

2003 DRAFTING REQUEST

Senate Amendment (SA-SB44)

Received: **05/14/2003**

Received By: **btradewe**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Bonderud**

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

Drafter: **btradewe**

May Contact:

Addl. Drafters:

Subject: **Environment - miscellaneous
Agriculture - pesticides**

Extra Copies:

Submit via email: **NO**

Pre Topic:

LFB:.....Bonderud -

Topic:

Agrichemical management and environmental fund revenues

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 | btradewe 05/15/2003 | kgilfoy 05/16/2003 | pgreensl 05/19/2003 | _____ | mbarman 05/19/2003 | | |
| /2 | btradewe 05/20/2003 | kgilfoy 05/20/2003 | rschluet 05/21/2003 | _____ | amentkow 05/21/2003 | | |
| /3 | btradewe 05/22/2003 | kgilfoy 05/22/2003 | rschluet 05/22/2003 | _____ | sbasford 05/22/2003 | | |
| /4 | btradewe 05/23/2003 | kgilfoy 05/23/2003 | rschluet 05/23/2003 | _____ | sbasford 05/23/2003 | | |

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| /5 | btradewe 06/04/2003 | kgilfoy 06/04/2003 | jfrantze 06/04/2003 | _____ | sbasford 06/04/2003 | | |
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15-6/4 King Jo 6/4 Jo/RS 6/4

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Handwritten notes: 14-5/23 Kmg, Signature, pb, 5-23-3

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FE Sent For:

13 - 5/22
kmg

[Handwritten signatures and initials]
5-22-03 <END>

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12-5/20
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| /? | btradewe | 1-5/16 Kmg | 5/19 Pg | 5/19 5/19 | | | |

Pg/RS

FE Sent For:

<END>

Tradewell, Becky

From: Bonderud, Kendra
Sent: Tuesday, May 13, 2003 6:44 PM
To: Tradewell, Becky; Marchant, Robert
Cc: Pollek, Chris; Hinz, Daryl; Shanovich, Ron
Subject: Drafting Request

Joint Finance took action on several issues today which will require drafting. Please draft the following items. I will fax motions to you after I send this.

Motion 121 (Paper 573) - Consolidated Brownfields Grant Program. This is similar to (but not the same as current law). Rob, I believe this is the only item in this email you would be involved in. Ron or I can answer questions you might have.

* Motion 513 (Papers 570 and 571) - Agrichemical Management and Environmental Fund Revenues. Chris can answer your agchem-related questions. I can answer your environmental fund questions.

Motion 122 (Paper 572) - Vehicle fee. A lot of this is chapter 20 reductions, but the key drafting is no increase above \$9, and extend the sunset to December 31, 2005.

Paper 574 - Environmental repair bonding, Alternative 3, no increase in bonding.

Motion 118 (Paper 575) - Increase transfer from recycling fund to general fund (be careful here as LRB 105/1 also has a separate increase in the transfer from the recycling fund).

Paper 576 - Alternative 1, Air staff no draft needed.

Paper 577 Air Asbestos - Alternative A1 (no draft needed), B6 (draft needed) and C1 (no draft needed).

Thanks for your help.

Kendra Bonderud
Legislative Fiscal Analyst
Wisconsin Legislative Fiscal Bureau
ph. (608) 266-3847
fax (608) 267-6873
Kendra.Bonderud@legis.state.wi.us

No. 8982 P. 6/8
JFC 5113/03
Approved 16-0
Representative Ward

AGRICULTURE, TRADE AND CONSUMER PROTECTION AND NATURAL RESOURCES

Agrichemical Management and Environmental Fund Revenues
[LFB Papers #570 and #571]

Motion:

Move to adopt alternative 3.a. from paper #570. Further, adopt alternative A.4. from paper #571.

In addition, deposit all other pesticide, fertilizer, soil additive and well compensation fees currently deposited into the environmental fund into the agrichemical management (ACM) fund.

Further, create an appropriation in DNR funded from the agrichemical management fund that would reimburse DNR for any cleanup actions taken by the Department under s. 94.73 (2m) in response to one or more of the following actions: (a) the action or order is necessary in an emergency to prevent or mitigate an imminent hazard to public health, safety or welfare or to the environment; (b) DATCP requires DNR to take the action or issue the order; (c) the Secretary of DNR approves the action or order in advance after notice to the Secretary of DATCP; (d) the DNR takes action after a responsible person fails to comply with an order that DNR issued under the spills law; or (e) DNR takes the action because the identity of the responsible person is unknown. No expenditure authority would be provided to the appropriation. DNR could request expenditure authority from the Joint Committee on Finance under s. 13.10 if it takes action under s. 94.73 (2m). If the Department uses the state-funded spills response appropriation from the environmental management account for expenditures under s. 94.73 (2m), it could request reimbursement of those expenditures from the new agrichemical management fund appropriation.

