



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0387/7
MGG:sac:ph

DOA:.....Stritchko, BB0095 - Transfer of DSPTS programs to DATCP

FOR 2013-2015 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

SAFETY AND PROFESSIONAL SERVICES

BUILDINGS AND SAFETY

Under current law, DSPTS has various duties and powers relating to regulation of petroleum products and hazardous substances:

1. DSPTS prescribes grade specifications for gasoline and similar fuels and administers laws regulating the inspection and sale of those fuels and other petroleum products.

2. DSPTS regulates the installation, maintenance, and removal of tanks that contain flammable or combustible liquids or federally regulated hazardous substances (dangerous materials).

3. DSPTS is required to administer a program to inventory aboveground and underground petroleum storage tanks.

This bill transfers these powers and duties except for those that relate to the reviewing of plans for dangerous materials from DSPTS to DATCP.

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. 20.115 (1) (gc) of the statutes is created to read:

20.115 (1) (gc) *Testing of petroleum products.* All moneys received from fees collected under s. 93.06 (1pm) for the testing of petroleum products under s. 93.06 (1pm).

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2. 20.115 (1) (t) of the statutes is created to read:

20.115 (1) (t) *Petroleum products; petroleum inspection fund.* From the petroleum inspection fund, the amounts in the schedule for the purposes of ch. 168.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 3. 20.165 (2) (a) of the statutes is amended to read:

20.165 (2) (a) *General program operations.* The amounts in the schedule for general program operations relating to the regulation of industry, buildings, and safety under chs. 101, 107, and 145, ~~and 168~~ and ss. 167.10 and 167.27.

SECTION 4. 20.165 (2) (dm) of the statutes is renumbered 20.115 (1) (c) and amended to read:

20.115 (1) (c) *Storage Petroleum products; storage tank inventory.* The amounts in the schedule to conduct an inventory of aboveground petroleum product storage tanks and unused underground petroleum product storage tanks under s. ~~101.142~~ 168.28.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 5. 20.165 (2) (ga) of the statutes is amended to read:

20.165 (2) (ga) *Auxiliary services Publications and seminars.* All moneys received from fees collected under s. 101.02 (18) ~~and (18m)~~ for the delivery of services publications and seminars under s. 101.02 (18) ~~and (18m)~~.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 6. 20.165 (2) (j) of the statutes is amended to read:

20.165 (2) (j) *Safety and building operations.* The amounts in the schedule for the purposes of chs. 101, and 145, and 168 and ss. 167.35, 236.12 (2) (a), 236.13 (1) (d) and (2m), and 236.335, for the purpose of transferring the amounts in the schedule under par. (kg) to the appropriation account under par. (kg), and for the purpose of transferring the amounts in the schedule under par. (km) to the appropriation account under par. (km). All moneys received under ch. 145, ss. 101.178, 101.19, 101.63 (9), 101.654 (3), 101.73 (12), 101.82 (4), 101.955 (2), 101.973 (7), 167.35 (2) (f), and 236.12 (7) and all moneys transferred under [2005 Wisconsin Act 45](#), section [76 \(6\)](#), shall be credited to this appropriation.

SECTION 7. 20.165 (2) (ma) of the statutes is amended to read:

20.165 (2) (ma) *Federal aid-program administration.* All moneys received from the federal government, as authorized by the governor under s. 16.54, to fund the state's administrative costs for general program operations relating to the regulation of industry, buildings and safety under chs. 101, 107, and 145 and 168 and ss. 32.19 to 32.27, 167.10, and 167.27.

SECTION 8. 20.165 (2) (r) of the statutes is amended to read:

20.165 (2) (r) *Safety and building operations; petroleum inspection fund.* From the petroleum inspection fund, the amounts in the schedule for the purposes of ~~ch. 168~~ and ss. 101.09, 101.142, and 101.1435 plan reviews relating to flammable or combustible liquids or federally regulated hazardous substances.

