

2001 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB55)

Received: 06/22/2001

Received By: kunkemd

Wanted: As time permits

Identical to LRB:

For: Assembly Republican Caucus

By/Representing: Jefferson

This file may be shown to any legislator: NO

Drafter: kunkemd

May Contact:

Addl. Drafters:

Subject: Agriculture - miscellaneous
Public Util. - electric

Extra Copies:

Submit via email: NO

Requester's email:

Pre Topic:

ARC:.....Jefferson - AM20,

Topic:

Stray voltage farm rewiring fund

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>
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/1			rschluet 06/25/2001	_____	lrb_docadmin 06/25/2001		

FE Sent For:

<END>

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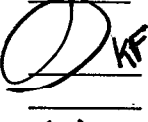
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				6-25-1			

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61504

ATCP

Memorandum

To: Fred Ammerman – Fiscal Bureau
Cathlene Hanaman – Reference Bureau
CC: Heather Smith – Assembly Republican Caucus
From: Paul Tessmer – Assembly Republican Caucus
Date: 06/21/01
Re: ARC Amendments – Passed 6-20-01

MOK

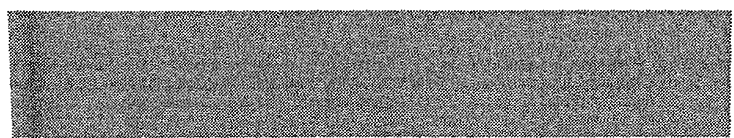
Please find enclosed copies of the budget amendments passed by the Assembly Republicans in Caucus on Tuesday, June 20, 2001. The amendments are provided in the following four areas:

- The Health Care Working Group Package. Associated freestanding amendments incorporated in this package are also provided. Contact Carolyn Hughes (ARC) at 7-4887.
- The Agriculture Working Group Package. Associated freestanding amendments incorporated in this package are also provided. Contact Mark Jefferson (ARC) at 7-0900.
- The Higher Education Working Group Package. Associated freestanding amendments incorporated in this package are also provided. Contact Jim Emerson (ARC) at 7-0904.
- Other Freestanding Amendments. Contact the ARC analyst listed on the amendment at 6-1452.

NOTE: The Working Group Package document takes precedence over its associated freestanding amendments. Please call the contact person listed above (or the ARC analyst listed on the amendment) for supporting documentation.

Hard copies of the Working Group Packages are also being sent to your office. The hard copies may contain supporting documentation not included in the Word document.

I am also available to help answer questions at 4-8587.



ARC Amendment # 20

Agriculture, Trade and Consumer Protection Package

Representatives Ward (chair), Ainsworth, Hahn, Loeffelholz, Musser, Ott

1. **Transfer Department of Justice (DOJ) Consumer Protection Staff to Department of Agriculture, Trade and Consumer Protection (DATCP)** (requested by Ward) [LFB Paper 215] (Comparative Summary, page 142, item #1)

WALSH/ROSK
RPN

Adopt Governor's language removed by Joint Finance to move 9.3 positions over from DOJ to DATCP (4.8 attorneys, 2.0 consumer protection investigators, 1.0 legal secretary, 1.0 paralegal and 0.5 legal assistant) and transfer related authority.

Fiscal Impact: These are current positions funded at DOJ. Transfer \$808,700 to DATCP.

2. **Enumerate Veterinary Diagnostic Lab and Meat and Muscle Lab** [LFB Paper 256] (Comparative Summary, page 177, item #4)

RAC/JTK

These were part of the Governor's original building program package but removed by the Joint Committee on Finance. This measure would restore the Building Commission's recommendation to enumerate the program in this biennium but delay \$20 million in bonding for the Veterinary Diagnostic Lab and \$20 million in bonding for the Meat and Muscle Lab to the next biennium. If we were not to enumerate the diagnostic lab, Wisconsin will lose accreditation and hurt its ability to sell agricultural products across state lines and particularly overseas.

In addition, (friendly amendment requested by Vrakas), require the Meat and Muscle Lab to provide a private sector contribution at an amount to be determined by the Building Commission.

[Ward and Vrakas need to discuss this. Rep. Ward at the time of the amendment believed the Diagnostic Lab already required a private match. After checking with the Fiscal Bureau, this is not the case. The Diagnostic Lab does not currently require a private match. Rep. Vrakas' intent was to include both labs to require matches.]