20-370
(2)(dv)

In addition, reduce the DNR Air and Waste Division operations appropriation from the environmental management account by \$1,120,000 SEG annually, from \$3,868,800 to \$2,748,800. Authorize DNR to submit an alternative plan to the Secretary of Administration for allocating the reduction among any of the agency's other sum certain appropriations funded from the environmental management account. Direct that if DNR submits a request for reallocation of the reduction, the Department include the appropriations that the reduction would be allocated to, and a description of how many and what type of positions would be deleted under the reduction. Provide that if the DOA Secretary approves the alternative reduction plan, the plan be submitted to the Joint Committee on Finance for its approval under a 14-day passive review procedure. Specify that if the Secretary of Administration does not approve the agency's alternative reduction plan, the agency must make the reduction to the Air and Waste Division operations appropriation.

20-370
(2)(mg)

Note:

Alternative 3.a. from paper #570 would approve the Governor's recommendation to transfer funding of the agricultural clean sweep program from the ACM fund to the recycling fund. In addition, it would transfer \$150,000 SEG annually in expenditures for the household clean sweep grant program from the environmental fund to the recycling fund (to consolidate all clean sweep funding in one DATCP recycling fund appropriation). Further, transfer administration of the household clean sweep program from DNR to DATCP and specify DATCP administer the program under existing administrative rule until DATCP promulgates a new rule. Finally, it would provide for the deposit of the \$30 fee for household pesticide product licenses to the ACM fund beginning July 1, 2003.

Alternative A.4. from paper #571 would delete the 15¢ fertilizer tonnage fee increase (from 30¢ to 45¢) in the bill, and the 7¢ commercial food inspection fee increase (from 23¢ to 30¢) from the bill. This would reduce revenues deposited to the ACM fund under the bill by \$391,000 annually, starting in 2004-05.

The following fees are currently deposited into the environmental management account: (a) a \$124 license fee for each household pesticide product that a manufacturer or labeler sells or distributes in the state; (b) a \$94 license fee for each industrial and non-household pesticide product that a manufacturer or labeler sells or distributes in the state; (c) a \$150 pesticide primary producer fee; (d) a 10¢ soil additive tonnage fee; and (e) a 10¢ fertilizer tonnage fee. A pesticide primary producer is a person who manufactures an active ingredient that is used to produce a pesticide.

Under the bill, the segregated environmental management account of the environmental fund would have an estimated June 30, 2005, balance of \$74,000. The account is used for DNR administration of contaminated land cleanup, groundwater management, state-funded environmental response actions, brownfields site assessment grants and debt service for general obligation bonds for remedial action, and Commerce brownfields grants (consolidated in DNR under the bill). It also funds environmental programs in the Department of Health and Family Services, Department of Military Affairs, and the University of Wisconsin System. Under the bill, the vehicle environmental impact fee would provide approximately 59% of the \$52.1 million in estimated revenues to the account in the 2003-05 biennium. (The bill would increase the vehicle environmental impact fee from \$9 to \$10.50 on the effective date of the bill and would repeal the December 31, 2003, sunset of the fee, making the fee permanent.)

The motion would decrease revenues to the environmental management account by an estimated \$1,307,000 in each year, and decrease expenditures from the environmental management account by \$150,000 in each year. The DNR Air and Waste Division operations appropriation from the environmental management account would be reduced by \$1,120,000 SEG annually, from \$3,868,800 to \$2,748,800, to balance the environmental management account on June 30, 2005. Under the bill, the Air and Waste Division would be authorized \$3,868,800 SEG with 50.0 SEG positions from the environmental management account. This would represent a reduction of 29% of the expenditure authority from the Air and Waste

transferred to the recycling fund.

ALTERNATIVES

1. Approve the Governor's recommendations to transfer funding of the agricultural clean sweep program from the ACM fund to the recycling fund.

2. Approve the Governor's recommendation. In addition, consistent with the request by DATCP and DNR, transfer \$150,000 SEG annually in expenditures for the household clean sweep grant program from the environmental fund to the ACM. Further, transfer the deposit of the \$30 fee for household pesticide product licenses from the environmental fund to the ACM (\$160,000 in revenue annually). Finally, transfer administration of the household clean sweep program from DNR to DATCP and specify DATCP administer the program under existing administrative rules until DATCP promulgates a new rule.