***NOTE: This is reconciled s. 20.165 (2) (r). This SECTION has been affected by drafts with the following LRB numbers: LRB-0387 and LRB-1092.

SECTION 9. 25.47 (7) of the statutes is amended to read:

25.47 (7) The fees imposed under s. ~~101.09 (3) (d)~~ 101.02 (18r).

SECTION 10. 25.47 (8) of the statutes is created to read:

25.47 (8) The fees imposed under s. 168.23 (4).

SECTION 11. 45.44 (1) (a) 5. of the statutes is amended to read:

45.44 (1) (a) 5. A license, certification, registration, or permit issued under s. 94.10 (2), (3), or (3g), 94.50 (2), 94.704, 95.60, 97.17 (2), 97.175 (2), 97.22 (2), 98.145, 98.146, ~~or 98.18 (1) (a)~~, or 168.23 (3).

SECTION 12. 73.0301 (1) (d) 6m. of the statutes is created to read:

73.0301 (1) (d) 6m. A certificate or registration issued under 168.23 (3).

SECTION 13. 73.0301 (1) (e) of the statutes is amended to read:

73.0301 (1) (e) "Licensing department" means the department of administration; the department of agriculture, trade and consumer protection; the board of commissioners of public lands; the department of children and families; the government accountability board; the department of financial institutions; the department of health services; the department of natural resources; the department of public instruction; the department of safety and professional services; the department of workforce development; the office of the commissioner of insurance; or the department of transportation.

SECTION 14. 93.135 (title) of the statutes is amended to read:

93.135 (title) License denial, nonrenewal, suspension or restriction based on failure to pay support or taxes.

SECTION 15. 93.135 (1) (rg) of the statutes is created to read:

93.135 (1) (rg) A certification or registration under s. 168.23 (3).

SECTION 16. 93.135 (4) of the statutes is created to read:

93.135 (4) The department shall deny an application for the issuance or renewal of certification or registration under s. 168.23 (3), or shall suspend or restrict such a certification or registration, if the department of revenue certifies under s. 73.0301 that the holder of the certification or registration is liable for delinquent taxes.

SECTION 17. 98.246 (1) of the statutes is amended to read:

98.246 (1) In this section, “petroleum products” has the meaning given under s. ~~168.03~~ 168.01 (3).

SECTION 18. 101.02 (18m) of the statutes is renumbered 93.06 (1pm) and amended to read:

93.06 (1pm) TESTING OF PETROLEUM PRODUCTS. The department may perform, or contract for the performance of, testing of petroleum products other than testing provided under ch. 168. The department may establish a schedule of fees for such petroleum product testing services. The department shall credit all revenues received from fees established under this subsection to the appropriation account under s. ~~20.165 (2) (ga)~~ 20.115 (1) (gc). Revenues from fees established under this subsection may be used by the department to pay for testing costs, including laboratory supplies and equipment amortization, for such products.

SECTION 19. 101.02 (18r) of the statutes is created to read:

101.02 (18r) The department shall promulgate a rule specifying fees for plan reviews relating to the storage, handling, or use of flammable or combustible liquids or federally regulated hazardous substances, as defined in s. 168.21 (3).

SECTION 20. 101.09 (title) of the statutes is repealed.

SECTION 21. 101.09 (1) (intro.) of the statutes is renumbered 168.21 (intro.) and amended to read:

168.21 Definitions. (intro.) In this ~~section~~ subchapter:

SECTION 22. 101.09 (1) (a) of the statutes is renumbered 168.21 (1).

SECTION 23. 101.09 (1) (am) of the statutes is renumbered 168.21 (3).

SECTION 24. 101.09 (1) (b) of the statutes is renumbered 168.21 (4).

SECTION 25. 101.09 (1) (c) of the statutes is renumbered 168.21 (5).

SECTION 26. 101.09 (1) (cm) of the statutes is renumbered 168.21 (6).