Fiscal Impact: None in this biennium. Require the Building Commission by July 1, 2002 to determine an amount of gifts, grants and other receipts that would be required before the building commission could release the bonding authorized for the project. Specify that bonding could not be released before it is determined that the required amount of non-state revenues is committed to the project. This provision commits bonding that, combined with a required match for the Meat and Muscle lab, will designate a total of \$40 million dollars of future bonding in next biennium for both labs.

✓8. **Crop Vandalism and Agriculture Terrorism** (requested by Ott, motion request #297)

MGD

This would create criminal penalties and allow civil action to be brought against anyone who intentionally infects livestock with disease or damages crops by making intentional introductions of contagious diseases and vandalism to crops a felony. It would create unintentional introductions of contagious diseases and vandalism to crops a misdemeanor.

Fiscal Impact: None

✓9. **Restore Economic Development Zones and Earmark Two Dairy Development Zones** (request by Ward, motion request #138)

PJK

This restores the twenty technology zones as proposed in the Governor's budget, and also restores the maximum credits to \$5 million.

In addition, the Department of Commerce would be required to designate two of the technology zones as agricultural development zones located in a rural municipality as defined under the Rural Economic Development program.

Fiscal Impact: There would be little, if any, fiscal effect this biennium. Credits could be claimed for ten years, beginning in the next biennium.

10. **Federal Agricultural Policy Reform** [LFB Paper 217] (Comparative Summary, pg. 144, item #5)

RCT

Instead of "marketing" insert "DATCP's discretion". DATCP would absorb cost from departmental budget as opposed to their marketing budget.

Fiscal Impact: None

11. **Modification for Mergers and Consolidation of Cooperatives** (requested by Ainsworth)

RAC

Fiscal Impact: None

12. **Stray Voltage** (requested by Ott)

MDK

This amendment restores the Farm Rewiring fund under DOA as requested by the Governor, to be funded by DOA Public Benefits. The farm rewiring fund would be a separate, nonlapsing trust under the management of the Investment Board.

Fiscal Impact: Indeterminate at this time. The program has not been implemented and the number of participants is unknown.

Kunkel, Mark

From: Jefferson, Mark
Sent: Friday, June 22, 2001 11:31 AM
To: Kunkel, Mark
Subject: RE: ARC amend. 20: stray voltage farm rewiring

I have confirmed that your assumption was correct.

We do **not** want the exemption from liabilities provision.

Thanks, Mark!
mj

-----Original Message-----

From: Kunkel, Mark
Sent: Friday, June 22, 2001 11:12 AM
To: Jefferson, Mark
Subject: ARC amend. 20: stray voltage farm rewiring

Mark:

Regarding the above amendment request, I assume that you want to restore only the farm rewiring portions of the governor's original proposal, and that you do **not** want to include the exemption from liability for public utilities for stray voltage problems that was also in the governor's budget. Is that correct?

Mark Kunkel
Legislative Attorney
Legislative Reference Bureau
(608) 266-0131 mark.kunkel@legis.state.wi.us

2001

Date (time) needed _____

LRB b 1504, 2

**ARC CAUCUS BUDGET AMENDMENT
[ONLY FOR CAUCUS]**

MDK: ejs : _____

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**CAUCUS AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1
TO 2001 SENATE BILL 55**

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

At the locations indicated, amend the substitute amendment as follows:

#. Page 74, line 20: *after that line insert:*

#. Page, line

#. Page, line

#. Page, line

#. Page, line

#. Page, line

resulting from stray voltage contributed by the public utility if the stray voltage is below the level of concern established by the PSC that is in effect at the time of measurement. In addition, the stray voltage must be determined using the PSC's principles and guidelines regarding stray voltage screening and diagnostic procedures that are in effect at the time of measurement. Upon the request of any party to an action for damages for stray voltage, the PSC must evaluate and testify as to whether its applicable order was followed in calculating the amount of stray voltage. Finally, current law provides that, under certain circumstances, a public utility may be liable for treble damages for injuries resulting from the willful, wanton, or reckless acts or omissions of the public utility's directors, officers, employees, or agents. This bill provides that damages from stray voltage are not subject to this provision.

