



2001 ASSEMBLY BILL 237

March 20, 2001 - Introduced by Representatives SYKORA, FREESE, PETROWSKI, KRAWCZYK, HUEBSCH, WADE, GUNDERSON, PETTIS, REYNOLDS, MUSSER, GRONEMUS, RHOADES, JESKEWITZ, POWERS, KREIBICH, HAHN, ALBERS, OWENS, SERATTI, PLOUFF, AINSWORTH, BALOW, HUNDERTMARK, LOEFFELHOLZ and OTT, cosponsored by Senators HARSDORF, SHIBILSKI, M. MEYER, SCHULTZ, ZIEN and DECKER. Referred to Committee on Agriculture.

- 1 **AN ACT to repeal** 20.115 (3) (d), 93.75 (3) (c) and 93.75 (3m); **to amend** 93.75 (1)
2 (b), 93.75 (2) and 93.75 (4); and **to create** 20.115 (1) (d) of the statutes; **relating**
3 **to:** payments to ethanol producers and making an appropriation.

Analysis by the Legislative Reference Bureau

Current law requires the department of agriculture, trade and consumer protection (DATCP) to make payments to an ethanol producer during the first 60 months of ethanol production if the provider satisfies certain requirements. The payments are 20 cents per gallon for not more than 15,000,000 gallons of ethanol produced within 12 months, except that, if there is insufficient funding, DATCP must prorate the payments. The program ends on June 30, 2006, or earlier if the department of transportation (DOT) determines that federal transportation aids are decreased because of ethanol sales in this state.

This bill creates a sum sufficient appropriation for payments by DATCP to ethanol producers and eliminates the requirement that DATCP prorate payments if funding is insufficient to make full payments. The bill provides for payments to be made for the first 120 months of ethanol production, rather than the first 60 months. The bill also extends the program until June 30, 2013, and eliminates the provision that ends the program earlier if DOT determines that federal transportation aids are decreased because of ethanol sales.

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

2 20.115 (1) (d) *Payments to ethanol producers.* A sum sufficient for payments
3 to ethanol producers under s. 93.75. No funds may be encumbered under this
4 paragraph after June 30, 2013.

5 **SECTION 2.** 20.115 (3) (d) of the statutes is repealed.

6 **SECTION 3.** 93.75 (1) (b) of the statutes is amended to read:

7 93.75 (1) (b) The person has been producing ethanol in this state for fewer than
8 ~~60~~ 120 months.

9 **SECTION 4.** 93.75 (2) of the statutes is amended to read:

10 93.75 (2) **PAYMENTS.** The department shall pay a person who is eligible under
11 sub. (1) at the rate of 20 cents per gallon for not more than 15,000,000 gallons of
12 ethanol produced in this state within 12 months, ~~except that if there are insufficient~~
13 ~~funds to make payments at this rate to all eligible persons the department shall~~
14 ~~prorate the payments.~~

15 **SECTION 5.** 93.75 (3) (c) of the statutes is repealed.

16 **SECTION 6.** 93.75 (3m) of the statutes is repealed.

17 **SECTION 7.** 93.75 (4) of the statutes is amended to read:

18 93.75 (4) **SUNSET.** The department may not make a payment under this section
19 after June 30, 2006, ~~or the first day of the 6th month beginning after the department~~
20 ~~receives a notice under sub. (3m), whichever is sooner~~ 2013.

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(END)