SECTION 27. 101.09 (1) (d) of the statutes is renumbered 168.21 (7).

SECTION 28. 101.09 (2) (title) of the statutes is renumbered 168.22 (title).

SECTION 29. 101.09 (2) (a) of the statutes is renumbered 168.22 (1) and amended to read:

168.22 (1) Except as provided under ~~pars. (b) to (d)~~ subs. (2) to (5), every person who constructs, owns or controls a tank for the storage, handling or use of liquid that is flammable or combustible or a federally regulated hazardous substance shall comply with the standards adopted under ~~sub. (3)~~ s. 168.23.

SECTION 30. 101.09 (2) (b) of the statutes is renumbered 168.22 (2) and amended to read:

168.22 (2) This ~~section~~ subchapter does not apply to storage tanks which require a hazardous waste license under s. 291.25.

SECTION 31. 101.09 (2) (c) of the statutes is renumbered 168.22 (3) and amended to read:

168.22 (3) This ~~section~~ subchapter does not apply to storage tanks which are installed above ground level and which are less than 5,000 gallons in capacity.

SECTION 32. 101.09 (2) (cm) (intro.) of the statutes is renumbered 168.22 (4) (intro.) and amended to read:

168.22 (4) (intro.) Any rules promulgated under ~~sub. (3)~~ s. 168.23 requiring an owner to test the ability of a storage tank, connected piping or ancillary equipment to prevent an inadvertent release of a stored substance do not apply to storage tanks that satisfy all of the following:

SECTION 33. 101.09 (2) (cm) 1. to 3. of the statutes are renumbered 168.22 (4) (a) to (c).

SECTION 34. 101.09 (2) (d) of the statutes is renumbered 168.22 (5) and amended to read:

168.22 (5) This ~~section~~ subchapter does not apply to a pressurized natural gas pipeline system regulated under [49 CFR 192](#) and [193](#).

SECTION 35. 101.09 (3) (title) of the statutes is renumbered 168.23 (title).

SECTION 36. 101.09 (3) (a) of the statutes is renumbered 168.23 (1).

SECTION 37. 101.09 (3) (b) of the statutes is renumbered 168.23 (2) and amended to read:

168.23 (2) The department may transfer any information which the department receives under ~~par. (a)~~ sub. (1) to any other agency or governmental unit. The department and any such agency shall treat the name of the owner and the location of any noncommercial storage tank which stores heating oil for consumptive use on the premises, required to be submitted to the department under ~~par. (a)~~ sub. (1), as confidential and shall not permit inspection or copying under s. 19.35 of any record containing the information.

SECTION 38. 101.09 (3) (c) of the statutes is renumbered 168.23 (3) and amended to read:

168.23 (3) The rule promulgated under ~~par. (a)~~ sub. (1) may require the certification or registration of persons who install, remove, clean, line, perform

tightness testing on and inspect tanks and persons who perform site assessments. Any rule requiring certification or registration shall also authorize the revocation or suspension of the certification or registration. The department may not require an individual who is eligible for the veterans fee waiver program under s. 45.44 to pay any fee that may be charged pursuant to such a rule.

SECTION 39. 101.09 (3) (d) of the statutes is renumbered 168.23 (4) and amended to read:

168.23 (4) The department shall promulgate a rule specifying fees for ~~plan review and~~ inspection of tanks for the storage, handling, or use of flammable or combustible liquids and for any certification or registration required under ~~par. (e) sub. (3).~~

SECTION 40. 101.09 (3m) (title) of the statutes is renumbered 168.24 (title).

SECTION 41. 101.09 (3m) (a) of the statutes is renumbered 168.24 (1) and amended to read:

168.24 (1) In this subsection section, “hazardous substance” means a combustible liquid, a flammable liquid, or a federally regulated hazardous substance.

