

Natural Resources and Commerce

**AGRICULTURE, TRADE AND
CONSUMER PROTECTION**

1. STANDARD BUDGET ADJUSTMENTS

Senate: No change to Joint Finance.

Assembly: Modify Joint Finance to delete \$1,785,200 GPR annually.

	Chg. to JFC
GPR	-\$3,570,400

*should just be
schedule RET*

2. NONPOINT ACCOUNT AND NUTRIENT MANAGEMENT PLANS

Senate: Include Joint Finance provisions with the following modifications. Specify the 75¢ tipping fee increase take effect on October 1, 2007, or three months after the effective date of the bill, whichever is later (rather than on July 1, 2007). This would have the effect of reducing revenue deposited to the nonpoint account by \$1.45 million in 2007-08 (assuming an October effective date).

	Chg. to JFC
SEG-REV	\$1,880,000
SEG	-\$667,000

b6328/2 RET

In addition, specify the GPR payment based on a \$9.50 supplemental vehicle title fee be transferred on a quarterly basis to the nonpoint account, within 14 days following the end of each quarter, based on revenues generated in the previous quarter (for revenue from the final quarter of each fiscal year, the transfer would be made after the conclusion of the fiscal year, but would be applied to the fiscal year in which the revenues were collected). Based on the quarterly payment, estimate the miscellaneous sum sufficient appropriation transfer deposited to the nonpoint account to increase by \$2,473,000 in 2007-08 and \$860,000 in 2008-09. (Currently the transfer is made in October based on title fee revenues from the prior fiscal year. Therefore, the effect of the \$2 title fee increase under Joint Finance would not be realized in the nonpoint account before 2008-09.)

In addition, provide \$1 million nonpoint account SEG (rather than \$5 million) in 2007-08 and \$7 million in 2008-09 for nutrient management planning and manure management grants.

The following table shows the estimated June 30, 2009, condition of the nonpoint account.

Estimated Nonpoint Account Balance -- Senate

	<u>\$ in Millions</u>
Joint Finance Balance	-\$4.9
Senate Revenue Changes:	
Tipping Fee Modification	-1.5
Vehicle Title Fee Modification	<u>3.3</u>
Revenue Change	\$1.8
Senate Expenditure Change:	
Nutrient Management	-\$4.0
June 30, 2009, Balance	\$0.9

Assembly: Modify Joint Finance by eliminating the 75¢ tipping fee (a \$8.75 million revenue reduction to Joint Finance). Further, delete the \$2 increase in the motor vehicle title transfer fee and reduce the estimated miscellaneous sum sufficient appropriation transfer deposited to the nonpoint account by \$2,008,000 in 2008-09.

	Chg. to JFC
SEG-REV	-\$10,760,000
GPR	\$7,500,000
SEG	<u>-11,008,000</u>
Total	-\$3,508,000

In addition, transfer an additional \$3,750,000 GPR annually, beginning in 2007-08, to the nonpoint account.

Further, provide increased funding of \$3 million (\$1 million in 2007-08 and \$2 million in 2008-09) for local nutrient and manure management planning grants (a reduction of \$4 million in 2007-08 and \$5 million in 2008-09 to the amount included by Joint Finance).

The following table shows the estimated June 30, 2009, condition of the nonpoint account.

Estimated Nonpoint Account Balance -- Assembly

	<u>\$ in Millions</u>
Joint Finance Balance	-\$4.9
Assembly Revenue Changes:	
Tipping Fee Elimination	-8.8
Vehicle Title Fee Increase Elimination	-2.0
GPR Transfers In	<u>7.5</u>
Revenue Change	-\$3.3
Assembly Expenditure Changes:	
Nutrient Management	-\$9.0
Discovery Farms	<u>0.5</u>
Expenditure Change	-\$8.5
June 30, 2009, Balance	\$0.3

3. NUTRIENT MANAGEMENT CONSULTANT PLAN

Senate: No change to Joint Finance.

Assembly: Require DATCP to develop a plan to increase producer access to trained private sector technical service providers, and utilization of those providers, for the development and implementation of nutrient management plans. Require DATCP to submit this plan to the Assembly and Senate Committees on Agriculture by June 30, 2008.

4. SOYBEAN CRUSHING FACILITY GRANTS

Senate: No change to Joint Finance.

Assembly: Provide DATCP with \$4 million recycling fund SEG in 2007-08 in a biennial appropriation to make grants for the construction of soybean crushing facilities that can process greater than 20 million bushels per year.

	Chg. to JFC
SEG	\$4,000,000

5. AGRICULTURAL CHEMICAL CLEANUP PROGRAM FUND FEE REDUCTIONS

Senate: No change to Joint Finance.

Assembly: Rather than the Joint Finance 30% reduction, reduce fees and surcharges deposited to the ACCP fund as follows (generally consistent with a 35% fee reduction): (a) reduce the fertilizer license surcharge from \$20 (the current statutory maximum) to \$13 effective with fertilizer sold July 1, 2007 (for the license year that begins August 15, 2007); (b) reduce the fertilizer tonnage surcharge from 63¢ to 41¢ per ton effective with fertilizer sold on July 1, 2007; (c) reduce the pesticide application business surcharge from \$55 to \$36, the pesticide dealer - restricted use surcharge from \$40 to 26, and the pesticide individual applicator surcharge from \$20 to \$13 effective with the license year beginning January 1, 2008; and (d) reduce the pesticide registration nonhousehold surcharge from \$5 to \$3.25 for products with sales up to \$25,000, from \$170 to \$110 for products with sales of \$25,000 to \$74,999, and from 1.1% of gross revenues to 0.72% of gross revenues for products with sales of \$75,000 or greater, effective with the payment period beginning on October 1, 2007 (for the license year beginning on January 1, 2008). These fee reductions would be expected to reduce revenues deposited to the ACCP fund by \$840,000 in 2007-08 and \$1,165,000 in 2008-09 (a reduction to Joint Finance of \$75,000 in 2007-08 and \$119,500 in 2008-09).

	Chg. to JFC
SEG-REV	-\$194,500

6. BUY LOCAL, BUY WISCONSIN PROGRAM

Senate: Create a buy local grant program whereby DATCP would award grants to individuals and organizations to fund projects designed to increase the local sales of agricultural products grown within the

	Change to JFC Funding Positions	
GPR	\$381,800	1.00

state. Grants under the program would be permitted for the creation, promotion and support of regional food and cultural tourism trails, and for promoting the development of regional food systems (which could include the creation or expansion of food processing and distribution facilities, creating or supporting networks of producers, and strengthening connections between producers, retailers, institutions and consumers). Create a new, biennial GPR buy local grant appropriation in DATCP and provide expenditure authority of \$225,000 in 2007-08.