3. Approve the Governor's recommendation. In addition, transfer \$150,000 SEG annually in expenditures for the household clean sweep grant program from the environmental fund to the recycling fund (to consolidate all clean sweep funding in one DATCP recycling fund appropriation). Further, transfer administration of the household clean sweep program from DNR to DATCP and specify DATCP administer the program under existing administrative rules until DATCP promulgates a new rule. Finally, provide for the deposit of the \$30 fee for household pesticide product licenses (\$160,000 in revenue annually) to one of the following funds:

- a. Transfer the revenue to the ACM.
- b. Maintain current law (continue to deposit the revenue to the environmental fund).

4. Delete provision. (Retain funding of DATCP's agricultural clean sweep program from the ACM.)

Prepared by: Christopher Pollek and Kendra Bonderud

positions that are currently vacant. The fund has a sufficient balance under the bill and restoring two staff may prevent DATCP from potentially needing to lay-off two employees to meet the bill's requirements (if further vacancies do not occur). Further, it is argued, this would allow the Department to better meet its responsibilities under the agrichemical management programs. As a result, the Committee could restore 2.0 positions and \$138,600 in 2004-05 for salary, fringe benefits and supplies. Others argue these reductions are necessary in order to bring expenditures from the ACM fund in line with account revenues. After the APS loan is repaid, the ongoing fund revenues, under the bill, would about equal authorized expenditures.

License Year Change

12. Under the bill, pesticide manufacturer or labeler applicant fees would be based on gross revenues collected in the year in which the pesticide is sold (as opposed to current law where fees are based on the previous year's revenues). Some have argued that this fee schedule is fairer because the yearly license fee is based on that year's actual revenues. However, since it requires dealers to project revenues for a given year and to reconcile any discrepancies between payments and the amount of funding actually owed, this payment method may be administratively more burdensome both for the industry and DATCP.

ALTERNATIVES

A. ACM Fees

1. Approve the Governor's recommendation to increase feed and fertilizer tonnage fees (\$391,000 in revenues would be expected beginning in 2004-05).

2. Delete the Governor's recommendation to increase the fertilizer tonnage fee from 30¢ to 45¢ effective with fertilizer sold beginning July 1, 2003.

| | |
|----------------------------------|-------------|
| Alternative A2a | SEG |
| 2003-05 REVENUE (Change to Bill) | - \$195,000 |

3. Delete the Governor's recommendation to increase the commercial feed tonnage fee from 23¢ to 30¢ effective with commercial feed sold starting January 1, 2004.

| | |
|----------------------------------|-------------|
| Alternative A2b | SEG |
| 2003-05 REVENUE (Change to Bill) | - \$196,000 |

4. Delete both fee increases from the bill.

| Alternative A3 | SEG |
|----------------------------------|-------------|
| 2003-05 REVENUE (Change to Bill) | - \$391,000 |

B. ACM Staff and Funding

1. Adopt the Governor's recommendation to delete \$154,600 SEG in 2003-04 and \$418,400 and 4.0 SEG positions in 2004-05.
2. Restore \$138,600 and 2.0 positions in 2004-05.

| Alternative B2 | SEG |
|------------------------------------|------------|
| 2003-05 FUNDING (Change to Bill) | \$138,600 |
| 2004-05 POSITIONS (Change to Bill) | 2.00 |

3. Delete provision.

| Alternative B3 | SEG |
|------------------------------------|------------|
| 2003-05 FUNDING (Change to Bill) | \$573,000 |
| 2004-05 POSITIONS (Change to Bill) | 4.00 |

C. License Year Change

1. Adopt the Governor's recommendation to require a pesticide manufacturer or labeler applicant to estimate gross revenues from the sales of each pesticide product for the twelve-month license period and pay the required fees prior to the period's commencement (with adjustments and penalties made as needed to reflect actual sales at the end of the license year).
2. Delete provision (payments made based on prior year sales).

Prepared by: Christopher Pollek



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBb0183/1

RCT:.....

SOON (in 5/15)

kmj

LFB:.....Bonderud – Agrichemical management and environmental fund revenues

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

SENATE AMENDMENT ,

TO 2003 SENATE BILL 44

Note

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

2 ✓ 1. Page 335, line 11: delete “*Chemical and container disposal.*” and substitute
3 “*Clean sweep grants.*”

4 ✓ 2. Page 335, line 12: after “93.55” insert “and for household hazardous waste
5 grants under s. 93.57”.