SECTION 42. 101.09 (3m) (b) of the statutes is renumbered 168.24 (2) and amended to read:

168.24 (2) The department may not impose any requirement that specifies that pipe connections at the top of a storage tank and beneath all freestanding pumps and dispensers that routinely contain a hazardous substance be placed within secondary containment sumps, if the pipe connections were installed or in place on or before February 1, 2009. This ~~subsection~~ section does not apply after December 31, 2020.

SECTION 43. 101.09 (4) (title) of the statutes is renumbered 168.25 (title).

SECTION 44. 101.09 (4) (a) of the statutes is renumbered 168.25 (1) and amended to read:

168.25 (1) The department shall enforce this ~~section~~ subchapter.

SECTION 45. 101.09 (4) (b) of the statutes is renumbered 168.25 (2) and amended to read:

168.25 (2) The department shall issue orders directing and requiring compliance with the rules and standards of the department adopted under this ~~section~~ subchapter whenever, in the judgment of the department, the rules or standards are threatened with violation, are being violated or have been violated.

SECTION 46. 101.09 (4) (c) of the statutes is renumbered 168.25 (3).

SECTION 47. 101.09 (5) of the statutes is renumbered 168.26 and amended to read:

168.26 Penalties. Any person who violates this ~~section~~ subchapter or any rule or order adopted under this ~~section~~ subchapter shall forfeit not less than \$10 nor more than \$5,000 for each violation. Each violation of this ~~section~~ subchapter or any rule or order under this ~~section~~ subchapter constitutes a separate offense and each day of continued violation is a separate offense.

SECTION 48. 101.14 (5) (a) of the statutes is amended to read:

101.14 (5) (a) Subject to par. (b), in addition to any fee charged by the department by rule for plan review and approval for the construction of a new or additional installation or change in operation of a previously approved installation for the storage, handling or use of a liquid that is flammable or combustible or a federally regulated hazardous substance, as defined in s. ~~101.09 (1) (am)~~ 168.21 (3), the department shall collect a groundwater fee of \$100 for each plan review

submittal. The moneys collected under this subsection shall be credited to the environmental fund for environmental management.

SECTION 49. 101.14 (5) (b) of the statutes is amended to read:

101.14 (5) (b) Notwithstanding par. (a), an installation for the storage, handling or use of a liquid that is flammable or combustible or a federally regulated hazardous substance, as defined in s. ~~101.09 (1) (am)~~ 168.21 (3), that has a capacity of less than 1,000 gallons is not subject to the groundwater fee under par. (a).

SECTION 50. 101.142 (title) and (1) (intro.) of the statutes are renumbered 168.28 (title) and (1) (intro.).

SECTION 51. 101.142 (1) (a) of the statutes is renumbered 168.28 (1) (a) and amended to read:

168.28 (1) (a) "Petroleum Notwithstanding s. 168.01 (3), "petroleum product" means materials derived from petroleum, natural gas, or asphalt deposits and includes gasoline, diesel and heating fuels, liquefied petroleum gases, lubricants, waxes, greases, and petrochemicals.

SECTION 52. 101.142 (1) (b) and (2) of the statutes are renumbered 168.28 (1) (b) and (2).

SECTION 53. Chapter 168 (title) of the statutes is repealed and recreated to read:

CHAPTER 168
PETROLEUM PRODUCTS
AND DANGEROUS SUBSTANCES

SECTION 54. Subchapter I (title) of chapter 168 [precedes 168.01] of the statutes is created to read:

CHAPTER 168

SUBCHAPTER I

PETROLEUM PRODUCT INSPECTIONS

SECTION 55. 168.01 (intro.) of the statutes is amended to read:

168.01 Definitions. (intro.) In this ~~chapter~~ subchapter:

SECTION 56. 168.01 (1) of the statutes is amended to read:

168.01 (1) “Department” means the department of ~~safety and professional services~~ agriculture, trade and consumer protection.

SECTION 57. 168.01 (2) of the statutes is renumbered 168.01 (4).

SECTION 58. 168.02 (title) of the statutes is repealed.

