

**1999 DRAFTING REQUEST****Assembly Amendment (AA-AB133)**Received: **05/12/99**Received By: **rkite**Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau 266-3847**By/Representing: **Kava**This file may be shown to any legislator: **NO**Drafter: **rkite**

May Contact:

Alt. Drafters:

Subject: **Nat. Res. - nav. waters**

Extra Copies:

**Pre Topic:**

LFB:.....Kava -

**Topic:**

Expenditure ceiling for the Minnesota-Wisconsin boundary area commission

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	rkite 05/21/99	ygeller 05/22/99	jfrantze 05/23/99	_____	lrb_docadmin 05/23/99		
/2	rkite 06/12/99	wjackson 06/12/99	martykr 06/12/99	_____	lrb_docadmin 06/13/99		
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FE Sent For:

&lt;END&gt;

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FE Sent For: *13 6/14 jg* *km 6/14* *JF 6/14*

<END>

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*1/2 6/12 WLJ kmk/12*

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1?	rkite	11/5/22 jlg	7/6/23	7/6/23 <u>5/23</u>			

FE Sent For:

<END>



## Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

May 11, 1999

Joint Committee on Finance

Paper #645

### **Withdrawal from Boundary Area Commission (Minnesota-Wisconsin Boundary Area Commission) and Upper Mississippi River Basin Association Dues (DNR -- Water Quality)**

[LFB 1999-01 Budget Summary: Page 405, #1 and Page 448, #10]

#### **CURRENT LAW**

The Minnesota-Wisconsin Boundary Area Commission (MWBAC) was created by an interstate compact in 1965. The Commission, headquartered in Hudson, Wisconsin: (a) conducts studies and develops recommendations relating to the use of the Mississippi and St. Croix Rivers and land bordering the rivers; (b) coordinates studies and planning efforts of federal, state and local authorities in the interstate boundary region; and (c) assists the states in their participation in federal programs related to the interstate boundary region. The ten-member Commission includes five citizens from Wisconsin nominated by the Governor with the approval of the Senate. Each state contributes 50% of the funding for the Commission. Base funding of \$90,000 PR (gifts and grants) and \$174,100 SEG from the water resources account of the conservation fund is provided by Wisconsin.

The Upper Mississippi River Basin Association (UMRBA), headquartered in St. Paul, Minnesota, is a nonprofit organization created by the five states adjacent to the Upper Mississippi River (Wisconsin, Missouri, Minnesota, Iowa and Illinois) established to address multi-state environmental issues related to the river. The Association sponsors studies of river-related issues, assists in cooperative resource planning, provides information on the river and enables member states to develop and advocate regional positions on resource management issues. The articles of association were signed by representatives of the five states in 1981. Each member state has one representative on the Association. Currently, Wisconsin pays \$35,000 from the water resources account for Association dues.

## **GOVERNOR**

Delete annual base funding and withdraw Wisconsin from the Minnesota-Wisconsin Boundary Area Commission. Delete the statutory references to Wisconsin representation on the Commission, the advisory committees related to the Commission and the Commission's appropriation structure. Require the Governor to inform the Governor of Minnesota of Wisconsin's withdrawal no later than ten days after the effective date of the bill.

In addition, provide \$13,000 annually from the water resources account of the conservation fund to pay for an increase in dues to the Upper Mississippi River Basin Association.

## **DISCUSSION POINTS**

1. In his budget submitted to the Minnesota Legislature in January, 1999, Minnesota Governor Ventura recommended withdrawal from the Minnesota-Wisconsin Boundary Area Compact and provided \$70,000 in 1999-00 for the costs associated with closing the Commission's office. The Minnesota Governor stated in his budget recommendation that the Commission represents an unnecessary duplication of effort. He also noted that the primary purpose of the Commission is to conduct studies and make recommendations, and that the Commission has no authority to enforce those recommendations or to make them binding on any governmental entity. He also indicated that the purposes of the Commission largely overlap with existing programs in other agencies and could be assumed by those agencies.

2. Wisconsin's 1999-01 Executive Budget Book indicates that elimination of the Commission would prevent duplication of effort and expenditures, and that Wisconsin's participation in the UMRBA would ensure coordination of research, monitoring and habitat development projects with neighboring states on the Upper Mississippi River.

3. In his 1997 evaluation of the need to continue 144 boards, councils and commissions in Wisconsin, the Lieutenant Governor recommended continuation of the Boundary Area Commission.