6 ✓ 3. Page 354, line 2: after that line insert:

7 “SECTION 402k. 20.370 (2) (dx) of the statutes is created to read:

8 20.370 (2) (dx) *Solid waste management* ~~E~~ *agrichemical management fund*
9 *reimbursement.* From the agrichemical management fund, as a continuing
10 appropriation, the amounts in the schedule for the administration of the
11 environmental repair program under s. 292.31; for the hazardous substance spills

m dash

1 program under s. 292.11; for the abandoned container program under s. 292.41;
 2 consistent with a court order under s. 283.87, to remove, terminate, or remedy the
 3 adverse effects of a discharge or deposit of pollutants into the waters of the state, to
 4 restore or develop the water environment for public use, or to provide grants under
 5 s. 283.87 (4); and for the payment of this state's share of environmental repair which
 6 is funded under 42 USC 9601, ^{to 9675} et seq., and any additional costs which this state is
 7 required to incur under 42 USC 9601, ^{to 9675} et seq."

8 ✓ 4. Page 355, line 5: after that line insert:

9 "SECTION 406h. 20.370 (6) (bs) of the statutes is repealed."

10 ✓ 5. Page 458, line 4: delete lines 4 to 6 and substitute:

11 "SECTION 855p. 25.46 (2) of the statutes is repealed.

12 SECTION 855q. 25.46 (3) of the statutes is repealed.

13 SECTION 855r. 25.46 (4) of the statutes is repealed.

14 SECTION 855s. 25.46 (4m) of the statutes is repealed.

15 SECTION 855t. 25.46 (4s) of the statutes is repealed.

16 ✓ 6. Page 758, line 7: delete lines 7 to 11.

17 ✓ 7. Page 758, line 15: after that line insert:

18 "SECTION 1745d. 94.64 (4) (c) 4. of the statutes is amended to read:

19 94.64 (4) (c) 4. The department shall deposit the fee under par. (a) 4. in the
 20 environmental agricultural management fund ~~for environmental management~~.

History: 1977 c. 418; 1981 c. 57; 1983 a. 189 ss. 121, 329 (20); 1983 a. 410; 1985 a. 147; 1987 a. 398; 1989 a. 31; 1991 a. 39, 112; 1993 a. 16, 417, 492; 1995 a. 4, 176, 227; 1997 a. 27; 1999 a. 9, 32.

21 SECTION 1745i. 94.65 (6) (a) 4. of the statutes is amended to read:

22 94.65 (6) (a) 4. Annually by March 31, pay to the department a groundwater
 23 fee of 10 cents for each ton of soil or plant additive distributed, as described in the

1 tonnage report filed under subd. 1. The minimum groundwater fee is \$1 for 10 tons
2 or less. ~~All groundwater fees shall be credited to the environmental fund for~~
3 ~~environmental management.~~

4 History: 1985 a. 147; 1987 a. 398; 1989 a. 31; 1991 a. 39, 112; 1993 a. 16; 1995 a. 176, 227; 1997 a. 27, 191.

4 **SECTION 1745L.** 94.65 (6) (c) of the statutes is amended to read:

5 94.65 (6) (c) The department shall deposit fees collected under pars. (a) 1. and
6 4. and (b) and subs. (2) (a) and (3) (b) in the agricultural management fund.”

7 History: 1985 a. 147; 1987 a. 398; 1989 a. 31; 1991 a. 39, 112; 1993 a. 16; 1995 a. 176, 227; 1997 a. 27, 191.

7 **8.** Page 762, line 18: after that line insert:

8 “**SECTION 1750c.** 94.681 (4) of the statutes is amended to read:

9 94.681 (4) PRIMARY PRODUCERS; ~~WELL COMPENSATION FEE.~~ A primary producer
10 applying for a license under s. 94.68 shall pay a well compensation primary producer
11 fee of \$150.

12 History: 1989 a. 31; 1997 a. 27; 1999 a. 9.

12 **SECTION 1750e.** 94.681 (7) (a) (intro.) of the statutes is renumbered 94.681 (7)

13 (a) and amended to read:

14 94.681 (7) ^(a) License fees. The department shall deposit all license fees collected
15 under subs. (2), (5) and (6) (a) 3. in the agricultural management fund ~~except as~~
16 ~~follows:~~

17 History: 1989 a. 31; 1997 a. 27; 1999 a. 9.

17 **SECTION 1750f.** 94.681 (7) (a) 1. of the statutes is repealed.

18 **SECTION 1750g.** 94.681 (7) (a) 2. of the statutes is repealed.

19 **SECTION 1750j.** 94.681 (7) (bm) of the statutes is amended to read:

20 94.681 (7) (bm) *Wood preservatives; cleanups surcharge.* The department shall
21 deposit the surcharges collected under subs. (3m) and (6) (a) 5. in the environmental
22 agricultural management fund for ~~environmental management.~~

23 History: 1989 a. 31; 1997 a. 27; 1999 a. 9.

23 **SECTION 1750L.** 94.681 (7) (c) of the statutes is amended to read:

1 94.681 (7) (c) ~~Well-compensation~~ Primary producer fee. The department shall
 2 deposit the ~~well-compensation primary producer~~ fees collected under sub. (4) in the
 3 ~~environmental fund for environmental management.~~ agrichemical management environmental fund for environmental management.”.