SECTION 59. 168.02 of the statutes is renumbered 168.01 (2).

SECTION 60. 168.03 (title) of the statutes is repealed.

SECTION 61. 168.03 of the statutes is renumbered 168.01 (3).

SECTION 62. 168.05 (1) of the statutes is amended to read:

168.05 (1) No petroleum product imported into and received in this state or received from a manufacturer or refiner or from a marine or pipeline terminal within this state may be unloaded from its original container except as provided under sub. (5), sold, offered for sale or used until a true sample of not less than 8 ounces is taken as provided in this ~~chapter~~ subchapter. This subsection does not apply if the department has previously inspected the petroleum product at the refinery, marine or pipeline terminal. Each person importing or receiving a petroleum product which has not been previously inspected shall notify the inspector in the person’s district of the receipt thereof, and the inspector shall take a sample of the petroleum product.

SECTION 63. 168.06 (1) of the statutes is amended to read:

168.06 (1) For the purposes of administering this ~~chapter~~ subchapter, inspectors may take samples of gasoline, gasoline-alcohol fuel blends, kerosene,

other refined oils, fuel oils and petroleum distillates for tests and make inspections at any points within or without this state, and may open any original container containing gasoline, gasoline-alcohol fuel blends, kerosene, other refined oils, fuel oils and petroleum distillates and take a true sample of not less than 8 ounces of the contents thereof, even though the original containers may still be in the possession of a common or contract carrier, provided the opening and sampling does not unduly inconvenience or hamper the transportation of the products. After the original containers are opened and sampled the same shall be resealed with seals furnished by the department for such purposes. The authority conferred by this section shall be in addition to, and not in limitation of, any of the provisions of s. 168.05.

SECTION 64. 168.08 (1) of the statutes is amended to read:

168.08 (1) Time and place of each inspection.

SECTION 65. 168.09 of the statutes is amended to read:

168.09 Authority to enter. Any inspector may enter in or upon the premises of any manufacturer, vendor, dealer or user of gasoline, gasoline-alcohol fuel blends, kerosene, other refined oils, fuel oils and petroleum distillates, during regular business hours to determine whether any petroleum product intended for sale or use has not been sampled and inspected in accordance with this ~~chapter~~ subchapter.

SECTION 66. 168.125 of the statutes is amended to read:

168.125 Reports; payment. Persons who are liable for the fee under this ~~chapter~~ subchapter shall state the number of gallons of petroleum products on which the fee is due and the amount of their liability for the fee in the reports under s. 78.12 (1) to (3). The requirements for payment of the motor vehicle fuel tax under s. 78.12 (5) apply to the fee under this ~~chapter~~ subchapter.

SECTION 67. 168.15 of the statutes is amended to read:

168.15 Penalty. Every person who violates any provision of this ~~chapter~~ subchapter that is not related to the fee under s. 168.12 (1) shall forfeit not less than \$10 nor more than \$100 for each violation. Each day a person fails to comply with any provision of this ~~chapter~~ subchapter is a separate violation.

SECTION 68. 168.16 (1) of the statutes is amended to read:

168.16 (1) The department shall enforce this ~~chapter~~ subchapter. Inspection districts shall be defined and numbered by the department.

SECTION 69. 168.16 (2) of the statutes is amended to read:

168.16 (2) Any accident or explosion involving products of petroleum which comes to the knowledge of the department shall be investigated to determine whether or not there has been a violation of this ~~chapter~~ subchapter.

SECTION 70. 168.16 (4) of the statutes is amended to read:

168.16 (4) The department may promulgate reasonable rules relating to the administration and enforcement of this ~~chapter~~ subchapter.

SECTION 71. 168.17 of the statutes is amended to read:

168.17 Attorney general and district attorney to prosecute. Upon request of the department, the attorney general or proper district attorney shall prosecute any action to enforce this ~~chapter~~ subchapter except the fee that is imposed under s. 168.12 (1).

SECTION 72. 168.18 of the statutes is repealed.

