

# State of Wisconsin



1999 Senate Bill 378

Date of enactment: **April 11, 2000**  
Date of publication\*: **April 25, 2000**

## 1999 WISCONSIN ACT 55

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

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

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

		1999-00	2000-01
<b>20.115</b>	<b>Agriculture, trade and consumer protection, department of</b>		
(3)	MARKETING SERVICES		
(d)	Payments to ethanol producers	GPR A -0-	-0-

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

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

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

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

(a) The person produces in this state, within 12 months, over 10,000,000 gallons of ethanol or, during the first 12 months that the person produces ethanol in this

state, a lesser amount of ethanol that is established by the department by rule.

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

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

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

\* Section 991.11, WISCONSIN STATUTES 1997-98: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

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

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

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

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

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

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

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

(d) If the department of transportation determines, after December 31, 2004, and before January 1, 2006, that the amount of federal moneys received by this state for highways and other surface transportation purposes, excluding federal moneys received for railroads, is decreased due to ethanol sales in this state, the department of transportation shall notify the department of agriculture, trade and consumer protection of that determination not sooner than October 1, 2005, and not later than December 31, 2005.

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