4. A Commission comparison of the duties and responsibilities of MWBAC and UMRBA found that both organizations assist Wisconsin and Minnesota with: (a) participation in federal river programs on the Mississippi River; (b) cooperation with the federal government on river matters; (c) providing technical help to state and local officials related to the river; (d) providing information for public understanding and citizen input; and (e) facilitation of cooperative stakeholder consultation; and (f) responses to individual citizen requests and recommendations. The Commission noted, however, that many UMRBA responsibilities in this area focus on the five member states, rather than specifically on Wisconsin and Minnesota.

5. The Commission staff note that UMRBA has no role in dealing with issues on the St. Croix River. They argue that elimination of the Commission would interrupt a number of tasks

on the St. Croix, including: (a) assisting sponsor states with federal programs and legislation on the St. Croix; (b) coordinating, administering, and serving on the Lower and the Upper St. Croix Management Commissions; (c) coordinating recreational boating studies; (d) contracting for and administering St. Croix mussel inspection dives; (e) chairing and providing administrative support to a public task force for updating the Lower St. Croix Riverway Master Plan; and (f) coordinating the Interstate Law Consistency Task Force.

6. In the Wisconsin DNR, a Mississippi and St. Croix River management subprogram was created as part of the reorganization to provide special management focus on these boundary waters. The responsibilities of the subprogram on the rivers include: (a) water quality monitoring activities; (b) habitat restoration project design and implementation; (c) liaison activities with interstate organizations; (d) fish and wildlife population assessment activities; and (e) analysis and review of federal dredging and commercial barge practices. There are 19.0 positions dedicated to the subprogram, which is operated out of the LaCrosse service center in the West Central Region.

7. The roles of MWBAC, UMRBA, and the Mississippi and St. Croix River management subprogram are in some ways redundant and in some ways complimentary. UMRBA consists of state government representatives and focuses on broad policy issues and acts as a policy forum for five states to work with the federal government on the Upper Mississippi. MWBAC serves more as a communication network for local citizen input and works independently and informally to represent the interests of two states on the St. Croix and Mississippi Rivers. The DNR subprogram attempts to integrate and coordinate the work activities of the Land and Water Program staff of programs in one state agency on the boundary waters, which border three DNR regions.

8. While acknowledging that they have no enforcement authority to make their decisions binding on affected parties, the Commission argues that this is a strength rather than a weakness. Unlike the federal government or other state resource management agencies, the Boundary Area Commission must rely primarily on persuasion to convince others of the merits of any recommendations the Commission makes. This has resulted in a more collaborative approach oriented towards the participation of citizens and local governments. Further, the Commission's dual-state perspective has tended to increase the organization's credibility with citizens and agencies from both states. The Commission argues that they fulfill a unique role in coordinating among the various agencies on both of the rivers, which would be lost if the Commission were eliminated.

9. The appropriations bill passed by the Minnesota Senate provided full funding of Minnesota's share of the Commission's budget, including a standard, small agency cost-to-continue increase (\$183,000 in 1999-00 and \$188,000 in 2000-01). The Minnesota House of Representatives, however, adopted an appropriations bill which provided for repeal of the Compact, effective July 1, 1999, and no appropriation in the 1999-01 biennium. A conference committee recommendation is expected by May 17 (the Minnesota Legislature's constitutional adjournment deadline), with gubernatorial vetoes finalized by the end of May.

10. The Committee could choose from any of the three alternatives under consideration

in Minnesota with respect to the Commission: (a) withdrawal from the Commission and elimination of base funding; (b) provision of some portion of base funding in 1999-00 to allow the Commission time to close its offices; or (c) provision of full funding. Any Wisconsin funding provided to the Commission could be provided in unallotted reserve pending a final funding decision by Minnesota. If Minnesota provided some amount of funding, Wisconsin's share could then be released by the Department of Administration for Commission expenditures.

11. An annual program revenue appropriation of \$90,000 is made to the Boundary Area Commission for gifts and grants made to the Commission. MWBAC staff indicate that this appropriation has never been utilized, and thus would not need to be restored if the Committee chooses to maintain funding for the Commission.

12. It is unclear what the effect of not providing the additional dues payment to UMRBA would be for the state's participation in the Association. DNR notes that not all states have paid the full dues amount (Iowa, for example, has paid only \$30,000 annually). Any reduction in dues from Wisconsin would impact operation of the Association, and could result in less responsiveness to the state's needs by the Association.

13. If the Committee judges that the services provided by UMRBA are unnecessarily duplicative, base funding for the dues could be deleted as well.