SECTION 73. Subchapter II (title) of chapter 168 [precedes 168.21] of the statutes is created to read:

CHAPTER 168

SUBCHAPTER II

STORAGE OF DANGEROUS SUBSTANCES

SECTION 74. 168.21 (2) of the statutes is created to read:

168.21 (2) "Department" means the department of agriculture, trade and consumer protection.

SECTION 9138. Nonstatutory provisions; Safety and Professional Services.

(1) REGULATION OF DANGEROUS MATERIALS.

(a) *Assets and liabilities.*

1. Except as provided in subdivision 2., on the effective date of this subdivision, the assets and liabilities of the department of safety and professional services that are determined by the secretary of administration to relate to the storage, use, and handling of flammable or combustible liquids or federally regulated hazardous substances under section 101.09, 2011 stats., become the assets and liabilities of the department of agriculture, trade and consumer protection.

2. The assets and liabilities that are determined by the secretary of administration to relate to the reviewing of plans subject to section SPS 310.100, Wis. Adm. Code, remain with the department of safety and professional services.

(b) *Employee transfer.* All incumbent employees who hold positions in the department of safety and professional services that the secretary of administration determines relate to the storage, use, and handling of flammable or combustible liquids or federally regulated hazardous substances under section 101.09, 2011 stats., are transferred to the department of agriculture, trade and consumer protection on the effective date of this subdivision.

(c) *Employee status.* Employees transferred under paragraph (b) have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of agriculture, trade and consumer protection that they

enjoyed in the department of safety and professional services immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who has attained permanent status in class is required to serve a probationary period.

(d) *Tangible personal property.*

1. Except as provided in subdivision 2., on the effective date of this subdivision, all tangible personal property, including records, of the department of safety and professional services that the secretary of administration determines relate to the storage, use, and handling of flammable or combustible liquids or federally regulated hazardous substances under section 101.09, 2011 stats., is transferred to the department of agriculture, trade and consumer protection.

2. The tangible property, including records, that is determined by the secretary of administration to relate to the reviewing of plans subject to section SPS 310.100, Wis. Adm. Code, remains with the department of safety and professional services.

(e) *Contracts.*

1. Except as provided in subdivision 2., all contracts that were entered into by the department of safety and professional services that the secretary of administration determines to relate to the storage, use, and handling of flammable or combustible liquids or federally regulated hazardous substances under section 101.09, 2011 stats., and that are in effect on the effective date of this subdivision remain in effect and are transferred to department of agriculture, trade and consumer protection. The department of agriculture, trade and consumer protection shall carry out any obligations under such a contract until the contract is modified or rescinded by the department of agriculture, trade and consumer protection to the extent allowed under the contract.

2. Any contract that is determined by the secretary of administration to relate to the reviewing of plans subject to section SPS 310.100, Wis. Adm. Code, remains with the department of safety and professional services.

(f) *Rules and orders.*

1. Except as provided in subdivision 2., all rules promulgated, and all orders issued, by the department of safety and professional services, that are determined by the secretary of administration to relate to the storage, use, and handling of flammable or combustible liquids or federally regulated hazardous substances under section 101.09, 2011 stats., and that are in effect on the effective date of this subdivision shall remain in effect until their specified expiration date or until amended or repealed by the department of agriculture, trade and consumer protection.

2. The rules and orders that are determined by the secretary of administration to relate to reviewing of plans that is subject to section SPS 310.100, Wis. Adm. Code, remain with the department of safety and professional services.

(g) *Pending matters.*

1. Except as provided in subdivision 2., any matter pending with the department of safety and professional services on the effective date of this subdivision that is determined by the secretary of administration to relate to the storage, use, and handling of flammable or combustible liquids or federally regulated hazardous substances under section 101.09, 2011 stats., is transferred to the department of agriculture, trade and consumer protection, and all materials submitted to or actions taken by the department of safety and professional services with respect to the pending matter are considered as having been submitted to or taken by the department of agriculture, trade and consumer protection.