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. 16.956 of the statutes is created to read:

2 16.956 ³²³ Stray voltage and electrical wiring assistance. (1) From the
3 appropriation under s. 20.505 (1) (q), the department shall award grants to operators
4 of dairy, beef, or swine farms for the purpose of eliminating potential stray voltage
5 concerns and sources and replacing electrical wiring. A farm operator is not eligible
6 to receive a grant under this subsection unless the public utility that provides electric
7 service to the farm has conducted tests to determine the sources of stray voltage on
8 the farm.

9 (2) The department shall promulgate rules establishing criteria and
10 procedures for awarding grants under sub. (1), including procedures for assuring
11 that any work is completed in accordance with acceptable practices. ✓

12 SECTION 2. 20.505 (1) (q) of the statutes is created to read:

13 20.505 (1) (q) ⁸²⁹ Stray voltage and electrical wiring assistance. Biennially, from
14 the farm rewiring fund, the amounts in the schedule for awarding grants under s.
15 16.956 (1). ✓

Page 389, line 23: *get that line insert:*

Page 468, line 20: open that line insert:

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.*

1 SECTION ~~2.~~ 25.17 (1) (eq) of the statutes is created to read:

2 25.17 (1) (cq) Farm rewiring fund (s. 25.98);

Page 477, line 12: open that line insert:

3 SECTION ~~4.~~ 25.98 of the statutes is created to read:

4 **25.98 Farm rewiring fund.** There is established a separate nonlapsible trust

5 fund designated as the farm rewiring fund, consisting of all moneys received under

6 s. 196.374 (3m).

Page 992, line 12: open that line insert:

7 SECTION ~~5.~~ 196.374 (1) (b) of the statutes is repealed.

8 SECTION ~~6.~~ 196.374 (3) of the statutes is amended to read:

9 196.374 (3) ~~In~~ Except as provided in sub. (3m), in 2000, 2001 and 2002, the

10 commission shall require each utility to spend a decreasing portion of the amount

11 determined under sub. (2) on programs specified in sub. (2) and contribute the

12 remaining portion of the amount to the commission for deposit in the utility public

13 benefits fund. ~~In~~ Except as provided in sub. (3m), in each year after 2002, each utility

14 shall contribute the entire amount determined under sub. (2) to the commission for

15 deposit in the utility public benefits fund. The commission shall ensure in

16 rate-making orders that a utility recovers from its ratepayers the amounts spent on

17 programs or contributed to the utility public benefits fund under this subsection or

18 deposited into the farm rewiring fund under sub. (3m). The commission shall allow

19 each utility the option of continuing to use, until January 1, 2002, the moneys that

20 it has recovered under s. 196.374 (3), 1997 stats., to administer the programs that

21 it has funded under s. 196.374 (1), 1997 stats. The commission may allow each utility

22 to spend additional moneys on the programs specified in sub. (2) if the utility

23 otherwise complies with the requirements of this section and s. 16.957 (4).

02998
1 SECTION 7. 196.374 (3m) of the statutes is created to read:

2 196.374 (3m) In fiscal year 2001-02, the first \$1,500,000 that is contributed
3 under sub. (3) in that fiscal year shall be deposited in the farm rewiring fund. In
4 fiscal year 2002-03, the first \$2,500,000 that is contributed under sub. (3) in that
5 fiscal year shall be deposited in the farm rewiring fund.

02999
6 SECTION 8. 196.374 (4) of the statutes is amended to read:

7 196.374 (4) If the department notifies the commission under s. 16.957 (2) (b)
8 2. that the department has reduced funding for energy conservation and efficiency
9 and renewable resource programs by an amount that is greater than the portion of
10 the public benefits fee specified in s. 16.957 (4) (c) 2., the commission shall reduce the
11 amount that utilities are required to spend on programs or contribute to the utility
12 public benefits fund under sub. (3) by the portion of the reduction that exceeds the
13 amount of public benefits fees specified in s. 16.957 (4) (c) 2. ✓

14 SECTION 9. 196.64 (3) of the statutes is created to read.

15 196.64 (3) This section does not apply to damages resulting from stray voltage.

16 SECTION 10. 895.496 of the statutes is created to read:

17 **895.496 Liability exemption; stray voltage.** (1) In this section:

18 (a) "Farmer" and "farm premises" have the meaning given in s. 102.04 (3).

19 (b) "Public utility" has the meaning given in s. 196.01 (5) (a).