In addition, delete \$225,000 GPR from the Department of Commerce's Wisconsin development fund appropriation in 2007-08 (the appropriation would be left with \$7,873,400 GPR in 2007-08).

Require DATCP to promulgate administrative rules for the administration of the buy local program, but allow DATCP to promulgate an emergency rule for administration of the program without the finding of an emergency. Further, allow an emergency rule promulgated by DATCP for administration of the buy local program to remain in effect for 18 months after the effective date of the bill, or the effective date of the permanent rule, whichever is sooner (rather than the normal five to nine months allowed for emergency rules).

In addition, provide DATCP with \$42,700 GPR in 2007-08 and \$64,100 GPR in 2008-09 with 1.0 position for administration of the new buy local grant program and for agricultural product promotion. Further, provide an additional \$110,000 GPR in 2007-08 and \$165,000 GPR in 2008-09 for training, marketing, data tracking and information technology related to DATCP's buy local and agricultural promotion efforts.

Assembly: No change to Joint Finance.

7. COUNTY FAIR AIDS

RA 60478 ✓

[Handwritten initials]

Senate: Provide an additional \$50,000 GPR annually (for a total of \$400,000 GPR annually) for aids to county and district fairs.

	Chg. to JFC
GPR	\$100,000

In addition, modify the current county fair aid formula to provide each eligible fair up to 95% of the first \$8,000 in premiums actually paid (in all categories: junior, adult and senior), and 70% of all premiums in excess of \$8,000, with a maximum grant of \$10,000 per fair.

Under current law, DATCP may provide fair aids of up to 50% of junior premiums awarded, not to exceed \$10,000 per fair. Base level funding is \$250,000 GPR, increased to \$350,000 GPR annually under Joint Finance. Over the past few years, total eligible reimbursement claims have averaged between \$310,000 and \$320,000. Payments are prorated if funds are insufficient to pay all eligible reimbursements. Eligible premium costs for fair aids include those paid for livestock articles, for production, educational exhibits, agricultural implements and tools, domestic manufactures, and mechanical implements and productions.

Assembly: No change to Joint Finance.

8. GRAZING LANDS INITIATIVE *RCI 60539 ✓*

Senate: Provide \$400,000 SEG annually from the agrichemical management (ACM) fund for a grant to the Wisconsin Grazing Lands Conservation Initiative (WGLCI) for technical education and research.

	Chg. to JFC
SEG	\$800,000

The Wisconsin Grazing Lands Conservation Initiative is an organization with a mission of improving and expanding the use of grazing-based systems of livestock production on private land that are practical and profitable for farmers and to foster environmental stewardship.

Under Senate provisions, the ACM fund would be projected to have a July 1, 2009, balance of approximately \$1.6 million.

Assembly: No change to Joint Finance.

9. EXPOSITION CENTER GRANTS

Senate: No change to Joint Finance. *RET*

Assembly: Delete \$100,000 GPR annually for a grant to the Dane County Exposition Center (a total of \$116,300 GPR annually would be provided, as opposed to \$216,300 GPR currently). Since fiscal year 1994-95, DATCP has made an annual grant to Dane County to assist in paying debt service costs for a 1995 expansion to the exposition center related to hosting the annual World Dairy Expo. DATCP may not make payments beyond 2013-14.

	Chg. to JFC
GPR	-\$200,000

10. DISCOVERY FARMS

Senate: No change to Joint Finance.

Assembly: Instead of the Joint Finance provision providing \$150,000 agricultural chemical cleanup program (ACCP) fund SEG each year in one-time funding to the University of Wisconsin-Extension for a grant for research and outreach at the discovery farms, provide \$250,000 nonpoint account SEG annually for a grant to the University of Wisconsin-Extension for these purposes.

	Chg. to JFC
SEG	\$200,000

Discovery farms are a series of operating, commercial farms conducting on-farm research while cooperating with each other, a research farm at UW-Platteville, and researchers at UW-Madison, together forming the Wisconsin agricultural stewardship initiative.

*MDF 0788/1 ✓
OK - Cathlene
JESS draft
788
10/12/07*

20.285(D)(gr) Bill changes source to environmental management. Should remain ag chemical cleanup

11. OFFICE OF PRIVACY PROTECTION

Senate: No change to Joint Finance.

Assembly: Delete the Joint Finance provision. This would delete \$102,300 GPR annually and 1.5 GPR positions and \$102,300 PR annually and 1.5 PR positions associated with the Office of Privacy Protection (OPP). In addition, delete \$102,300 PR provided to the Office of the Commissioner of Insurance to transfer to DATCP to partially support the OPP. The 3.0 current FED positions would remain.

	Change to JFC	
	Funding	Positions
GPR	-\$204,600	-1.50
FED	0	3.00
PR	<u>-409,200</u>	<u>-1.50</u>
Total	-\$613,800	0.00

12. REVENUE AND POSITION ADJUSTMENTS

AS **Senate:** No change to Joint Finance. *RET*

Assembly: Delete the Joint Finance provision. This would restore: (a) \$43,900 GPR annually and 0.5 GPR position to food safety; (b) the deletion of \$106,500 FED annually and 2.0 FED positions; and (c) \$120,800 PR annually and 2.0 PR positions.

	Change to JFC	
	Funding	Positions
GPR	\$87,800	0.50
FED	-213,000	-2.00
PR	<u>213,000</u>	<u>2.00</u>
Total	\$87,800	0.50

13. AGRICULTURAL PRODUCER SECURITY PROGRAM

AS **Senate:** No change to Joint Finance. *RET*

Assembly: Sunset the current agricultural producer security (APS) program effective December 31, 2009. Require DATCP to develop a proposal for the creation of a new APS program in consultation with the grain, dairy and vegetable industries that is less costly than the existing program. Require that the plan be submitted to the Assembly and Senate Committees on Agriculture by June 30, 2008.