2. Any pending matter that is determined by the secretary of administration to relate to the reviewing of plans that is subject to section SPS 310.100, Wis. Adm. Code remains with the department of safety and professional services.

(2) PETROLEUM PRODUCT INSPECTION AND STORAGE.

(a) *Assets and liabilities.* On the effective date of this paragraph, the assets and liabilities of the department of safety and professional services, that are determined by the secretary of administration to relate to the storage and inspection of petroleum products under section 101.142, 2011 stats., and chapter 168, 2011 stats., become the assets and liabilities of the department of agriculture, trade and consumer protection.

(b) *Employee transfer.* All incumbent employees who hold positions in the department of safety and professional services that the secretary of administration determines relate to the storage and inspection of petroleum products under section 101.142, 2011 stats., and chapter 168, 2011 stats., are transferred to the department of agriculture, trade and consumer protection on the effective date of this paragraph.

(c) *Employee status.* Employees transferred under paragraph (b) have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of agriculture, trade and consumer protection that they enjoyed in the department of safety and professional services immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who has attained permanent status in class is required to serve a probationary period.

(d) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the department of safety and professional services that the secretary of administration determines to relate to the

storage and inspection of petroleum products under section 101.142, 2011 stats., and chapter 168, 2011 stats., is transferred to the department of agriculture, trade and consumer protection.

(e) *Contracts.* All contracts that were entered into by the department of safety and professional services that the secretary of administration determines to relate to the storage and inspection of petroleum products under section 101.142, 2011 stats., and chapter 168, 2011 stats., and that are in effect on the effective date of this paragraph remain in effect and are transferred to department of agriculture, trade and consumer protection. The department of agriculture, trade and consumer protection shall carry out any obligations under such a contract until the contract is modified or rescinded by the department of agriculture, trade and consumer protection to the extent allowed under the contract.

(f) *Rules and orders.* All rules promulgated, and all orders issued, by the department of safety and professional services, that are determined by the secretary of administration to relate to the storage and inspection of petroleum products under section 101.142, 2011 stats., and chapter 168, 2011 stats., and that are in effect on the effective date of this paragraph shall remain in effect until their specified expiration date or until amended or repealed by the department of agriculture, trade and consumer protection.

(g) *Pending matters.* Any matter pending with the department of safety and professional services on the effective date of this paragraph that is determined by the secretary of administration to relate to the storage and inspection of petroleum products under section 101.142, 2011 stats., and chapter 168, 2011 stats., is transferred to the department of agriculture, trade and consumer protection, and all materials submitted to or actions taken by the department of safety and professional

services with respect to the pending matter are considered as having been submitted to or taken by the department of agriculture, trade and consumer protection.

SECTION 9238. Fiscal changes; Safety and Professional Services.

(1) TESTING OF PETROLEUM PRODUCTS. There is transferred from the appropriation account under section 20.165 (2) (ga) of the statutes, as affected by this act, to the appropriation account under section 20.115 (1) (gc) of the statutes, as created by this act, an amount, as determined by the secretary of administration, that equals the amount of fees that have been credited to the appropriation account under section 20.165 (2) (ga) of the statutes, as affected by this act, under section 101.02 (18m) of the statutes, as affected by this act, and that have not been expended or encumbered on or before the effective date of this subsection.

(2) FEDERAL AID FOR INSPECTIONS OF PETROLEUM PRODUCTS. There is transferred from the appropriation account under section 20.165 (2) (m) of the statutes to the appropriation account under section 20.115 (1) (m) of the statutes an amount, as determined by the secretary of administration, that equals the amount of moneys received from the federal government that have been credited to the appropriation under section 20.165 (2) (m) of the statutes for the state's administrative costs for general program operations relating to regulation under chapter 168 of the statutes, as affected by this act, and that have not been expended or encumbered on or before the effective date of this subsection.

(END)