20 (2) A public utility is immune from liability for any damage caused by or
21 resulting from stray voltage contributed by the public utility if that stray voltage is
22 below the level of concern established by the public service commission that is in
23 effect at the time of measurement, as determined using the principles and guidelines
24 of the public service commission regarding stray voltage screening and diagnostic
25 procedures that are in effect at the time of measurement. Upon request of any party

END



ARC:.....Jefferson – AM20, Stray voltage farm rewiring fund

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 74, line 20: after that line insert:

3 “SECTION 323. 16.956 of the statutes is created to read:

4 **16.956 Stray voltage and electrical wiring assistance.** (1) From the
5 appropriation under s. 20.505 (1) (q), the department shall award grants to operators
6 of dairy, beef, or swine farms for the purpose of eliminating potential stray voltage
7 concerns and sources and replacing electrical wiring. A farm operator is not eligible
8 to receive a grant under this subsection unless the public utility that provides electric
9 service to the farm has conducted tests to determine the sources of stray voltage on
10 the farm.

1 (2) The department shall promulgate rules establishing criteria and
2 procedures for awarding grants under sub. (1), including procedures for assuring
3 that any work is completed in accordance with acceptable practices.”

4 **2.** Page 389, line 23: after that line insert:

5 “**SECTION 829.** 20.505 (1) (q) of the statutes is created to read:

6 20.505 (1) (q) *Stray voltage and electrical wiring assistance.* Biennially, from
7 the farm rewiring fund, the amounts in the schedule for awarding grants under s.
8 16.956 (1).”

9 **3.** Page 468, line 20: after that line insert:

10 “**SECTION 1106.** 25.17 (1) (eq) of the statutes is created to read:”

11 25.17 (1) (eq) Farm rewiring fund (s. 25.98);”

12 **4.** Page 477, line 12: after that line insert:

13 “**SECTION 1146.** 25.98 of the statutes is created to read:

14 **25.98 Farm rewiring fund.** There is established a separate nonlapsible trust
15 fund designated as the farm rewiring fund, consisting of all moneys received under
16 s. 196.374 (3m).”

17 **5.** Page 992, line 12: after that line insert:

18 “**SECTION 2996.** 196.374 (1) (b) of the statutes is repealed.

19 **SECTION 2997.** 196.374 (3) of the statutes is amended to read:

20 196.374 (3) ~~In~~ Except as provided in sub. (3m), in 2000, 2001 and 2002, the
21 commission shall require each utility to spend a decreasing portion of the amount
22 determined under sub. (2) on programs specified in sub. (2) and contribute the
23 remaining portion of the amount to the commission for deposit in the utility public
24 benefits fund. ~~In~~ Except as provided in sub. (3m), in each year after 2002, each utility

1 shall contribute the entire amount determined under sub. (2) to the commission for
2 deposit in the utility public benefits fund. The commission shall ensure in
3 rate-making orders that a utility recovers from its ratepayers the amounts spent on
4 programs or contributed to the utility public benefits fund under this subsection or
5 deposited into the farm rewiring fund under sub. (3m). The commission shall allow
6 each utility the option of continuing to use, until January 1, 2002, the moneys that
7 it has recovered under s. 196.374 (3), 1997 stats., to administer the programs that
8 it has funded under s. 196.374 (1), 1997 stats. The commission may allow each utility
9 to spend additional moneys on the programs specified in sub. (2) if the utility
10 otherwise complies with the requirements of this section and s. 16.957 (4).

11 **SECTION 2998.** 196.374 (3m) of the statutes is created to read:

12 196.374 (3m) In fiscal year 2001–02, the first \$1,500,000 that is contributed
13 under sub. (3) in that fiscal year shall be deposited in the farm rewiring fund. In
14 fiscal year 2002–03, the first \$2,500,000 that is contributed under sub. (3) in that
15 fiscal year shall be deposited in the farm rewiring fund.

16 **SECTION 2999.** 196.374 (4) of the statutes is amended to read:

17 196.374 (4) If the department notifies the commission under s. 16.957 (2) (b)
18 2. that the department has reduced funding for energy conservation and efficiency
19 and renewable resource programs by an amount that is greater than the portion of
20 the public benefits fee specified in s. 16.957 (4) (c) 2., the commission shall reduce the
21 amount that utilities are required to spend on programs or contribute to the utility
22 public benefits fund under sub. (3) by the portion of the reduction that exceeds the
23 amount of public benefits fees specified in s. 16.957 (4) (c) 2.”