14. CORN CHECK-OFF INCREASE

AS **Senate:** No change to Joint Finance. *RET*

Assembly: Adopt the provisions of 2007 Assembly Bill 306, as amended by Assembly Amendment 1, to increase the assessment under the current marketing order for corn from 0.1¢ per bushel to 0.5¢ per bushel (an increase of 0.4¢ per bushel), effective the day after publication of the act. The assessment would end on June 30, 2012, provided corn producers approved a referendum to end the assessment. Assessments are paid by corn growers who are required to pay the assessment under the marketing order for corn. DATCP estimates the assessment would generate an approximately \$715,000 annual revenue increase to the Corn Marketing Board.

15. FOOD SAFETY CONSOLIDATION STUDY

Senate: No change to Joint Finance.

Assembly: Require DATCP and the Department of Health and Family Services to prepare a plan for the consolidation of their respective food safety programs into a single food safety program administered by DATCP that identifies and quantifies efficiencies and savings. Require that the plan be submitted to the Assembly and Senate Committees on Agriculture by June 30, 2008.

16. WORLD DAIRY CENTER AUTHORITY REPEAL

Senate: No change to Joint Finance.

Assembly: Eliminate the statutory authorization for a World Dairy Center Authority (the Authority was never created).

17. LOCAL WEIGHTS AND MEASURES TESTING AND INSPECTION

Senate: No change to Joint Finance.

Assembly: Allow municipalities with a population of over 5,000 people to contract out for weights and measures testing and inspection duties with certified individuals (an inspector or a sealer, someone who examines and certifies testing equipment for weights and measures, such as scales or pumps). Require DATCP to promulgate an administrative rule implementing a program for private contractor certification.

Under current law, a municipality with a population of over 5,000 people is required to either use municipal staff for weights and measures duties or to contract with DATCP for these services. This provision would also allow municipalities to contract with individuals for its weights and measures purposes.

18. BRANDED FUEL SUPPLIER CONTRACTS

Senate: No change to Joint Finance.

Assembly: Specify that new or renewed contracts between fuel suppliers and fuel retailers entered into after the effective date of the bill may not restrict the ability of a fuel retailer to sell or install equipment to dispense E85 or B20.

19. COOPERATIVE DAIRY MANUFACTURING FACILITIES REPORT

Senate: No change to Joint Finance.

Assembly: Require DATCP to prepare a report on the manners in which incentives could be used to promote the modernization and expansion of cooperative dairy manufacturing facilities. Require DATCP to submit this report to the Assembly and Senate Committees on Agriculture by June 30, 2008.

NEW

- \$25,000 grant to Mondovi from WDF
- \$2.8M grant from WDF to Green Bay for Fox River Boardwalk
- \$15,400 grant to Stevens Point (I think Kirstin also wrote this in)

COMMERCE

CS 07b1179v

1. RENEWABLE ENERGY GRANTS AND LOANS

[Handwritten initials]
\$15M in 04

Senate: Restore the Governor's recommendation to create a renewable energy grant and loan program under the Wisconsin Development Fund (WDF) with certain modifications. Under the provision, Commerce could award a grant or loan to a business or researcher to fund the development of new technologies to increase renewable fuel or energy production or to fund the commercialization of new renewable fuel or energy technologies. Grants could not exceed 50% of the costs of an eligible project.

Change to JFC Funding Positions		
SEG	\$30,108,700	1.00

Commerce would be required to award renewable energy grants and loans for the following types of projects:

- a. Research and development, including demonstration projects, into renewable energy technologies.
- b. Development of renewable energy sources and infrastructure in Wisconsin, including conversion from non-renewable to renewable energy sources.
- c. Commercial application of renewable energy technologies.
- d. Construction of cellulosic ethanol plants

In awarding grants and loans, Commerce would consider all of the following factors:

- a. The extent to which the project will assist in the research, development or use of renewable energy sources in Wisconsin.
- b. The extent to which the project will improve the competitive position of Wisconsin's renewable energy industry or enhance the capabilities of Wisconsin's renewable energy industries.

c. Whether the technology or product is one which Wisconsin has a competitive advantage.

d. The likelihood that the project will lead to the commercial application of new technologies or practices that involve the development, production, processing or distribution of renewable energy.

e. The extent to which the project will utilize existing, surplus, or byproducts of natural resources in Wisconsin.

f. The extent to which the project will strengthen Wisconsin's existing industries by converting wastes or byproducts generated by existing industries streams into renewable energy.

g. The extent to which the project will develop technologies to increase the capacity of Wisconsin's manufacturing industries to utilize renewable energy sources.

Commerce could also consider the following factors in evaluating projects applying for a renewable energy grant or loan if appropriate:

a. Factors that would be considered in awarding other Wisconsin Development Fund grants and loans;

b. Whether the applicant is considered to be small business, minority owned business, locally owned business, or a farm; and,

c. The geographical distribution of grants and loans awarded.

The recycling fund would be renamed the "recycling and renewable energy fund." A biennial SEG appropriation would be created and \$15.0 million SEG in annual recycling fund revenues would be provided for grants and loans. The current WDF, GPR and program revenue repayments appropriations could also be used for renewable energy awards. WDF recycling fund revenues could also be used for other WDF programs. A separate annual administrative appropriation would be established and recycling fund revenues of \$50,900 in 2007-08 and \$57,800 in 2008-09, with 1.0 position would be provided to administer the program.

Commerce would be authorized to promulgate administrative rules necessary to administer the renewable energy grants and loans program. However, Commerce would be required to consult with the Department of Agriculture, Trade, and Consumer Protection (DATCP), the Department of Natural Resources (DNR), and the Public Service Commission (PSC).

Assembly: No change to Joint Finance.

*new draft: includes tweak
to item #4*

*no
draft*

0

*15,000,000
Biennial Approp*

2. GPR BASE LEVEL FUNDING REDUCTION

Senate: No change to Joint Finance.

Assembly: Reduce the adjusted base level GPR funding in the Department's appropriations by 10% and 4.0 GPR positions as shown in the following table:

Change to JFC Funding Positions		
GPR	- \$3,962,500	- 4.00

GPR Appropriation	2007-08	2008-09	Annual Position Reductions
Economic development general operations	\$415,300	\$415,300	2.00
Economic development promotion	3,000	3,000	0.00
Aid to Forward Wisconsin	32,000	32,000	0.00
High-technology business development corporation	25,000	25,000	0.00
Rural economic development program	60,700	60,700	0.00
Community-based economic development programs	71,200	71,200	0.00
Minority business development program	25,400	25,400	0.00
Wisconsin development fund	709,800	709,800	0.00
Housing general operations	61,500	61,500	1.00
Housing grants and loans	130,000	130,000	0.00
Shelter for homeless/transitional housing grants	150,600	150,600	0.00
Mental health for homeless	4,500	4,500	0.00
Private sewage system replacement grants	299,900	0	0.00
Administration general operations	<u>142,300</u>	<u>142,300</u>	<u>1.00</u>
Total	\$2,131,200	\$1,831,300	4.00

3. WISCONSIN DEVELOPMENT FUND

Senate: No change to Joint Finance.

