purpose of this proposed legislation is to delay testing for two additional newer model years of vehicles. For instance, model year 2004 vehicles would not be tested until 2007 and 2005 model year vehicles would not be tested until 2008, etc. Under the current law, 2004 model year vehicles would be tested in 2005. The net effect of this change is to reduce the number of vehicles tested each year by about 100,000 or about 13% of testable fleet of vehicles. While we understand that reducing the size of the testable fleet will reduce the program costs and may increase customer satisfaction with the program, we have a number of concerns with the change in the law.

1. As a result in the change to the testable fleet, there is an increase in emissions of 0.08 tons/day of VOC and 0.03 tons/day of NOx. Ten counties in Eastern Wisconsin will be nonattainment areas for the 8-hour ozone standard. We need all the emission reduction that we can get to bring these areas into attainment. EPA has just proposed an Interstate Air Quality Rule to control the interstate transport of ozone and fine-particles. EPA's analysis shows that Kenosha and Sheboygan Counties will remain nonattainment areas, even after full implementation of both phases of the Interstate Air Quality Rule. We can not increase emissions in Eastern Wisconsin without compensating by reducing emissions from some other source such as industry or another mobile source program. Those additional programs will have to become effective by the end of 2006 to be incorporated in our attainment demonstration for the 8-hour standard. To put this emission increase in perspective, our rule to control VOC emissions at foundries resulted in a net reduction of 0.05 tons/day. In a following section in our testimony, we will provide several suggestions for legislative initiatives to make-up for the emissions increase resulting from this bill.
2. The motor vehicle inspection and maintenance program is a key tool to keep motor vehicle emissions in check. The Southeastern Wisconsin Regional Planning Commission and the Bay Lake Regional Planning Commission must demonstrate that the motor vehicle emissions in their respective areas are less than a limit (conformity budget) established in the State's air quality plan. While we had the foresight to include a safety margin in the motor vehicle conformity

budgets, any increase in vehicle emissions erodes the safety margins for the metropolitan planning organizations.

3. Many motor vehicle emission control parts have a 2 year or 24,000 mile warranty. Malfunctioning emission control parts in newer vehicles identified in the current test procedures can be replaced under vehicle warranties. With this proposed testing delay, many of the failed parts will not be identified in time to make those repairs under the vehicles' warranty.
4. Under the federal Clean Air Act, Wisconsin is required to operate a low-enhanced motor vehicle inspection maintenance program. While we will continue to meet the low-enhanced program standard after this change to the testable fleet, implementation of the provisions in this bill may put us close to non-compliance with the low-enhance test standard.

Before the legislature acts on this bill, we recommend that the legislature consider several options for mitigating the increase in VOC and NOx emissions as a result of adopting this bill. We would be happy to work with the legislature to explore any options for emission reductions to offset the emissions increase from the change in testing procedures. Along those lines, we have four suggestions for the legislature to consider.

1. Our first suggestion is to use 10% of the savings, or about \$420,000, from the change in the testable fleet to install oxidation catalyst mufflers on approximately 300 school buses in Eastern Wisconsin. The Department of Natural Resources already has a grant through the Congestion Mitigation Air Quality program to install this equipment on 375 school buses in the ozone nonattainment and maintenance areas. Therefore, the DNR is already geared-up to handle this project and we could easily accommodate additional funding for this project. This suggestion mitigates the conformity issue as well as addressing the 8-hour ozone standard. Additionally, the school bus initiative is particularly attractive, since it reduces pollutant exposure for young children that are particularly sensitive to air pollution. This option mitigates all of the emissions increase from the change in the testable fleet.
2. The second option is to add vehicles in the 10,000 to 14,000 pound category to the vehicles to be tested in the I/M program. Compared to the number of passenger vehicles affected by this proposed change to the testable fleet, there are far fewer of these heavier vehicles, but on per vehicle basis their emissions are much greater. The State would still have reduced I/M program costs from the reduction in the testable fleet and there would still be an improvement in customer satisfaction with the I/M program. Including the larger vehicles in testing does not fully compensate for the increase in emissions from the smaller vehicles, but it does help. Testing the heavier vehicles would decrease VOC emissions by 0.02 tons/day and NOx emissions by 0.003 tons/day. Since our proposal affects the motor vehicle budget and the I/M program in particular, this mitigation strategy partially addresses concerns with the 8-hour ozone standard, the transportation

conformity budgets for the municipal planning organizations, and the low-enhanced I/M program standard.

