



1995 SENATE BILL 43

January 26, 1995 - Introduced by Senators C. POTTER, JAUCH, MOEN, BURKE, PLEWA, RISSER and ROSENZWEIG, cosponsored by Representatives GROTHMAN, BAUMGART, JOHNSRUD, BALDUS, ZUKOWSKI, ZIEGELBAUER, ROBSON, GRONEMUS, LEHMAN, HAHN, PORTER, REYNOLDS, OTTE, WILDER, BOYLE, RYBA and SILBAUGH. Referred to Committee on Environment and Energy.

1 **AN ACT to amend** 101.143 (1) (fg), 101.143 (4) (d) 2. (intro.), 101.143 (4) (d) 2. d.,
2 101.143 (4) (dm) 2. b., 101.143 (4) (dm) 3. b., 101.143 (4) (e) 2. and 101.143 (4)
3 (e) 2m.; and **to create** 101.143 (1) (fp) of the statutes; **relating to:**
4 reimbursement of costs incurred because of discharges from heating oil tanks
5 that serve buildings primarily used for religious worship and heating oil tanks
6 that serve nonprofit private schools.

Analysis by the Legislative Reference Bureau

Under current law, the department of industry, labor and human relations (DILHR) administers the petroleum storage environmental cleanup program, commonly called PECFA. Under PECFA, DILHR reimburses persons owning or operating certain petroleum product storage tanks from which discharges occur for a portion of the costs of cleaning up the discharges. Under current law, PECFA generally does not cover the costs of cleaning up discharges from tanks used to store heating oil for use on the premises where stored. PECFA does cover heating oil tanks owned by school districts and technical college districts and provides limited coverage of home and farm heating oil tanks.

Under this bill, PECFA covers the costs of cleaning up discharges from heating oil tanks that serve buildings primarily used for religious worship and from heating oil tanks that serve nonprofit private schools.

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 (1) (fg) of the statutes is amended to read:

2 101.143 (1) (fg) "Petroleum product storage system" means a storage tank that
3 is located in this state and is used to store petroleum products together with any
4 on-site integral piping or dispensing system. The term does not include pipeline
5 facilities; tanks of 110 gallons or less capacity; residential tanks of 1,100 gallons or
6 less capacity storing petroleum products that are not for resale; farm tanks of 1,100
7 gallons or less capacity storing petroleum products that are not for resale, except as
8 provided in sub. (4) (ei); tanks used for storing heating oil for consumptive use on the
9 premises where stored, except for heating oil tanks owned by school districts and,
10 heating oil tanks owned by technical college districts, heating oil tanks that serve
11 buildings primarily used for religious worship and heating oil tanks that serve
12 nonprofit private schools and except as provided in sub. (4) (ei); or tanks owned by
13 this state or the federal government.

14 **SECTION 2.** 101.143 (1) (fp) of the statutes is created to read:

15 101.143 (1) (fp) "Private school" has the meaning given in s. 115.001 (3r).

16 **SECTION 3.** 101.143 (4) (d) 2. (intro.) of the statutes is amended to read:

17 101.143 (4) (d) 2. (intro.) The department shall issue the award under this
18 paragraph without regard to fault in an amount equal to the amount of the eligible
19 costs that exceeds a deductible amount of \$2,500 plus 5% of the eligible costs, but not
20 more than \$7,500 per occurrence, except that the deductible amount for a petroleum
21 product storage system ~~that is owned by a school district or a technical college district~~
22 ~~and that is used for storing heating oil for consumptive use on the premises~~ and that
23 is owned by a school district or technical college district, serves building used
24 primarily for religious worship or serves a nonprofit private school is 25% of eligible

1 costs. An award issued under this paragraph may not exceed the following for each
2 occurrence:

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

4 101.143 (4) (d) 2. d. ~~For a school district or a technical college district with~~ With
5 respect to a discharge from a petroleum product storage system that is used for
6 storing heating oil for consumptive use on the premises where stored and that is
7 owned by a school district or technical college district, serves a building used
8 primarily for religious worship or serves a nonprofit private school, \$190,000.

9 **SECTION 5.** 101.143 (4) (dm) 2. b. of the statutes is amended to read:

10 101.143 (4) (dm) 2. b. ~~For a school district or a technical college district with~~
11 With respect to a discharge from a petroleum product storage system that is used for
12 storing heating oil for consumptive use on the premises where stored and that is
13 owned by a school district or technical college district, serves a building used
14 primarily for religious worship or serves a nonprofit private school, 25% of eligible
15 costs.

16 **SECTION 6.** 101.143 (4) (dm) 3. b. of the statutes is amended to read:

17 101.143 (4) (dm) 3. b. ~~For a school district or a technical college district with~~
18 With respect to a discharge from a petroleum product storage system that is used for
19 storing heating oil for consumptive use on the premises where stored and that is
20 owned by a school district or technical college district, serves a building used
21 primarily for religious worship or serves a nonprofit private school, \$190,000.

22 **SECTION 7.** 101.143 (4) (e) 2. of the statutes is amended to read:

23 101.143 (4) (e) 2. The department shall issue the award under this paragraph
24 without regard to fault in an amount equal to the amount of the eligible costs that
25 exceeds a deductible amount of \$2,500 plus 5% of the eligible costs, but not more than

1 \$7,500 per occurrence, for eligible costs incurred before July 1, 1993, or a deductible
2 amount of \$10,000 for eligible costs incurred on or after July 1, 1993, except that the
3 deductible amount for a petroleum product storage system ~~that is owned by a school~~
4 ~~district or a technical college district~~ and that is used for storing heating oil for
5 consumptive use on the premises where stored and that is owned by a school district
6 or technical college district, serves a building used primarily for religious worship or
7 serves a nonprofit private school is 25% of eligible costs and except that the
8 deductible for a petroleum product storage system that is described in par. (ei) 1. is
9 \$2,500 plus 5% of the eligible costs, but not more than \$7,500 per occurrence without
10 regard to when the eligible costs are incurred.

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

12 101.143 (4) (e) 2m. An award issued under this paragraph may not exceed
13 \$195,000 for eligible costs incurred before July 1, 1993, or \$190,000 for eligible costs
14 incurred on or after July 1, 1993, for each occurrence, except that an award under
15 this paragraph ~~to a school district or a technical college district~~ with respect to a
16 discharge from a petroleum product storage system that is used for storing heating
17 oil for consumptive use on the premises where stored and that is owned by a school
18 district or technical college district, serves a building used primarily for religious
19 worship or serve a nonprofit private school is \$190,000 for each occurrence, without
20 regard to when the eligible costs are incurred, and except that an award under this
21 paragraph to the owner or operator of a petroleum product storage system described
22 in par. (ei) 1. may not exceed \$100,000 per occurrence.

23 (END)