Assembly: Delete the Joint Finance provision that would provide an additional \$1,000,000 GPR to the Wisconsin Development Fund in 2007-08. Further, the WDF would be reduced by an additional \$209,800 GPR annually.

Chg. to JFC	
GPR	- \$1,419,600

4. AWARD FOR PULP AND PAPER MILL

Senate: Commerce would be required to award renewable energy grants totaling not more than \$5.0 million to the first pulp and paper mill to be free of natural gas and coal usage in Wisconsin if all of the following applied:

- a. The person submits a plan to the Department specifying the proposed use of the grant, and the Secretary of Commerce approves the plan.
- b. The Department enters into a written agreement with the person that specifies the conditions for the use of the grant, including auditing and reporting requirements.

c. The person agrees in writing to submit to Commerce, within six months after spending the grant proceeds, a report detailing how the grant proceeds were spent.

Assembly: Provide \$2,500,000 recycling fund SEG in 2007-08 in a biennial appropriation. In addition, require WHEDA to transfer \$2,500,000 from its unencumbered reserves in 2007-08 to DATCP for deposit in a biennial PR appropriation. Direct DATCP to use funding provided in these appropriations to award a grant to the first pulp and paper mill to be free of natural gas and coal usage in Wisconsin if all of the following apply:

	Chg. to JFC
PR	\$2,500,000
SEG	<u>2,500,000</u>
Total	\$5,000,000
PR-REV	\$2,500,000

a. The person submits a plan to DATCP specifying the proposed use of the grant, and the Secretary approves the plan.

b. The Department enters into a written agreement with the person that specifies the conditions for the use of the grant, including auditing and reporting requirements.

c. The person agrees in writing to submit to DATCP, within six months after spending the grant proceeds, a report detailing how the grant proceeds were spent.

Further, Commerce would be required to make two loans of \$1.0 million each from the Wisconsin Development Fund program revenue repayments appropriation, in the 2007-09 biennium, to the first person who operates a pulp and paper mill in Wisconsin without the use of natural gas or coal. Commerce would enter into an agreement with the mill owner that specifies the uses for the grant proceeds and reporting and auditing requirements.

not "first person" but "a paper mill to emerge from bankruptcy!"

5. GRANT TO ALLIED PAINTERS UNION

*CS
0760502/2
[Signature]*

Senate: Require Commerce to make grants of \$125,000 from the Wisconsin Development Fund in 2007-08 and 2008-09 to the Painters and Allied Trades District Council 7 of the AFL-CIO for training. Commerce would enter into an agreement with the Painters Council that specifies the uses for the grant proceeds and reporting and auditing requirements.

Assembly: No change to Joint Finance.

6. GRANT TO CHIPPEWA VALLEY TECHNICAL COLLEGE

*CS ✓
0760326/PI
[Signature]*

Senate: Require Commerce to make a grant of \$160,000 during the 2007-09 biennium from the Wisconsin Development Fund to the NanoRite Facility at Chippewa Valley Technical College. Commerce would enter into an agreement with the Chippewa Valley Technical College that specifies the uses for the grant proceeds and reporting and auditing requirements.

Assembly: No change to Joint Finance.

CS 07/09/528/1 ✓
7. GRANT FOR CORNERSTONE ICE ARENA

Senate: Require Commerce to make a grant of \$50,000 from the Wisconsin Development Fund in the 2007-09 biennium to the Village of Ashwaubenon for maintenance and construction of the Cornerstone Ice Arena. Commerce would enter into an agreement with the village that specifies the uses for the grant proceeds and reporting and auditing requirements.

Assembly: No change to Joint Finance.

CS 07/09/529/1 ✓
8. GRANT FOR HOBBS ICE ARENA

Senate: Require Commerce to make a grant of \$50,000 from the Wisconsin Development Fund in the 2007-09 biennium to the City of Eau Claire for renovation of the Hobbs Ice Arena. Commerce would enter into an agreement with the City of Eau Claire that specifies the uses for the grant proceeds and reporting and auditing requirements.

Assembly: No change to Joint Finance.

9. ECONOMIC DEVELOPMENT PROMOTION

Senate: No change to Joint Finance.

Assembly: Delete the provision that would place \$50,000 GPR in 2007-08 and \$700,000 GPR in 2008-09 in the Joint Committee on Finance supplemental appropriation, and that provided that the \$50,000 would be released to Forward Wisconsin and the Department of Commerce to develop a plan, within six months after release, for using the \$700,000 to attract businesses to Wisconsin.

	Chg. to JFC
GPR	-\$750,000

10. AMERICAN INDIAN LIAISON

Senate: No change to Joint Finance.

Assembly: Delete \$112,800 PR annually with 1.0 PR position from tribal gaming revenues to eliminate the American Indian liaison and related funding. Since unspent tribal gaming revenues lapse to the general fund, this would increase GPR revenues by \$112,800, annually.

	Change to JFC Funding Positions	
GPR-REV	\$225,600	
PR	-\$225,600	- 1.00

11. STATE FUNDING FOR POTENTIAL VENTURE CENTER

Senate: No change to Joint Finance.

Assembly: Specify that the state could not provide funding for a venture center, if a venture center was established, unless a venture center was established as a non-governmental organization with a mission to facilitate access to venture capital for Wisconsin-based businesses. The board of directors of the venture center would have to be comprised of high-level business executives, the presidents or chief operating officers of business associations, partners in institutional investment businesses, and executives from technology transfer organizations. The venture center organization would be required to collaborate with governmental and academic economic development organizations working for improvement of Wisconsin's technology business sectors. There would be no requirement that a venture center be formed. (Joint Finance deleted the Governor's recommendation to provide \$2 million specifically for a Wisconsin Venture Center.)

12. FINANCIAL ASSISTANCE PROGRAM AND REPORT CONSOLIDATION

Senate: No change to Joint Finance.