History: 1989 a. 31; 1997 a. 27; 1999 a. 9.

4 ✓ **9.** Page 762, line 19: delete lines 19 to 25.

5 ✓ **10.** Page 955, line 19: after that line insert:

6 “SECTION ~~2575r~~⁴. 292.11 (14) of the statutes is created to read:

7 292.11 (14) REIMBURSEMENT FROM AGRICHEMICAL MANAGEMENT FUND. If the
 8 department expends funds from the appropriation under s. 20.370 (2) (dv) to take
 9 action authorized under s. 94.73 (2m), the department may request the joint
 10 committee on finance to supplement the appropriation under s. 20.360 (2) (dx) in an
 11 amount equal to the amount expended. The joint committee on finance may, from
 12 the appropriation under s. 20.865 (4) (u), supplement the appropriation under s.
 13 20.370 (2) (d) in an amount equal to the amount that the department expended to
 14 take action under s. 94.73 (2m). Notwithstanding s. 13.101 (3) (a), the committee is
 15 not required to find that an emergency exists.”.

16 ✓ **11.** Page 957, line 21: after that line insert:

17 “SECTION 2481s. 299.41 of the statutes is renumbered 93.57 and amended to
 18 read:

19 **93.57 Household hazardous waste.** The department shall ~~establish and~~
 20 administer a grant program to assist municipalities and regional planning
 21 commissions in creating and operating local programs for the collection and disposal
 22 of household hazardous waste.”.

History: 1985 a. 29; 1995 a. 227 s. 699; Stats. 1995 s. 299.41; 2001 a. 109.

23 ✓ **12.** Page 1065, line 9: after that line insert:

→ Ins. 4-22 ←

2475r

7

(dx)

nonstat.

1

(2)

"(3) HOUSEHOLD HAZARDOUS WASTE RULES. The department of agriculture, trade and consumer protection shall administer the household hazardous waste program under § 93.57 of the statutes, as affected by this act, using the rules promulgated by the department of natural resources under section 299.41, 2001 stats., until the department of agriculture, trade and consumer protection promulgates rules for the program."

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13. Page 1085, line 6: after that line insert:

8

(2) ENVIRONMENTAL MANAGEMENT APPROPRIATION REDUCTION.

9

(a) *Appropriation reduction.* Except as provided in paragraph (b), the appropriation to the department of natural resources under section 20.370 (2) (mq) of the statutes is reduced by \$1,120,000 in fiscal year 2003-04 and by \$1,120,000 in fiscal year 2004-05.

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(b) *Submission of alternative plan to secretary of administration.* The department of natural resources may submit an alternative plan to the secretary of administration concerning the department's preference for allocating the reduction under paragraph (a) among sum certain appropriations made to the agency from the environmental fund for environmental management. If the secretary does not approve the plan, the agency shall make the reductions as provided in paragraph (a).

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If the secretary approves the plan, he or she shall submit the plan to the joint committee on finance. If the cochairpersons of the committee do not notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the plan to be held within 14 working days after the date of the secretary's submittal, the department shall make the reductions specified in the plan. If the cochairpersons of the committee notify the secretary that the committee has scheduled a meeting for

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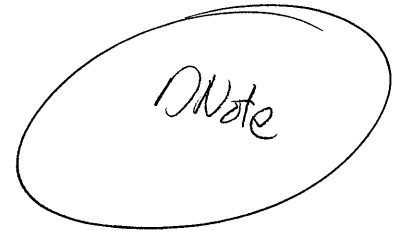
24

nonstat.

1 the purpose of reviewing the plan to be held within 14 working days after the date
2 of the secretary's submittal, the department may not implement the plan until it is
3 approved by the committee, as submitted or as modified.”

4

(END)



DNote

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

LRBb0183/1dn

RCT: *King*

that provision out a few years ago

Kendra Bonderud and Chris Pollek:

This is the draft based on motion #513. Please review it carefully. I found it rather tricky.

