

2007 DRAFTING REQUEST

Bill

Received: 04/11/2007

Received By: rkite

Wanted: As time permits

Identical to LRB:

For: Jeffrey Mursau (608) 266-3780

By/Representing: Andy

This file may be shown to any legislator: NO

Drafter: rkite

May Contact:

Addl. Drafters:

Subject: Buildings/Safety - misc.

Extra Copies:

Submit via email: YES

Requester's email: Rep.Mursau@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Requiring notice for installing liquid petroleum gas equipment

Instructions:

Require a class 1 public notice before issuing a "permit" for a container of liquid petroleum of 15,000 gallons or more.

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>
/?	rkite 05/01/2007	bkraft 05/15/2007					State
/1			pgreensl 05/15/2007		lparisi 05/15/2007	sbasford 08/22/2007	

FE Sent For: *at intro*

<END>

2007 DRAFTING REQUEST

Bill

Received: 04/11/2007

Received By: rkite

Wanted: As time permits

Identical to LRB:

For: Jeffrey Mursau (608) 266-3780

By/Representing: Andy

This file may be shown to any legislator: NO

Drafter: rkite

May Contact:

Addl. Drafters:

Subject: Buildings/Safety - misc.

Extra Copies:

Submit via email: YES

Requester's email: Rep.Mursau@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Requiring notice for installing liquid petroleum gas equipment

Instructions:

Require a class 1 public notice before issuing a "permit" for a container of liquid petroleum of 15,000 gallons or more.

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>
/?	rkite 05/01/2007	bkraft 05/15/2007					State
/1			pgreensl 05/15/2007		lparisi 05/15/2007		

FE Sent For:

<END>

2007 DRAFTING REQUEST

Bill

Received: 04/11/2007

Received By: rkite

Wanted: As time permits

Identical to LRB:

For: Jeffrey Mursau (608) 266-3780

By/Representing: Andy

This file may be shown to any legislator: NO

Drafter: rkite

May Contact:

Addl. Drafters:

Subject: Buildings/Safety - misc.

Extra Copies:

Submit via email: YES

Requester's email: Rep.Mursau@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Requiring notice for installing liquid petroleum gas equipment

Instructions:

Require a class 1 public notice before issuing a "permit" for a container of liquid petroleum of 15,000 gallons or more.

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>
/?	rkite	1 bjk 5/15 +wlj	JF 1/15 PJ	JF 1/15 PJ/KH			

FE Sent For:

<END>

Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.

inspection fees shall be determined in accordance with s. Comm 2.04.

History: Cr. Register, October, 1999, No. 526, eff. 11-1-99; CR 04-054; renum. Comm 40.15 to be (1), cr. (2) Register November 2004 No. 587, eff. 12-1-04.

Comm 40.16 Appeals. As specified in s. 227.12, Stats., any municipality, corporation or any 5 or more persons having an interest in an administrative rule may appeal to the department requesting the adoption, amendment or repeal of the rule.

History: Cr. Register, October, 1999, No. 526, eff. 11-1-99.

Comm 40.17 Petition for variance. The department shall consider and may grant a variance to a provision of this chapter in accordance with ch. Comm 3. The petition for variance shall include a position statement from the fire department having jurisdiction.

Note: Chapter Comm 3 requires the submittal of a petition for variance form (SBD-9890) and a fee, and that an equivalency is established in the petition for variance that meets the intent of the rule being petitioned. Chapter Comm 3 also requires the department to process regular petitions within 30 business days and priority petitions within 10 business days.

History: Cr. Register, October, 1999, No. 526, eff. 11-1-99.

Comm 40.18 Penalties. Penalties for violations of this chapter shall be assessed in accordance with ss. 101.02 (12) and (13) and 101.16 (5), Stats.

Note: Section 101.02 (13) (a), Stats., indicates penalties will be assessed against any employer, employee, owner or other person who fails or refuses to perform any duty lawfully enjoined, within the time prescribed by the department, for which no penalty has been specifically provided, or who fails, neglects or refuses to comply with any lawful order made by the department, or any judgment or decree made by any court in connection with ss. 101.01 to 101.25, Stats. For each such violation, failure or refusal, such employee, owner or other person must forfeit and pay into the state treasury a sum not less than \$10 nor more than \$100 for each violation.

Note: Section 101.02 (12), Stats., indicates that every day during which any person, persons, corporation or any officer, agent or employee thereof, fails to observe and comply with an order of the department will constitute a separate and distinct violation of such order.

Note: Section 101.16 (5), Stats., indicates that any person, firm, association or corporation who violates s. 101.16, Stats., or any standard, rule or regulation adopted by the department under that section, or issuing a false installation statement under s. 101.16 (4), Stats., will be fined not less than \$25 nor more than \$100, or imprisoned not less than 30 days nor more than 6 months.