Assembly: Eliminate and consolidate a number of Department of Commerce and other agency financial and technical assistance programs and reports. Specifically, the following programs would be eliminated:

- a. Department of Agricultural and Consumer Protection -- Sustainable agriculture grants.
- b. Wisconsin Housing and Economic Development Authority -- Beginning farmer program.
- c. Department of Commerce -- Minority nonprofit corporation grants; minority incubator grants; industrial building construction loan fund; community-based economic development revolving loan fund grants; rural economic development loans to businesses in low-income areas; minority business finance and education and training grants; gaming economic development grants and loans; and technology-based economic development technical assistance general functions and information exchange. In addition, authority, to retain WDF funding for administrative costs would be deleted.

Current law economic development reporting requirements would be consolidated to require Commerce to file an annual consolidated report with the chief clerk of both houses of the Legislature by October 1, assessing economic development programs administered by the Department including investments that would enhance economic development, industrial revenue bond financing, new business formation, Forward Wisconsin, the Main Street program, clean air act compliance, brownfields grants, Business Employees' Skills Training program, Certified Capital Companies, the business development assistance center, an inventory of entrepreneurial assistance programs, and technology-based economic development activities. The Department would also be required to provide a report to the appropriate legislative standing committees on the disposition of funds from federal housing assistance programs.

In addition, all state agencies would be required to develop clear, measurable goals tied to the grant and loan programs they administer including: (a) establish specific programmatic goals and ensure that each goal is related to specific legislative policy objectives; (b) establish at least one quantifiable benchmark for each program goal; (c) specify in contracts with grant and loan recipients the type of information on actual performance that should be reported, and specifying the frequency and format for reporting requirements; (d) compare information on projected or anticipated results of each goal with actual outcomes; and (e) from a sample of grants and loans, independently verify information contained in the reports annually.

Also, Commerce would be required to include in its annual report; (a) the number of grants and loans awarded; (b) the amount of each grant and loan; (c) the recipient of each award; and (d) the total amount of grants and loans received by each recipient.

13. REPEAL PRIVATE SEWAGE SYSTEM GRANT PROGRAM

CS **Senate:** No change to Joint Finance. *ket*

Assembly: Delete \$2,999,000 GPR in 2008-09 and repeal the private sewage system replacement or rehabilitation grant program effective July 1, 2008. The program would provide grants in 2007-08, but would not provide grants beginning in 2008-09.

	Chg. to JFC
GPR	-\$2,999,000

Grants are currently provided to assist eligible households and small business owners to cover a portion of the cost of repairing or replacing failing private sewage systems. The property owner is eligible for financial assistance if: (a) the system was installed before July 1, 1978; (b) the dwelling is not located in an area served by a municipal sewer; (c) the residence or small commercial establishment is occupied at least 51% of the year by the owner; (d) the annual family income of a residential property owner does not exceed \$45,000; (e) a small commercial establishment must have maximum daily wastewater flow rate of less than 5,000 gallons per day, the business is owner-occupied, and the gross revenue of the business does not exceed \$3652,500; and (f) the private sewage system failed by discharging sewage to surface water, groundwater, drain tiles, bedrock, zones of saturated soils or to the surface of the ground. In 2006-07, 829 grants were awarded totaling \$3,051,900 with an average grant of \$3,681. Since the program's creation in 1978-79, it has awarded \$83.2 million to assist over 36,100 residential owner-occupants and owners of small commercial establishments in replacing or repairing their private sewage system.

14. WHEDA SURPLUS TRANSFER FOR HOUSING PROGRAMS

CS **Senate:** No change to Joint Finance. *0760747*

Assembly: Include the Governor's recommendation, but not the Joint Finance modification, related to the transfer of Wisconsin Housing and Economic Development Authority (WHEDA) unencumbered

	Chg. to JFC
PR	-\$2,000,000

reserves to Commerce for housing programs. This would provide a transfer of \$2,000,000 each year from WHEDA reserves to be appropriated under Commerce on a one-time basis in the 2007-09 biennium for housing costs grants and loans. It would delete the Joint Finance additional transfer of \$1,000,000 each year from WHEDA reserves for Commerce shelter for homeless and transitional housing programs.

15. WHEDA SURPLUS TRANSFER FOR GRANT TO OSHKOSH

CS
0760336/92
JB

Senate: Increase the transfer from the Wisconsin Housing and Economic Development Authority (WHEDA) from its unencumbered reserves to Commerce for housing grants and loans by \$25,000 in 2007-08. Provide expenditure authority of \$25,000 PR in 2007-08, and specify that Commerce make a grant of \$25,000 to the City of Oshkosh for neighborhood improvement and stabilization. Commerce would enter into an agreement with the City of Oshkosh that specifies the uses for the grant proceeds and reporting and auditing requirements.

	Chg. to JFC
PR	\$25,000

Assembly: No change to Joint Finance.

16. TRANSFER FROM THE PETROLEUM INSPECTION FUND TO THE GENERAL FUND

RET

Senate: Transfer \$14,576,500 in 2008-09 from the petroleum inspection fund to the general fund. The petroleum inspection fund primarily receives revenue from the 2¢ per gallon petroleum inspection fee that is assessed on all petroleum products that enter the state, including gasoline, diesel and heating oil. The first use of petroleum inspection fees is payment of debt service for revenue obligations that were issued to provide funds for the petroleum environmental cleanup fund award (PECFA) program. Remaining revenues are used for PECFA claims and several other programs.

	Chg. to JFC
GPR-REV	\$14,576,500

Assembly: No change to Joint Finance.

17. DIESEL TRUCK IDLING REDUCTION GRANT PROGRAM

RET

Senate: No change to Joint Finance.

Assembly: Delete the Joint Finance provision that would have increased the funding for the diesel truck idling reduction grant program from \$1,000,000 petroleum inspection fund SEG annually to \$2,000,000 SEG annually. In addition, delete the Joint Finance changes to eligibility, which would have: (a) changed the percentage of eligible costs paid as a grant by the program to 50% (instead of the current 70%) and the percentage of eligible costs paid by the applicant to 50% (instead of the current 30%); (b) specified that the maximum number of idling reduction units for which an applicant may receive grants is a cumulative maximum for grants

	Chg. to JFC
SEG	-\$2,000,000

awarded beginning in 2007-08 and including all grants awarded through 2010-11; (c) specified that if the applicant owns and operates at least 501 but not more than 2,500 eligible truck tractors, the applicant could receive a grant for the greater of 30 (instead of 25 currently) units or 5% of the number of eligible truck tractors; and (d) specified that if the applicant owns and operates at least 2,501 eligible truck tractors, the applicant could receive a grant for the greater of 125 units, or 3% of the number of eligible truck tractors (instead of the current 3%), which would have increased the number of eligible units for applicants with 2,501 to 4,167 truck tractors to 125 units, the same number an applicant with 2,500 truck tractors is currently allowed.