I based the language concerning the new appropriation for DNR and approval of expenditure authority in part on the language in s. 94.695 about the pesticide sales and use reporting system. Kendra, I think that you and I worked ~~s. 94.695 out~~. In order to make DNR whole for any funds it expended under s. 20.370 (2) (dv), I made the purpose statement in the new appropriation the same as that in s. 20.370 (2) (dv). ✓

I expect that you may have questions about the draft once you have reviewed it. Please feel free to call.

feel

that

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2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0183/linsKA
:kmg:kmg

INSERT 2-15 ✓

SECTION 855x. 25.465 (3) of the statutes is amended to read:

25.465 (3) The fees collected under s. 94.681 (2), (5) and (6) (a) 3., ~~except as provided in s. 94.681 (7) (a).~~

History: 1991 a. 39, 112; 1993 a. 16; 1995 a. 27; 1997 a. 27; 1999 a. 9.

Insert 4-22 ✓

bd83/1

✓ #. Page 1027, line 3: after that line insert:

Section ^{*} 895.55 (2) (intro.) of the statutes is amended to read:
2725k

93.52g ✓

895.55 (2) (intro.) Notwithstanding any provision of s. ~~299.11, 299.13, 299.31, 299.41, 299.43,~~ 299.45, 299.51, 299.53 or 299.55, subchs. II and IV of ch. 30, ch. 29, 166, 281, 283, 289, 291 or 292 or subch. II of ch. 295, or any other provision of this chapter, a person is immune from liability for damages resulting from the person's acts or omissions and for the removal costs resulting from the person's acts or omissions if all of the following conditions are met: // .

History: 1995 a. 192; 1997 a. 35, 252.

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

LRBb0183/1dn
RCT:kmg:pg

May 19, 2003

Kendra Bonderud and Chris Pollek:

This is the draft based on motion #513. Please review it carefully. I found it rather tricky.

I based the language concerning the new appropriation for DNR and approval of expenditure authority in part on the language in s. 94.695 about the pesticide sales and use reporting system. Kendra, I think that you and I worked that provision out of a few years ago. In order to make DNR whole for any funds that it expended under s. 20.370 (2) (dv), I made the purpose statement in the new appropriation the same as that in s. 20.370 (2) (dv).

I expect that you may have questions about the draft once you have reviewed it. Please feel free to call.

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5/20/2003 Per Kendra-

1. Limit the appropriation to use for actions under
s. 94.73(2m)

2. Modify 292.11(14) to allow DNR to seek funding
before it conducts a cleanup



State of Wisconsin
2003 - 2004 LEGISLATURE

SOON (in 5/20)

LRBb0183/2
RCT:kmg:pg YMY

LFB:.....Bonderud – Agrichemical management and environmental fund revenues

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

SENATE AMENDMENT ,

TO 2003 SENATE BILL 44

Note

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

2 1. Page 335, line 11: delete “*Chemical and container disposal.*” and substitute
3 “*Clean sweep grants.*”.

4 2. Page 335, line 12: after “93.55” insert “and for household hazardous waste
5 grants under s. 93.57”.

6 3. Page 354, line 2: after that line insert:

7 “SECTION 402k. 20.370 (2) (dx) of the statutes is created to read:

8 20.370 (2) (dx) *Solid waste management — agrichemical management fund*

9 ~~reimbursement~~ From the agrichemical management fund, as a continuing
10 appropriation, the amounts in the schedule for ~~the administration of the~~ *actions authorized under s. 94.73*
11 ~~environmental repair program under s. 292.31; for the hazardous substance spills~~ *(2m)*

1 program under s. 292.11; for the abandoned container program under s. 292.41,
2 consistent with a court order under s. 283.87, to remove, terminate, or remedy the
3 adverse effects of a discharge or deposit of pollutants into the waters of the state, to
4 restore or develop the water environment for public use, or to provide grants under
5 s. 283.87 (4); and for the payment of this state's share of environmental repair which
6 is funded under 42 USC 9601 to 9675, and any additional costs which this state is
7 required to incur under ~~42 USC 9601 to 9675.~~"

8 **4.** Page 355, line 5: after that line insert:

9 "SECTION 406h. 20.370 (6) (bs) of the statutes is repealed."

10 **5.** Page 458, line 4: delete lines 4 to 6 and substitute:

11 "SECTION 855p. 25.46 (2) of the statutes is repealed.

12 SECTION 855q. 25.46 (3) of the statutes is repealed.

13 SECTION 855r. 25.46 (4) of the statutes is repealed.

14 SECTION 855s. 25.46 (4m) of the statutes is repealed.

15 SECTION 855t. 25.46 (4s) of the statutes is repealed.

16 SECTION 855x. 25.465 (3) of the statutes is amended to read:

17 25.465 (3) The fees collected under s. 94.681 (2), (5) and (6) (a) 3., ~~except as~~
18 ~~provided in s. 94.681 (7) (a).~~"

19 **6.** Page 758, line 7: delete lines 7 to 11.