History: Cr. Register, October, 1999, No. 526, eff. 11-1-99.

Comm 40.19 Reporting of accidents. Whenever gas system equipment or system components fail and cause injury to any person, the owner or user shall report in writing on form SBD-10789 the facts involved to the department within the following 24 hours. The owner or user may not remove or disturb gas system equipment or any of its parts nor permit any such removal or disturbance prior to receiving authorization from the department, except for the purpose of saving human life or preventing further property damage. This section applies to those gas systems that are required to obtain department plan approval under s. Comm 40.10.

Note: Accidents are to be reported to the department at the Safety and Buildings Division, Inspection Support Unit, P.O. Box 7302, Madison, WI 53707-7302.

History: CR 04-054; cr. Register November 2004 No. 587, eff. 12-1-04.

Subchapter IV — Standards

Comm 40.30 Adoption of standards by reference.

(1) **CONSENT.** Pursuant to s. 227.21, Stats., the attorney general and the revisor of statutes have consented to the incorporation by reference of the standards listed in sub. (2).

Note: Copies of the listed standards are on file in the offices of the department, the secretary of state and the revisor of statutes. Copies for personal use may be obtained, at a cost, from the organizations listed.

(2) **STANDARDS.** The following standards are hereby incorporated by reference into this chapter, subject to the changes and additions specified in subchs. V to IX:

(a) *Liquefied petroleum gas standards.* 1. American Petroleum Institute, 1220 L Street Northwest, Washington D.C. 20005. Design and Construction of Liquefied Petroleum Gas Installations, API Standard 2510, 8th Edition, May 2001.

2. National Fire Protection Association, 11 Tracy Drive, Avon, MA 02322-9908. National Fuel Gas Code, NFPA No. 54-2002; Liquefied Petroleum Gas Code, NFPA No. 58-2004.

(b) *Liquefied natural gas standards.* National Fire Protection Association, 11 Tracy Drive, Avon, MA 02322-9908. Production, Storage and Handling of Liquefied Natural Gas (LNG), NFPA No. 59A-2001.

(c) *Compressed natural gas standards.* National Fire Protection Association, 11 Tracy Drive, Avon, MA 02322-9908. Compressed Natural Gas (CNG) Vehicular Fuel Systems, NFPA No. 52-2002.

(d) *Gaseous hydrogen standards.* National Fire Protection Association, 11 Tracy Drive, Avon, MA 02332-9908. Gaseous Hydrogen Systems at Consumer Sites, NFPA No. 50A-1999.

(e) *Liquefied hydrogen standards.* National Fire Protection Association, 11 Tracy Drive, Avon, MA 02332-9908. Liquefied Hydrogen Systems at Consumer Sites, NFPA No. 50B-1999.

History: Cr. Register, October, 1999, No. 526, eff. 11-1-99; CR 04-054; am (2), cr. (2) (d) and (e) Register November 2004 No. 587, eff. 12-1-04.

Subchapter V — Liquefied Petroleum Gas Facilities

Comm 40.40 Scope. (1) APPLICATION. This subchapter applies to the storage, handling and use of liquefied petroleum gases in dwellings, public buildings and places of employment and to the transportation of liquefied petroleum gases by tank truck or tank trailer.

(2) **EXEMPTIONS.** This subchapter does not apply to any of the following:

(a) The transportation of liquefied petroleum gases by railroads engaged in interstate commerce or to equipment used by them.

(b) Liquefied petroleum gas facilities owned and operated by utilities when the facilities are part of the distribution system for the utility and are subject to the provisions of ch. PSC 135.

Note: Liquefied petroleum gas facilities owned and operated for utility purposes by utilities are regulated by the Public Service Commission and are subject to ch. PSC 135, and the Natural Gas Pipeline Safety Act of 1968 (49 USC 1675, 49 CFR 192 - et. seq.).

History: Cr. Register, October, 1999, No. 526, eff. 11-1-99.

Comm 40.41 Definitions. **History:** Cr. Register, October, 1999, No. 526, eff. 11-1-99; CR 04-054; r. Register November 2004 No. 587, eff. 12-1-04.

Comm 40.42 Approval of proposed installations. Department plan approval shall be obtained before commencing construction on any liquefied petroleum gas installation using containers of 2000 gallons or larger water capacity or where the aggregate water capacity will be 4000 gallons or larger. Plan examination information shall be submitted as specified in s. Comm 40.10.

History: Cr. Register, October, 1999, No. 526, eff. 11-1-99.

Comm 40.43 Certificate of installation. Every person, firm, association or corporation installing equipment using liquefied petroleum gas in containers of 125 gallons or larger water capacity shall complete a certificate of installation form SBD-9656. The certificate of installation form shall be completed at the time of installation, shall be kept at the liquefied petroleum gas installation and shall be available for review by an authorized representative of the department. For installations using containers of 2000 gallons or larger water capacity or having an aggregate water capacity of 4000 gallons or larger, a copy of the installation form shall also be submitted to the local fire department within 10 business days of the installation.