**ALTERNATIVES TO BASE**

**A. Minnesota-Wisconsin Boundary Area Commission**

1. Approve the Governor's recommendation to delete annual base funding and withdraw Wisconsin from the Minnesota-Wisconsin Boundary Area Commission.

<u>Alternative A1</u>	<u>PR</u>	<u>SEG</u>	<u>TOTAL</u>
1999-01 FUNDING (Change to Base)	-\$180,000	-\$348,200	-\$528,200
<i>[Change to Bill]</i>	\$0	\$0	\$0

2. Approve the Governor's recommendation, but provide \$70,000 in unallotted reserve in 1999-00 from the water resources account for the costs associated with the closing of the Boundary Area Commission office.

<u>Alternative A2</u>	<u>PR</u>	<u>SEG</u>	<u>TOTAL</u>
1999-01 FUNDING (Change to Base)	-\$180,000	-\$278,200	-\$458,200
<i>[Change to Bill]</i>	\$0	\$70,000	\$70,000



3. Provide \$183,000 in 1999-00 and \$188,000 in 2000-01 in unallotted reserve from the water resources account for Wisconsin's share of continued operations of the Boundary Area Commission. (This is the amount approved by the Minnesota Senate.)

<u>Alternative A3</u>	<u>PR</u>	<u>SEG</u>	<u>TOTAL</u>
1999-01 FUNDING (Change to Base) [Change to Bill]	-\$180,000 \$0	\$22,800 \$371,000	-\$157,200 \$371,000]

*will track language*

4. Maintain current law. (Base funding of \$174,100 SEG and \$90,000 PR annually would remain for Wisconsin's share of Commission operations.)

<u>Alternative A4</u>	<u>PR</u>	<u>SEG</u>	<u>TOTAL</u>
1999-01 FUNDING (Change to Base) [Change to Bill]	\$0 \$180,000	\$0 \$348,200	\$0 \$528,200]

**ALTERNATIVES TO BILL**

*20. 315,000 need not be restored*

**B. Upper Mississippi River Basin Association Dues**

1. Approve the Governor's recommendation to provide \$13,000 annually from the water resources account to pay for an increase in dues to the Upper Mississippi River Basin Association.

2. Delete \$48,000 annually from the water resources account to reflect elimination of funding for Wisconsin's dues to UMRBA.

<u>Alternative B2</u>	<u>SEG</u>
1999-01 FUNDING (Change to Bill)	\$96,000

3. Maintain current law (\$35,000 annually in base funding for dues would remain).

<u>Alternative B3</u>	<u>SEG</u>
1999-01 FUNDING (Change to Bill)	-\$26,000

Prepared by: Russ Kava

Representative Gard

MINNESOTA-WISCONSIN BOUNDARY AREA COMMISSION

Provision of Funding  
[Paper #645]

Motion:

Move to prohibit the state of Wisconsin from releasing any funding for the Minnesota-Wisconsin Boundary Area Commission that exceeds the amount of funding provided by the state of Minnesota.

*Re: 20.315(1)(g) this is the affected approp.*

MOx	
Burke	Y
Decker	N
Jauch	N
Moore	N
Shibilaki	N
Plache	N
Cowles	N
Panzer	N
Gard	Y
Porter	N
Kaufert	N
Albars	N
Duff	N
Ward	N
Huber	N
Riley	N

*P 15-1*

Motion #711

Post-It® Fax Note	7671	Date	5/12	# of pages	1
To	Robin Kite	From	Russ Kava		
Co./Dept.	LRB	Co.	LFB		
Phone #		Phone #	6-3847		
Fax #	4-8522	Fax #			

(Soon)

1999 - 2000 LEGISLATURE

LRBb0307/1

RNK.....

149

LFB:.....Kava - Expenditure ceiling for the Minnesota-Wisconsin boundary area commission

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

1 At the locations indicated, amend the bill as follows:

2 1. Page 121, line 1: delete the material beginning with that line and ending  
3 with page 122, line 2.