20 **7.** Page 758, line 15: after that line insert:

21 "SECTION 1745d. 94.64 (4) (c) 4. of the statutes is amended to read:

22 94.64 (4) (c) 4. The department shall deposit the fee under par. (a) 4. in the
23 environmental agrichemical management fund for environmental management.

24 SECTION 1745i. 94.65 (6) (a) 4. of the statutes is amended to read:

1 94.65 (6) (a) 4. Annually by March 31, pay to the department a groundwater
2 fee of 10 cents for each ton of soil or plant additive distributed, as described in the
3 tonnage report filed under subd. 1. The minimum groundwater fee is \$1 for 10 tons
4 or less. ~~All groundwater fees shall be credited to the environmental fund for~~
5 ~~environmental management.~~

6 **SECTION 1745L.** 94.65 (6) (c) of the statutes is amended to read:

7 94.65 (6) (c) The department shall deposit fees collected under pars. (a) 1. and
8 4. and (b) and subs. (2) (a) and (3) (b) in the agrichemical management fund.”.

9 **8.** Page 762, line 18: after that line insert:

10 “**SECTION 1750c.** 94.681 (4) of the statutes is amended to read:

11 94.681 (4) ~~PRIMARY PRODUCERS; WELL COMPENSATION FEE.~~ A primary producer
12 applying for a license under s. 94.68 shall pay ~~a well compensation~~ primary producer
13 fee of \$150.

14 **SECTION 1750e.** 94.681 (7) (a) (intro.) of the statutes is renumbered 94.681 (7)
15 (a) and amended to read:

16 94.681 (7) (a) *License fees.* The department shall deposit all license fees
17 collected under subs. (2), (5) and (6) (a) 3. in the agrichemical management fund
18 ~~except as follows:~~

19 **SECTION 1750f.** 94.681 (7) (a) 1. of the statutes is repealed.

20 **SECTION 1750g.** 94.681 (7) (a) 2. of the statutes is repealed.

21 **SECTION 1750j.** 94.681 (7) (bm) of the statutes is amended to read:

22 94.681 (7) (bm) *Wood preservatives; cleanups surcharge.* The department shall
23 deposit the surcharges collected under subs. (3m) and (6) (a) 5. in the ~~environmental~~
24 agrichemical management fund for environmental management.

1 SECTION 1750L. 94.681 (7) (c) of the statutes is amended to read:

2 94.681 (7) (c) ~~Well compensation~~ Primary producer fee. The department shall
3 deposit the ~~well compensation~~ primary producer fees collected under sub. (4) in the
4 ~~environmental agrichemical management fund for environmental management.~~”.

5 9. Page 762, line 19: delete lines 19 to 25.

6 10. Page 955, line 19: after that line insert:

7 “SECTION 2475r. 292.11 (14) of the statutes is created to read:

8 292.11 (14) ~~REIMBURSEMENT~~ ^{Funding} FROM AGRICHEMICAL MANAGEMENT FUND. If the
9 department expends funds from the appropriation under s. 20.370 (2) (dv) to take
10 action authorized under s. 94.73 (2m), the department may request the joint
11 committee on finance to supplement the appropriation under s. 20.370 (2) (dx) in an
12 amount equal to the amount expended. ^{Insert 4-12} The joint committee on finance may, from
13 the appropriation under s. 20.865 (4) (u), supplement the appropriation under s.
14 20.370 (2) (dx) in an amount equal to the amount that the department expended ^{to} ^{or expects to}
15 take action under s. 94.73 (2m). Notwithstanding s. 13.101 (3) (a), the committee is
16 not required to find that an emergency exists.”

17 11. Page 957, line 21: after that line insert:

18 “SECTION 2481s. 299.41 of the statutes is renumbered 93.57 and amended to
19 read:

20 93.57 Household hazardous waste. The department shall ~~establish and~~
21 administer a grant program to assist municipalities and regional planning
22 commissions in creating and operating local programs for the collection and disposal
23 of household hazardous waste.”.

24 12. Page 1027, line 3: after that line insert:

1 “**SECTION 2725k.** 895.55 (2) (intro.) of the statutes is amended to read:

2 895.55 (2) (intro.) Notwithstanding any provision of s. 93.57, 299.11, 299.13,
3 299.31, ~~299.41~~, 299.43, 299.45, 299.51, 299.53 or 299.55, subchs. II and IV of ch. 30,
4 ch. 29, 166, 281, 283, 289, 291 or 292 or subch. II of ch. 295, or any other provision
5 of this chapter, a person is immune from liability for damages resulting from the
6 person’s acts or omissions and for the removal costs resulting from the person’s acts
7 or omissions if all of the following conditions are met.”.