The diesel truck idling reduction grant program was created in 2005 Act 25 to provide grants to common, contract, and private motor carriers that transport freight and are headquartered in Wisconsin, for the purchase and installation of idling reduction units. An idling reduction unit is a device that is installed on a diesel truck tractor to reduce the long-duration idling of the truck by providing heat, air conditioning, or electricity to the truck while the truck is stationary and the main drive engine of the truck is not operating. Truck tractors are eligible for grants if they contain a post-1998 diesel truck engine that complies with federal air pollutant emission standards promulgated by the U.S. Environmental Protection Agency. Use of the idling reduction unit must result in a decrease in the emissions of one or more air contaminant, or in a decrease in the use of energy by the truck tractor on which the idling reduction unit is installed. The grant program is authorized \$1,000,000 SEG annually from the petroleum inspection fund, beginning in 2006-07. Commerce is authorized to make grants for five fiscal years beginning on July 1, 2006, and ending on June 30, 2011.

18. REPORT ON PECFA SITES AND PRIVATE INSURANCE

CS **Senate:** No change to Joint Finance. *ret*

Assembly: Direct Commerce to prepare a report related to the petroleum environmental cleanup fund award (PECFA) program, with the assistance of DNR, and to submit the report to the Legislature and Governor by October 1, 2008. Direct that the report include the following information: (a) the number of PECFA sites closed with residual contamination since the PECFA program began; (b) the amount of residual contamination and conditions at each PECFA site closed with residual contamination, at the time that Commerce or DNR issued the determination that no further action was required at the site; (c) an estimate of the cost of testing all PECFA sites closed with residual contamination to determine the extent to which the residual contamination has changed since the site was closed; (d) the extent to which insurance offered by the private market for petroleum underground storage tanks differs from the coverage and benefits provided by the PECFA program, and how those differences impact the ability of petroleum underground storage tank owners or operators to operate their business; and (e) an analysis of the feasibility of developing a public and private petroleum underground storage tank risk financing program to pay for the cost of remediating future petroleum releases at closed PECFA sites.

19. USE OF PETROLEUM INSPECTION FUND

Senate: No change to Joint Finance. *RET*

Assembly: Direct that, in each year in which petroleum inspection revenue obligations are outstanding, DOA and Commerce shall periodically determine whether the balance in the petroleum inspection fund (estimated at approximately \$17 million for the 2007-09 biennium under the Assembly version) exceeds the amount necessary to make all of the expenditures required under the fund, and, if so, DOA shall expend the excess to retire outstanding petroleum inspection revenue obligations. Further, specify that petroleum inspection fund revenues that are not appropriated may not be transferred to any other funds or to any appropriation in any other fund. Finally specify petroleum inspection fund revenues may not be appropriated for purposes other than those currently made.

20. GRANT TO CREX MEADOWS YOUTH CONSERVATION CAMP

Senate: No change to Joint Finance. *Box*

Assembly: Delete the Joint Finance provision that would have provided \$80,000 in 2007-08 from Safety and Buildings Division general program revenues as a grant for the Crex Meadows Youth Conservation Camp in Grantsburg (Burnett County).

	Chg. to JFC
PR	-\$80,000

21. DISPLAY OF BUILDING PERMITS

Senate: No change to Joint Finance. *ASSEMBLY*

Assembly: Delete the Joint Finance provision that would have required a person to display all of the building permits at the same location at the building site. *[Handwritten scribbles]*

22. HEATED PEDESTRIAN WALKWAYS

Senate: No change to Joint Finance.

Assembly: Include the provisions of 2007 AB 229, which would eliminate the prohibition on heated exterior pedestrian walkways, including sidewalks, ramps, stairs, stoops, steps, entrance ways, plazas or pedestrian bridges not fully enclosed within a building. The current prohibition has been in existence since 1980.

23. AUTOMATIC FIRE SPRINKLER SYSTEMS IN MULTIFAMILY DWELLINGS AND COMMUNITY-BASED RESIDENTIAL FACILITIES

Senate: No change to Joint Finance. *MGG*

Assembly: Change the requirements for automatic fire sprinkler and fire resistance building materials in multifamily dwellings and community-based residential facilities (CBRFs) in the following ways:

- a. Eliminate the minimum floor area requirements in multifamily dwellings for the sprinkler requirements to apply. Currently, the minimum requirements for sprinkler requirements include a total floor area of the dwelling units which exceeds 16,000 square feet, and a floor space of the common areas which exceeds a certain square footage based on the type of construction used in the complex.
- b. Reduce the threshold number of multifamily dwelling units for which sprinklers are required from 21 to 13. Currently, a multifamily dwelling must have an automatic sprinkler system or two-hour fire resistance if it has more than 20 units.
- c. Specify that the sprinkler requirements apply only to multifamily dwellings with more than 12 units that are served by a public water supply that has adequate pressure for the sprinklers and the fire resistance requirements only apply to complexes with more than 12 units that are not served by a public water system with adequate pressure for fire sprinklers.
- d. Prohibit Commerce from requiring an automatic sprinkler system or two-hour fire resistance in any multifamily dwelling that has 12 or fewer dwelling units.
- e. Specify that the changes in (a) through (d) take effect two years after enactment (first day of the 25th month).
- f. Require that a CBRF that is initially licensed two years after the effective date of the bill must be equipped with a National Fire Protection Association 13, 13R, or 13D automatic sprinkler system, as specified in the most current automatic sprinkler systems handbook of the National Fire Protection Association, unless exempted by the Department of Health and Family Services under standards that DHFS would specify by rule. The sprinkler system would have to be equipped with residential sprinkler heads in all bedrooms, apartments, other habitable rooms, and corridors of the CBRF and would have to be connected to the fire alarm system of the CBRF.
- g. Repeal the authority of local units of government to enact or enforce ordinances that impose requirements for automatic fire sprinkler systems or fire resistance materials, including ordinances grandfathered in under current law that were in effect when the current sprinkler requirements were originally enacted. Currently, local governments are authorized to enact local ordinances that meet the state fire sprinkler systems, or that are stricter in that they cover a multifamily dwelling that is smaller in size than 21 units under the state requirements. The local ordinances grandfathered in under current law or applying to smaller multifamily dwellings would not apply when the changes in (a) through (d) take effect two years after enactment.
- h. Require that a multifamily dwelling or a CBRF must be constructed so that any exterior point at the ground level of the multifamily dwelling or CBRF is not farther than 250