3. Our third suggestion addresses emissions from heavy-duty diesel engines related to construction. DNR has been working with DOT and the Wisconsin Transportation Builders for the past year to find a way to mitigate the air quality effects of rebuilding of the Marquette Interchange in Milwaukee. While we have agreed to some simpler strategies, such as no idling for trucks waiting in the queue near the project or on-road diesel fuel for off-road equipment, we have not been able to address more significant emission reduction strategies due to the lack of funding. We suggest using a small portion 2.5 % of the savings from the change in the testable fleet to retrofit trucks servicing the Marquette rebuild project with oxidation catalysts. We suggest retrofitting dump trucks, or other vehicles that would bring "supplies" to the project or haul "waste" from the project. Since these "delivery" vehicles will often put on 60,000 miles per year in the ozone nonattainment area, we would need only to retrofit about 75 vehicles. This suggestion mitigates the conformity issue as well as addressing our concerns with the 8-hour ozone standard. This option mitigates all of the emissions increase from the change in the testable fleet.

4. Our fourth suggestion is to use 3% of the savings from the change to the testable fleet to install the oxidation catalyst mufflers on 100 municipal diesel powered vehicles in Eastern Wisconsin. This could include transit buses, garbage trucks or dump trucks. This suggestion is attractive since it mitigates the conformity issue as well as addressing the 8-hour ozone standard and reduces pollutant exposure in residential areas. Also, all of the retrofitted vehicles would be government owned. This option mitigates all of the emissions increase from the change in the testable fleet.

We appreciate the opportunity to provide testimony on this bill and we would be happy to work with the legislature on formulating any emission reduction strategy to compensate for the increase in emissions.

THANKS FOR
YOUR HELP!

PATRICK
SEN. LEIBHAM
6-2056

~~done~~
done
2/16

Needed ~~WJ~~
Wed.
2/25
end of day

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE AMENDMENT,
TO 2003 SENATE BILL 436

Please
check
AutoRef.

1 At the locations indicated, amend the bill as follows:

2 ✓ 1. Page 1, line 2: after "inspections" insert "and creating an equipment grant
3 program, extending the time limit for emergency rule procedures, providing an
4 exemption from emergency rule procedures, and providing an exemption from rule-making procedures,
5 granting rule-making authority, and making an appropriation".

6 ↓ 2. Page 1, line 3: before that line insert:

7 "SECTION 1g. 20.395 (5) (hq) of the statutes is amended to read:

8 20.395 (5) (hq) *Motor vehicle emission inspection and maintenance program;*
9 *contractor costs and equipment grants; state funds.* The amounts in the schedule to
10 provide for contracts for the operation of inspection stations under s. 110.20 and for
11 the motor vehicle emission control equipment grant program under s. 110.215."

History: 1971 c. 40 s. 93; 1971 c. 42, 107; 1971 c. 125 ss. 122 to 137, 522 (1); 1971 c. 197, 211, 215, 307; 1973 c. 90, 142, 243, 333, 336; 1975 c. 39; 1975 c. 163 s. 16; 1975 c. 200, 224, 270, 288, 340, 422; 1977 c. 29, 377, 418; 1979 c. 34 ss. 322e to 420, 574, 575; 1979 c. 221; 1981 c. 20 ss. 238 to 300, 2202 (51) (c), (e); 1981 c. 165, 234; 1981 c. 314 s. 146; 1981 c. 347 s. 80; 1981 c. 362; 1983 a. 27 ss. 270g to 315, 2202 (20); 1983 a. 243; 1985 a. 29 ss. 357 to 402, 3202 (51) (a); 1985 a. 65, 76, 341; 1987 a. 27, 137, 349, 369, 399, 403; 1989 a. 31, 56; 1991 a. 39, 104, 239, 269; 1993 a. 16, 285, 354, 437; 1995 a. 27, 113, 201, 338, 445; 1997 a. 27, 35, 135, 237, 255; 1999 a. 9, 109, 146, 167, 185; 2001 a. 16, 104, 109; 2003 a. 33, 64.

1 

2 ✓ 3. Page 1, line 3: delete "^{CS}Section 1^g" and substitute "^{CS}Section 1^m".