8 **13.** Page 1065, line 9: after that line insert:

9 “(3z) HOUSEHOLD HAZARDOUS WASTE RULES. The department of agriculture, trade
10 and consumer protection shall administer the household hazardous waste program
11 under section 93.57 of the statutes, as affected by this act, using the rules
12 promulgated by the department of natural resources under section 299.41, 2001
13 stats., until the department of agriculture, trade and consumer protection
14 promulgates rules for the program.”.

15 **14.** Page 1085, line 6: after that line insert:

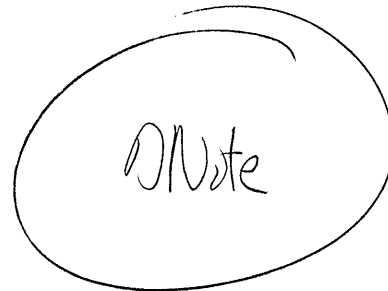
16 “(2z) ENVIRONMENTAL MANAGEMENT APPROPRIATION REDUCTION.

17 (a) *Appropriation reduction.* Except as provided in paragraph (b), the
18 appropriation to the department of natural resources under section 20.370 (2) (mq)
19 of the statutes is reduced by \$1,120,000 in fiscal year 2003–04 and by \$1,120,000 in
20 fiscal year 2004–05.

21 (b) *Submission of alternative plan to secretary of administration.* The
22 department of natural resources may submit an alternative plan to the secretary of
23 administration concerning the department’s preference for allocating the reduction
24 under paragraph (a) among sum certain appropriations made to the agency from the

1 environmental fund for environmental management. If the secretary does not
2 approve the plan, the agency shall make the reductions as provided in paragraph (a).
3 If the secretary approves the plan, he or she shall submit the plan to the joint
4 committee on finance. If the cochairpersons of the committee do not notify the
5 secretary that the committee has scheduled a meeting for the purpose of reviewing
6 the plan to be held within 14 working days after the date of the secretary's submittal,
7 the department shall make the reductions specified in the plan. If the cochairpersons
8 of the committee notify the secretary that the committee has scheduled a meeting for
9 the purpose of reviewing the plan to be held within 14 working days after the date
10 of the secretary's submittal, the department may not implement the plan until it is
11 approved by the committee, as submitted or as modified.”.

12 (END)



Note

Insert: 4-12 ✓

If the department proposes to take action authorized
under s. 94.73(2m), the department may request the
joint committee on finance to supplement the appropriation
under s. 20.370(2)(dx) in an amount equal to
the amount that the department expects to expend
to take that action.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0183/2dn

RCT/.....

kmj

Kendra Bonderud:

This redraft makes the changes that you requested.

Under this redraft, if DNR expends funds from s. 20.370 (2) (dv) for an agrichemical cleanup action authorized under s. 94.73 (2m) and later the Joint Committee on Finance acts under s. 292.11 (14) to place an equal amount of money into s. 20.370 (2) (dx), DNR is not permitted to expend that money for most of the purposes for which s. 20.370 (2) (dv) may be used (that is for purposes other than agrichemical cleanups). The funding available for those purposes is decreased. Thus, I question whether this draft really provides "reimbursement" from the agrichemical management fund, as seems to be called for by the motion.

The first version of this draft would have provided reimbursement by restoring the level of funding for nonagrchemical cleanups to that available under s. 20.370 (2) (dv) before the expenditure for the agrichemical cleanup action. The effect on the level of funding available for nonagrchemical cleanups would have been the same as if DNR had gone to the committee before it conducted the agrichemical cleanup. There does not seem to be a reason under the motion why the effect on the amount of funding available for nonagrchemical cleanups should be different depending on whether DNR first conducts the agrichemical cleanup or first goes to the committee for funding.

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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0183/2dn
RCT:kmg:rs

May 21, 2003

Kendra Bonderud:

This redraft makes the changes that you requested.

Under this redraft, if DNR expends funds from s. 20.370 (2) (dv) for an agrichemical cleanup action authorized under s. 94.73 (2m) and later the Joint Committee on Finance acts under s. 292.11 (14) to place an equal amount of money into s. 20.370 (2) (dx), DNR is not permitted to expend that money for most of the purposes for which s. 20.370 (2) (dv) may be used (that is for purposes other than agrichemical cleanups). The funding available for those purposes is decreased. Thus, I question whether this draft really provides "reimbursement" from the agrichemical management fund, as seems to be called for by the motion.

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5/22/03 Per Kendra:

1. They do not want par. (a) at p. 5, lines 14 to 17 because the reduction will be made in the ch. 20 schedule & they don't want it to look like 2 reductions

2. Plan for reallocation of reduction needs to include a description of the number & types of positions proposed to be deleted - see motion #513