Note: Section 101.16 (4), Stats., indicates that the installation form must be given to the customer or user and that the form state that the design, construction, location and installation of the equipment conforms with this chapter.

History: Cr. Register, October, 1999, No. 526, eff. 11-1-99; CR 04-054; am. Register November 2004 No. 587, eff. 12-1-04.

Comm 40.44 Design, construction, installation, operation and maintenance of liquefied petroleum gas



State of Wisconsin
2007 - 2008 LEGISLATURE

Rm nun

LRB-2418/2

RNK:.....

bjk
TWJ

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-Note

gen. cat.

1 AN ACT ...; relating to: requiring the publication of a Class I notice before
2 approval of the construction of certain liquefied petroleum gas installations.

Analysis by the Legislative Reference Bureau

* Under current law, the Department of Commerce (Commerce) regulates the design, construction, location, installation, operation, repair, and maintenance of equipment for storing, handling, using, and transporting liquefied petroleum gases for certain uses. Under rules promulgated by Commerce, a person proposing the construction of a liquefied petroleum gas installation that uses containers of 2000 gallons or larger water capacity or that has an aggregate water capacity of at least * 4000 gallons must obtain approval from Commerce before beginning construction of the installation.

→ This bill prohibits Commerce from approving the proposed construction of a liquefied petroleum gas installation that uses containers of 15,000 gallons or larger water capacity unless Commerce has published a Class I notice of the proposed construction at least 90 days before the date on which construction is proposed to begin or at least 90 days before the date on which Commerce receives a request for approval of the proposed construction, whichever is longer. A class I notice requires one insertion in a newspaper likely to give notice in the area or to the persons affected.

FE-5

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

1 **SECTION 1.** 101.16 (2m) of the statutes is created to read:

2 ✓101.16 (2m) The department may not approve the proposed construction of a
3 liquefied petroleum gas installation that uses containers of 15,000 gallons or larger
4 water capacity unless the department has published a Class I notice, under ch. 985,
5 of the proposed construction at least 90 days before the date on which construction
6 is proposed to begin or at least 90 days before the date on which the department
7 receives a request for approval of the proposed construction, whichever is longer.

8 **SECTION 2.** 101.16 (5) of the statutes is amended to read:

9 ✓101.16 (5) Any person, firm, association or corporation violating this section
10 sub. (3) or (4), or any standard, rule, or regulation adopted by the department
11 pursuant to this section, or issuing a false statement under sub. (4), shall be fined
12 not less than \$25 nor more than \$100, or imprisoned not less than 30 days nor more
13 than 6 months.

14 History: 1971 c. 185 s. 1; Stats. 1971 s. 101.16.

(END)

D-note

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

LRB-2418/2dn

RNK:.....

bjk

Date

This draft requires the Department of Commerce (Commerce) to publish a class notice before approving the installation of certain liquefied petroleum gas installations. It does not specify what the notice must contain, or whether a person may object to the approval upon receiving notice. If you want to include such provisions, please let me know and I will redraft accordingly.

The draft requires the notice to be published within a deadline that I have arbitrarily established. If you think the deadline should be adjusted, please let me know.

Finally, the notice is required only for those facilities that use containers of 15,000 gallons or larger water capacity. Is this consistent with your intent?

Please feel free to contact me if you have any questions with regard to this draft.

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2418/lins.

RNK:.....

bjk

INSERT 2-14

SECTION 1. Initial applicability.

init. app. →

(1) This act first applies to a request to the department of commerce for approval of the construction of a liquefied petroleum gas installation made on the effective date of this subsection.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2418/1dn
RNK:bjk:pg

May 15, 2007

This draft requires the Department of Commerce (Commerce) to publish a class 1 notice before approving certain liquefied petroleum gas installations. It does not specify what the notice must contain, or whether a person may object to the approval upon receiving notice. If you want to include such provisions, please let me know and I will redraft accordingly.

The draft requires the notice to be published within a deadline that I have arbitrarily established. If you think the deadline should be adjusted, please let me know.

Finally, the notice is required only for those facilities that use containers of 15,000 gallons or larger water capacity. Is this consistent with your intent?

Please feel free to contact me if you have any questions with regard to this draft.

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

Basford, Sarah

From: Potts, Andrew
Sent: Tuesday, August 21, 2007 2:14 PM
To: LRB.Legal
Subject: Draft Review: LRB 07-2418/1 Topic: Requiring notice for installing liquid petroleum gas equipment

Please Jacket LRB 07-2418/1 for the ASSEMBLY.