

**SENATE SUBSTITUTE AMENDMENT 1,
TO 1999 SENATE BILL 378**

March 29, 2000 – Offered by JOINT COMMITTEE ON FINANCE.

1 **AN ACT to create** 20.115 (3) (d) and 93.75 of the statutes; **relating to:** payments
2 to ethanol producers and granting rule-making authority.

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

3 **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
4 the following amounts for the purposes indicated:

5 **1999-00** **2000-01**

6 **20.115 Agriculture, trade and consumer**
7 **protection, department of**

8 (3) **MARKETING SERVICES**

9 (d) **Payments to ethanol producers** GPR A -0- -0-

10 **SECTION 2.** 20.115 (3) (d) of the statutes is created to read:

1 20.115 (3) (d) *Payments to ethanol producers.* The amounts in the schedule for
2 payments to ethanol producers under s. 93.75. No funds may be encumbered under
3 this paragraph after June 30, 2006.

4 **SECTION 3.** 93.75 of the statutes is created to read:

5 **93.75 Payments to ethanol producers. (1) ELIGIBILITY.** Beginning on July
6 1, 2001, the department shall administer a program under which the department
7 makes payments to a person who produces ethanol and who satisfies all of the
8 following criteria:

9 (a) The person produces in this state, within 12 months, over 10,000,000
10 gallons of ethanol or, during the first 12 months that the person produces ethanol in
11 this state, a lesser amount of ethanol that is established by the department by rule.

12 (b) The person has been producing ethanol in this state for fewer than 60
13 months.

14 (c) The person purchases the substances from which the person produces
15 ethanol from a local source, as defined by the department by rule.

16 **(2) PAYMENTS.** The department shall pay a person who is eligible under sub. (1)
17 at the rate of 20 cents per gallon for not more than 15,000,000 gallons of ethanol
18 produced in this state within 12 months, except that if there are insufficient funds
19 to make payments at this rate to all eligible persons the department shall prorate the
20 payments.

21 **(3) RULES.** The department shall promulgate rules for the program under this
22 section. The department shall include all of the following in the rules:

23 (a) The amount of ethanol that a person must produce within the first 12
24 months that the person produces ethanol in this state to be eligible for payments
25 under this section.

1 (b) A definition of “local source” for the purposes of sub. (1) (c).

2 (c) A method for prorating payments under sub. (2).

3 **(3m)** MONITORING. (a) The department of transportation shall monitor the
4 impact of ethanol sales in this state on the amount of federal moneys received by this
5 state for highways and other surface transportation purposes, excluding federal
6 moneys received for railroads.

7 (b) If the department of transportation determines, on or before December 31,
8 2003, that the amount of federal moneys received by this state for highways and
9 other surface transportation purposes, excluding federal moneys received for
10 railroads, is decreased due to ethanol sales in this state, the department of
11 transportation shall notify the department of agriculture, trade and consumer
12 protection of that determination not sooner than October 1, 2003, and not later than
13 December 31, 2003.

14 (c) If the department of transportation determines, after December 31, 2003,
15 and before January 1, 2005, that the amount of federal moneys received by this state
16 for highways and other surface transportation purposes, excluding federal moneys
17 received for railroads, is decreased due to ethanol sales in this state, the department
18 of transportation shall notify the department of agriculture, trade and consumer
19 protection of that determination not sooner than October 1, 2004, and not later than
20 December 31, 2004.

21 (d) If the department of transportation determines, after December 31, 2004,
22 and before January 1, 2006, that the amount of federal moneys received by this state
23 for highways and other surface transportation purposes, excluding federal moneys
24 received for railroads, is decreased due to ethanol sales in this state, the department
25 of transportation shall notify the department of agriculture, trade and consumer

1 protection of that determination not sooner than October 1, 2005, and not later than
2 December 31, 2005.

3 **(4) SUNSET.** The department may not make a payment under this section after
4 June 30, 2006, or the first day of the 6th month beginning after the department
5 receives a notice under sub. (3m), whichever is sooner.

6 **(END)**