

2003 DRAFTING REQUEST

Senate Amendment (SA-SB44)

Received: **05/02/2003**

Received By: **btradewe**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Pollek**

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

Drafter: **btradewe**

May Contact:

Addl. Drafters:

Subject: **Agriculture - pesticides**

Extra Copies:

Submit via email: **NO**

Pre Topic:

LFB:.....Pollek -

Topic:

Changes concerning Agricultural Chemical Cleanup Program

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	btradewe 05/02/2003	wjackson 05/02/2003	chaskett 05/02/2003	_____	lemery 05/02/2003		

FE Sent For:

<END>

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1/?	btradewe	1 WLj 5/2	1 cph 5/2	self 5/19			

FE Sent For:

<END>



Legislative Fiscal Bureau

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

Date: 5/203

DELIVER TO: Becky Tranel

Addressee Fax #: 4-6948 Addressee Phone #: _____

of Pages, Including Cover: 4 Sender's Initials: CP

From: Chris Pollek

Message:

Becky,

For ACCP, please:

- ① increase the fertilizer tonnage surcharge fee to 63¢ (unless lower surcharge is set by rule) 94.64(4)(a)5.
- ② provide that the ACCP not maintain a balance of more than \$2.5 million (as opposed to maintaining a balance of between \$2 million + \$5 million currently) 94.73(15) a.
- ③ make the necessary changes to ^{the} statutes in the third paragraph of Motion #241.

For Pet Regs, as indicated in the motion, please limit the program to pet breeders (as redefined) + ~~not~~ make inspections discretionary. 173.40

For Fair Aids, please limit state aids to county + district fairs to 50% of junior premiums paid, not to exceed \$10,000 per fair (alternative Bill from LFB issue paper #150) 93.23(1)(a)1.

The kind of a please call with questions.

Representative Ward
Senator Harsdorf

AGRICULTURE, TRADE AND CONSUMER PROTECTION

Agricultural Chemical Cleanup Program
[LFB Paper #152]

Motion:

Move to increase the ACCP fertilizer tonnage surcharge fee from 38¢ to 63¢ (revenues would not be expected until 2005-06).

Further, adopt alternatives B.1. and C.2.c. from paper #152.

Moreover, specify that DATCP may not collect or analyze samples of plants, soils, surface water, and/or groundwater for possible agrichemical contamination (under s. 94.73(12m)) before making a determination that probable cause exists that a discharge of hazardous substances under s. 292.11 has occurred at the site, and that either: (a) sufficient funds are available in the ACCP to pay a claim that may result from the testing; or (b) has reason to believe the discharge poses a significant risk to human health.

Passes 14-2
No - Loggs Moore

Note:

A 25¢ increase in the surcharge would be expected to generate \$325,000 annually for the ACCP beginning in 2005-06.

Alternative B.1. would adopt the Governor's recommendation to lower the ACCP reimbursement rate from 80% to 75 % of costs in excess of the ACCP's deductible. This would reduce estimated program expenditures by \$200,000, to \$3,000,000, in 2004-05.

Alternative C.2.c. would eliminate the current requirement that the ACCP maintain a balance of between \$2 million and \$5 million, and instead require that the ACCP maintain a balance of not more than \$2.5 million.

[Change to Bill: -\$1,277,200 SEG and -\$650,000 SEG-REV]

B. Reimbursement Rate

1. Approve the Governor's recommendation to lower the ACCP reimbursement rate from 80% to 75% of costs in excess of the program's deductible. Program expenditures would be estimated at \$3,200,000 in 2003-04 and at \$3,000,000 in 2004-05.

<u>Alternative B1</u>	<u>SEG</u>
2003-05 FUNDING (Change to Bill)	- \$1,277,200

2. Maintain current law with respect to the reimbursement rate (80%) and reestimate program expenditures of \$3,200,000 annually.

<u>Alternative B2</u>	<u>SEG</u>
2003-05 FUNDING (Change to Bill)	- \$1,077,200

C. ACCP Balance Requirement

1. Approve the Governor's recommendation to eliminate the requirement that the ACCP maintain a balance of between \$2 million and \$5 million, and require a balance of not more than \$5 million.

2. Eliminate the \$2 million minimum balance and approve one of the following:

a. Require that the ACCP maintain a balance of not more than \$4 million.

b. Require that the ACCP maintain a balance of not more than \$3 million.

c. Require that the ACCP maintain a balance of not more than \$2.5 million.

d. Require that the ACCP maintain a balance of not more than \$1 million.

3. Maintain current law.

Prepared by: Christopher Pollek



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBb0129/1
RCT:/.....
NLj

SOON (in 5/2)

LPS: Please Fix Request Sheet

LFB:.....Pollek - Changes concerning agricultural chemical cleanup
program

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

SENATE AMENDMENT ,

TO 2003 SENATE BILL 44

ONote

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

2 ↓ 1. Page 758, line 13: substitute "63" for "88".

3 ↓ 2. Page 763, line 10: after that line insert:

4 "SECTION 1755q. 94.73 (12m)[↓] of the statutes is amended to read:

5 94.73 (12m) SAMPLE COLLECTION AND ANALYSIS. For the purpose of investigating
6 a discharge or exercising its authority under this section, the department may collect
7 and analyze samples of plants, soil, surface water, groundwater and other material
8 at a site if the department determines that probable cause exists to believe that a
9 discharge has occurred at the site and determines that sufficient funds are available
10 in the agricultural chemical cleanup fund to pay a claim that may result from the

1 discharge or that there is reason to believe that the discharge poses a significant risk
2 to human health.”.

History: 1993 a. 16, 437; 1995 a. 27, 227; 1997 a. 27, 86; 2001 a. 16.

3 **3.** Page 763, line 17: delete “\$5,000,000” and substitute “\$5,000,000
4 \$2,500,000”.

5 (END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb0129/1dn

RCT: /:....

Wlj

Chris Pollek:

I did not include a cross-reference to s. 292.11 because in s. 94.73 "discharge" is defined to mean a discharge of an agricultural chemical and the definition of "agricultural chemical" requires that the chemical be a hazardous substance.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb0129/1dn
RCT:wlj:cph

May 2, 2003

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Managing Attorney
Phone: (608) 266-7290
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State of Wisconsin
2003 - 2004 LEGISLATURE

LRBb0129/1
RCT:wlj:cph

LFB:.....Pollek - Changes concerning Agricultural Chemical Cleanup
Program

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