4 2. Page 125, line 1: delete that line and substitute:

5 "SECTION 12g. 14.82 (1) (c) of the statutes is amended to read:

6 14.82 (1) (c) The commission may accept on behalf of the state, from the federal  
7 government or from any other source, and may receive and use, gifts and grants of  
8 furniture, books, equipment, supplies, money or other property used or useful for the  
9 execution of its functions. All moneys received under this paragraph shall be  
10 deposited in the general fund and, unless prohibited by the terms of the grant or gift,

1 are appropriated to the commission for expenditure by it in accordance with s. 20.315  
2 (1) (g). ✓

3 History: 1977 c. 29 s. 1650m (4); 1977 c. 327; 1979 c. 361 s. 112; 1995 a. 27 ss. 65, 9116 (5), 9126 (19); 1997 a. 27.

3 SECTION 12r. ✓ 14.82 (1) (d) of the statutes is created to read:

4 14.82 (1) (d) Beginning on July 1, 1999, ✓ the total amount that may be expended  
5 in a fiscal year from the appropriation account under s. 20.315 (1) (q) ✓ for the joint  
6 ✓ Minnesota–Wisconsin boundary area commission may not exceed the total amount  
7 expended by the state of Minnesota in the same fiscal year for the joint  
8 Minnesota–Wisconsin boundary area commission. <sup>plain</sup> ~~no ital.~~

9 3. Page 401, line 9: delete that line and substitute:

10 "SECTION 303m. ✓ 20.315 (1) (g) <sup>x</sup> of the statutes is repealed." ✓

11 4. Page 558, line 25: delete that line. ✓

12 5. Page 1400, line 20: delete lines 20 to 25. ✓

13 6. Page 1447, line 14: delete lines 14 to 16. ✓

14 (END)

Per Russ Kava

Repeal 14.82(1)(c)

Repeal 20.315(1)(ka)



(soon)

State of Wisconsin  
1999 - 2000 LEGISLATURE

RM R  
2  
LRBb0307/3  
RNK:jlj:jf  
EWJ

LFB:.....Kava - Expenditure ceiling for the Minnesota-Wisconsin boundary area commission

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

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3 with page 122, line 2.

4 **2.** Page 125, line 1: delete that line and substitute:

5 ~~SECTION 12g. (14.82 (1) (c) of the statutes is amended to read:~~  
6 <sup>RP: 14.82 (1)(c) ✓</sup>

6 14.82 (1) (c) The commission may accept on behalf of the state, from the federal  
7 government or from any other source, and may receive and use, gifts and grants of  
8 furniture, books, equipment, supplies, money or other property used or useful for the  
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10 deposited in the general fund and, unless prohibited by the terms of the grant or gift,

1 are appropriated to the commission for expenditure by it in accordance with s. 20.315

2 (1)(g). <sup>5</sup> (B)

3 **SECTION 12<sup>5</sup>.** 14.82 (1) (d) of the statutes is created to read:

4 14.82 (1) (d) Beginning on July 1, 1999, the total amount that may be expended  
5 in a fiscal year from the appropriation account under s. 20.315 (1) (q) for the joint  
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9 **3.** Page 401, line 9: delete that line and substitute:

10 "SECTION 303m. 20.315 (1) (g) of the statutes is repealed."

11 **4.** Page 558, line 25: delete that line.

12 **5.** Page 1400, line 20: delete lines 20 to 25.

13 **6.** Page 1447, line 14: delete lines 14 to 16.

14 (END)

(CS) + (B) (B)  
Section 12m.  
RP, 20.315(1)(ka) ✓



State of Wisconsin  
1999 - 2000 LEGISLATURE

RMR  
LRBb0307/2 3  
RNK:jlg&wlj:km

~~Open~~  
Today

LFB:.....Kava - Expenditure ceiling for the Minnesota-Wisconsin boundary  
area commission

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

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3 with page 122, line 2.

4 2. Page 125, line 1: delete that line and substitute:

5 "SECTION 12e. 14.82 (1) (c) of the statutes is repealed.

6 SECTION 12s. 14.82 (1) (d) of the statutes is created to read:

7 14.82 (1) (d) Beginning on July 1, 1999, the total amount that may be expended  
8 in a fiscal year from the appropriation account under s. 20.315 (1) (q) for the joint  
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10 expended by the state of Minnesota in the same fiscal year for the joint  
11 Minnesota-Wisconsin boundary area commission."



1

**3.** Page 401, line 9: delete ~~that line~~ and substitute:

2

*and (ka) ✓*  
"SECTION 303m. 20.315 (1) (g) *are* of the statutes ~~(is-repealed)~~."  
*are*

3

**4.** Page 558, line 25: delete that line.

4

**5.** Page 1400, line 20: delete lines 20 to 25.

5

**6.** Page 1447, line 14: delete lines 14 to 16.

6

(END)



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb0307/3  
RNK:jlg&wlj:km

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11 Minnesota-Wisconsin boundary area commission.”.