3 4. Page 2, line 8: after that line insert:

4 "SECTION 2m. 110.215 of the statutes is created to read:

5 **110.215 Motor ~~Vehicle~~ ~~Emission~~ ~~Control~~ ~~Equipment~~ ~~Grant~~ ~~Program~~.**

6 From the appropriation under s. 20.395 (5) (hq), the department shall, in
7 consultation with the department of natural resources, develop and administer a
8 program to provide grants for the purchase and installation of oxidation catalyst
9 mufflers on school buses customarily kept in counties identified in s. 110.20 (5). The
10 department shall adopt rules to implement and administer this section, including
11 procedures, standards, and criteria for awarding and distributing the grants.

12 **SECTION 2r. Nonstatutory provisions.**

13 A.R. (A) (1) The department of transportation shall submit in proposed form the rules
14 required under section 110.215 of the statutes, as created by this act, to the
15 legislative council staff under section 227.15 (1) of the statutes no later than the first
16 day of the 4th month beginning after the effective date of this subsection.

17 (2) Using the emergency rules procedure under section 227.24 of the statutes,
18 the department of transportation shall promulgate the rules required under section
19 110.215 of the statutes, as created by this act, for purposes of implementing this act,
20 for the period before the effective date of the rules submitted under subsection (1). A.R. (A)

21 The department shall promulgate these emergency rules no later than the first day
22 of the 4th month beginning after the effective date of this subsection.

23 Notwithstanding section 227.24 (1) (c) and (2) of the statutes, these emergency rules
24 may remain in effect until June 30, 2005, or the date on which permanent rules take

1 effect, whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the
 2 statutes, the department is not required to provide evidence that promulgating a rule
 3 under this subsection as an emergency rule is necessary for the preservation of the
 4 public peace, health, safety, or welfare and is not required to provide a finding of
 5 emergency for a rule promulgated under this subsection.”.

6 [✓] 5. Page 2, line 10: delete “This act” and substitute “The treatment of sections
 7 110.20 (6) (a) 1. and 3. of the statutes”.

8 [✓] 6. Page 2, line 10: after that line insert:

9 “SECTION 3m. [△]Effective dates. This act takes effect on the day after
 10 publication, except as follows:

11 (1) The treatment of section ^S20.395 (5) (hq) [✓] and 110.215 [✓] of the statutes ~~and the creation of~~
 12 ~~section 110.215 of the statutes~~ ^{9 STE} takes effect on the first day of the 4th month beginning
 13 after publication.”.

14 (END)



State of Wisconsin
2003 - 2004 LEGISLATURE

TODAY

LRBa2208/1
ARG:wlj:jf

No changes

RMR

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SENATE AMENDMENT ,
TO 2003 SENATE BILL 436

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10 *contractor costs and equipment grants; state funds.* The amounts in the schedule to
11 provide for contracts for the operation of inspection stations under s. 110.20 and for
12 the motor vehicle emission control equipment grant program under s. 110.215."

1 **3.** Page 1, line 3: delete “**SECTION 1**” and substitute “**SECTION 1m**”.

2 **4.** Page 2, line 8: after that line insert:

3 “**SECTION 2m.** 110.215 of the statutes is created to read:

4 **110.215 Motor vehicle emission control equipment grant program.**

5 From the appropriation under s. 20.395 (5) (hq), the department shall, in
6 consultation with the department of natural resources, develop and administer a
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15 day of the 4th month beginning after the effective date of this subsection.

16 (2) Using the emergency rules procedure under section 227.24 of the statutes,
17 the department of transportation shall promulgate the rules required under section
18 110.215 of the statutes, as created by this act, for purposes of implementing this act,
19 for the period before the effective date of the rules submitted under subsection (1).
20 The department shall promulgate these emergency rules no later than the first day
21 of the 4th month beginning after the effective date of this subsection.
22 Notwithstanding section 227.24 (1) (c) and (2) of the statutes, these emergency rules
23 may remain in effect until June 30, 2005, or the date on which permanent rules take
24 effect, whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the

1 statutes, the department is not required to provide evidence that promulgating a rule
2 under this subsection as an emergency rule is necessary for the preservation of the
3 public peace, health, safety, or welfare and is not required to provide a finding of
4 emergency for a rule promulgated under this subsection.”.

5 **5.** Page 2, line 10: delete “This act” and substitute “The treatment of sections
6 110.20 (6) (a) 1. and 3. of the statutes”.

7 **6.** Page 2, line 10: after that line insert:

8 “**SECTION 3m. Effective dates.** This act takes effect on the day after
9 publication, except as follows:

10 (1) The treatment of sections 20.395 (5) (hq) and 110.215 of the statutes takes
11 effect on the first day of the 4th month beginning after publication.”.

12 (END)