

1999 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB378)

Received: **03/28/2000**

Received By: **traderc**

Wanted: **Today**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **DAvid Schug**

This file may be shown to any legislator: **NO**

Drafter: **traderc**

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Subject: **Agriculture - miscellaneous**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Delay appropriation,require monitoring,delay sunset

Instructions:

Incorporate 99a1605 and 99a1563

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>
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FE Sent For:

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Now
Sen sub amdt.

to **1999 SENATE BILL 378**

February 10, 2000 - Introduced by Senators CLAUSING and RUDE, cosponsored by Representatives HUEBSCH, MEYER, HAHN, GRONEMUS, OTT, SCHOOFF, M. LEHMAN, AINSWORTH, SYKORA, FREESE, SPILLNER, SKINDRUD, PETTIS, MUSSER, BOYLE and GOETSCH. Referred to Agriculture, Environmental Resources and Campaign Finance Reform.

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 and making an
3 appropriation.

Analysis by the Legislative Reference Bureau

This bill requires the department of agriculture, trade and consumer protection (DATCP) to administer a program under which DATCP makes payments to certain ethanol producers. To be eligible for the payments, an ethanol producer must produce a specified amount of ethanol and must purchase the substances from which the ethanol is produced from a local source, as defined by DATCP. An ethanol producer is only eligible for payments during the first 60 months of ethanol production. The payments are 20 cents per gallon for not more than 15,000,000 gallons produced within 12 months. The bill ends the ethanol payment program on June 30, 2005.

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:

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

SENATE BILL 378

SECTION 1

1 1999-00 2000-01

2 20.115 Agriculture, trade and consumer
3 protection, department of

4 (3) MARKETING SERVICES

5 (d) Payments to ethanol producers GPR A -0- ~~3,000,000~~⁻⁰⁻

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

7 20.115 (3) (d) *Payments to ethanol producers.* The amounts in the schedule for
8 payments to ethanol producers under s. 93.75. No funds may be encumbered under
9 this paragraph after June 30, ~~2005~~²⁰⁰⁶.

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

11 93.75 **Payments to ethanol producers.** (1) ELIGIBILITY. Beginning on July
12 1, ~~2000~~²⁰⁰¹, the department shall administer a program under which the department
13 makes payments to a person who produces ethanol and who satisfies all of the
14 following criteria:

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

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

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

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

SENATE BILL 378

1 to make payments at this rate to all eligible persons the department shall prorate the
2 payments.

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

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

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

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

10 (4) SUNSET. The department may not make a payment under this section after

11 June 30, 2005. 2006 Insert B ✓

12

(END)

✓
Insert
A

**ASSEMBLY AMENDMENT,
TO 1999 ASSEMBLY BILL 718**

Inserts to 50501

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

2 ✓1. Page 1, line 2: delete that line and substitute "to ethanol producers and
3 granting rule-making authority".

4 ✓2. Page 1, line 3: delete "appropriation".

5 ✓3. Page 2, line 5: decrease the dollar amount for fiscal year 2000-01 by
6 \$3,000,000 to decrease funding for the purpose for which the appropriation is made.

7 ✓4. Page 2, line 12: substitute "2001" for "2000".

8 5. Page 3, line 9: after that line insert:

9 **(3m) MONITORING.** (a) The department of transportation shall monitor the
10 impact of ethanol sales in this state on the amount of federal moneys received by this
11 state for highways and other surface transportation purposes, excluding federal
12 moneys received for railroads.

Insert

↓

INSE A

1 (b) If the department of transportation determines, on or before December 31,
2 2003, that the amount of federal moneys received by this state for highways and
3 other surface transportation purposes, excluding federal moneys received for
4 railroads, is decreased due to ethanol sales in this state, the department of
5 transportation shall notify the department of agriculture, trade and consumer
6 protection of that determination not sooner than October 1, 2003, and not later than
7 December 31, 2003.

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

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

↓

1 **6.** Page 3, line 11: before the period insert “, or the first day of the 6th month
2 beginning after the department receives a notice under sub. (3m), whichever is
3 sooner”.

4

(END)

Insert B