feet from a driveable surface. The driveable surface may not be paved unless the lack of pavement is impracticable. In addition, any interior point in the multifamily dwelling or CBRF may not be farther than 100 feet from the nearest emergency exit. For multifamily dwellings, the effective date would be dwellings for which initial construction is begun on or after the day after the effective date of the budget bill. (Current law and the provision do not define "initial construction.") For CBRFs, the effective date would be CBRFs for which initial construction is begun on or after the first day of the seventh month after the effective date of the budget bill.

i. Require that Commerce maintain records for each fire that involves a building and that results in one or more fatalities, which include all of the following information: (1) the age of the building; (2) what the building was used for; (3) the cause of the fire; and (4) any other relevant information concerning the building, as determined by Commerce. Currently, Commerce is required to maintain records of all fires occurring in the state, but the statutes do not specify what information must be included in the records.

24. REGULATION OF ELEVATORS

MS *66*
Senate: No change to Joint Finance.

Assembly: Include Joint Finance provisions related to regulation of elevator mechanics. Further, include the provisions of Assembly Substitute Amendment 1 to 2007 Assembly Bill 358, which would modify provisions of 2005 Wisconsin Act 456, related to regulation of elevators as follows:

a. Exclude an elevator dumbwaiter, stairway chair lift, platform lift, conveyance, or other residential lift in a private residence from the provisions of 2005 Act 456. Act 456 would require that these types of conveyances in private residences be subject to safety code, and licensing and permitting requirements. Act 456 would also require that the owner of a conveyance in a private residence provide Commerce with an inspection report from a licensed elevator inspector demonstrating compliance with the conveyance statute and rules.

b. Delay, from June 1, 2007, to June 1, 2008, the date on which the licensing and permitting requirements of 2005 Act 456 go into effect. Act 456 requires that elevator contractors and mechanics be licensed by Commerce, and that elevators, escalators, and similar conveyances be issued a permit by Commerce before installation, alteration, or operation.

c. Authorize, rather than require, Commerce to promulgate emergency rules to implement Act 456, and delete the deadline for Commerce to promulgate the emergency rules. Act 456 required Commerce to promulgate emergency rules by February 1, 2007. Commerce promulgated emergency rules effective June 1, 2007, and is in the process of promulgating permanent rules.

d. The owner or lessee of any conveyance in operation on June 1, 2008, would have to obtain the required operation permit no later than January 1, 2009. Under 2005 Act 456, the

owner or lessee of any conveyance in operation on June 1, 2007, would have to obtain the required operation permit no later than January 1, 2008.

NATURAL RESOURCES

Departmentwide

1. STANDARD BUDGET ADJUSTMENTS

AS **Senate:** No change to Joint Finance. *RET*

Assembly: Modify Joint Finance to delete \$662,900 GPR annually for adjustments to the base budget.

	Chg. to JFC
GPR	-\$1,325,800

2. RENTAL COSTS

MGG/RAK *AS* **Senate:** No change to Joint Finance.

Assembly: Reduce the amount provided by \$96,600 FED and \$314,700 SEG annually for DNR facility rental costs across the state. (The Assembly provision would maintain chargebacks to DNR programs for rental costs at approximately \$1.5 million annually (the 2006-07 level), rather than approximately \$1.1 million under the Joint Finance provision.)

	Chg. to JFC
SEG	-\$629,400
FED	- 193,200
Total	-\$822,600

3. ENVIRONMENTAL ANALYSIS OF ROAD PROJECTS

MGG/RAK *AS* **Senate:** No change to Joint Finance.

ARG **Assembly:** Delete provision. Joint Finance would provide \$150,600 PR in 2007-08 and \$200,800 PR in 2008-09 with 3.0 regional environmental analysis and review specialist positions primarily to expedite the environmental analysis of local governmental transportation projects. Under Joint Finance, the staff would be supported by a payment from the local road improvements program appropriation in DOT.

	Change to JFC Funding Positions
PR	-\$351,400 - 3.00

4. GRANT TO FLORENCE WILD RIVERS INTERPRETIVE CENTER

Senate: Provide an additional \$2,000 GPR in 2007-08 and \$27,000 GPR annually beginning in 2008-09 to the Florence Wild Rivers Interpretive Center for forestry education, tourism, and operational costs.

Chg. to JFC	
GPR	\$29,000

Joint Finance would provide one-time funding of \$25,000 GPR in 2007-08 to the Wild Rivers Interpretive Center. This provision would bring the total to \$27,000 GPR annually.

Assembly: Adopt the Joint Finance provision, but provide \$25,000 in 2007-08 from the forestry account of the conservation fund, rather than from GPR.

Chg. to JFC	
GPR	-\$25,000
SEG	25,000
Total	\$0

5. MILWAUKEE COUNTY PARKS FUNDING REPORT

Senate: Direct DNR to submit a report, by June 30, 2009, describing alternative ways of funding Milwaukee County parks to the legislative standing committees responsible for natural resources issues.

Assembly: No change to Joint Finance.

6. AUTOMATED DNR CITATIONS

Senate: Specify that law enforcement officers may use an electronic format for filling out and issuing citations for violations of laws related to hunting, fishing, operating snowmobiles and all-terrain vehicles, and other conservation and environmental laws administered by the DNR.

Under current law, enforcement proceedings for violations of DNR laws allow a proceeding to be started by an officer issuing a written citation or by a district attorney beginning a legal proceeding in court by issuing a complaint and summons. Current law requires that a statement of probable cause must be included in the citation or complaint form. The Wisconsin Supreme Court has ruled that a statement of probable cause must contain the reason for charging the person receiving the citation or complaint and a description of the supporting evidence or witness statements (supporting statements), as well as the name of the person charged, the law violated, and the date and time of the violation (basic statements).

The provision would clarify that the definition of a citation under Chapter 23 of the statutes (conservation laws) means a complaint, which is defined as "the pleading of essential facts and applicable law coupled with a demand for judgment". The provision would allow a citation to be prepared on a paper form or in an electronic format and would specify that the defendant receive a copy of the citation. The provision would allow a law enforcement officer to serve a citation to a defendant in person or by mailing a paper copy to the defendant's last known address. The provision would also clarify the definition of what constitutes a pleading

under Chapter 23, and specify that the citation under Chapter 23 or the uniform traffic citation may be used for violations relating to highway use.

Under the provision, the requirement that a citation contain a statement of probable cause would be eliminated. However, a statement of probable cause would still be required for proceedings begun with a complaint and summons. (In State v. White, the Wisconsin Supreme Court ruled in 1980 that a statement of probable cause was required for enforcement of criminal traffic violations. The enforcement procedures under Chapter 23, however, apply to civil violations, or forfeitures, rather than to criminal violations.) The provision would also make a number of changes to clarify the use of citations under traffic and parking violations to reflect the elimination of the probable cause statement from the requirements for issuing a citation.

This provision was removed from the Governor's budget as nonfiscal policy.

Assembly: No change to Joint Finance.

Stewardship

1. STEWARDSHIP REAUTHORIZATION

Senate: No change to Joint Finance.

Assembly: Delete the provision and associated \$1.05 billion BR. Rather, provide \$145 million in general obligation bonding revenue (BR) and reauthorize the Warren Knowles-Gaylord Nelson Stewardship 2000 program for an additional 10 years (through 2019-20). Allocate \$25 million BR for each year beginning in 2007-08 as follows: (a) \$16 million in 2007-08 and \$15 million each year thereafter for land acquisition (including \$4 million for NCO grants and \$2 million for Board of Commissioners of Public Lands (BCPL) purchases); (b) \$3.5 million for property development; (c) \$4 million for local assistance grants; and, (d) \$2.5 million for recreational boating aids (\$1.5 million in 2007-08) as shown in the following table.

	Chg. to JFC
BR	-\$905,000,000
GPR	-\$4,244,000

DNR Stewardship Allocations -- Assembly

	<u>2007-08</u>	<u>Beginning 2008-09</u>
Land Acquisition Allotments:		
General DNR Land Acquisition	\$10,000,000	\$9,000,000
NCO Acquisition (minimum)	4,000,000	4,000,000
BCPL Natural Areas	<u>2,000,000</u>	<u>2,000,000</u>
Land Acquisition Subtotal	\$16,000,000	\$15,000,000
Property Development & Local Assistance:		
Property Development	\$3,500,000	\$3,500,000
Local Assistance (maximum)	<u>4,000,000</u>	<u>4,000,000</u>
Property Development & Local Assistance Subtotal	\$7,500,000	\$7,500,000
Recreational Boating Aids	\$1,500,000	\$2,500,000
Total Allotment	\$25,000,000	\$25,000,000

In addition, beginning in 2010-11, the provision would create a program under the land acquisition subprogram to provide grants to counties to acquire land to be included in a county forest and for projects for which DNR requests a county's assistance for nature-based outdoor recreation and conservation purposes. The Department has defined "nature-based outdoor recreation" in administrative rule to mean "activities where the primary focus or purpose is the appreciation or enjoyment of nature". These activities may include but are not limited to: hiking, bicycling, wildlife or nature observation, camping, nature study, fishing, hunting, and multi-use trail activities. The provision would require each county receiving a grant under this program to provide matching funds of at least 50% of the land acquisition costs. Further, the provision would prohibit a county that receives a grant to acquire land for a project that DNR requested the county's assistance for from converting the land or the rights in the land to a use that is inconsistent with the type of nature-based outdoor recreation or conservation purpose for which the grant was awarded, without the approval of the Natural Resources Board. Grant awards would be for no more than 50% of property acquisition costs. The Governor's budget included a similar provision to provide grants to counties to acquire land for nature-based outdoor recreation purposes. However, the Governor's provision did not specify that the land acquired be included in a county forest. This provision would limit land acquired with these grants to land included in a county forest, unless DNR requests assistance from a county for a nature-based outdoor recreation or conservation purpose. (Counties are eligible for local assistance grants under the current program; the provision would extend eligibility to the land acquisition subprogram).

The provision would reduce authorized bonding by \$35 million for each of the next three fiscal years (to \$25 million) and then continue the program for an additional ten years at the \$25 million annual level. Reestimate GPR debt service based on the reduced bonding allocation by deleting \$525,000 in 2007-08 and \$3,577,000 in 2008-09. Further, payments for aids in lieu of property taxes would be reduced by an estimated \$142,000 GPR in 2008-09.

The program is currently authorized until 2009-10, with annual bonding authority of \$60 million. Joint Finance would extend the program for another 10 years, to fiscal year 2019-20, and increase the annual bonding authority to \$105 million, beginning in 2010-11. The following table shows annual stewardship bonding allocations under current law (through 2009-10), the Senate version (beginning in 2010-11 for 10 years) and the Assembly version (\$25 million annually beginning in 2007-08 through 2019-20).

DNR Stewardship Allocations

	<u>Current Law</u>	<u>Senate</u>	<u>Assembly</u>
Land Acquisition Allotments:			
General DNR Land Acquisition	\$34,750,000	\$62,500,000	\$9,000,000
NCO Acquisition (minimum)	8,250,000	14,500,000	4,000,000
BCPL Natural Areas	<u>2,000,000</u>	<u>2,000,000</u>	<u>2,000,000</u>
Land Acquisition Subtotal	\$45,000,000	\$79,000,000	\$15,000,000
Property Development & Local Assistance:			
Property Development	\$7,000,000	\$12,000,000	\$3,500,000
Local Assistance (maximum)	<u>8,000,000</u>	<u>14,000,000</u>	<u>4,000,000</u>
PD & LA Subtotal	\$15,000,000	\$26,000,000	\$7,500,000
Recreational Boating Aids	\$0	\$0	\$2,500,000
Total Allotment	\$60,000,000	\$105,000,000	\$25,000,000

2. ORIGINAL STEWARDSHIP PROGRAM BONDING AUTHORITY

Senate: No change to Joint Finance.

Assembly: Reduce the total general obligation bonding authority authorized under the original Warren Knowles-Gaylord Nelson Stewardship program (\$231 million) by \$2.05 million, to reflect unissued bonding authority as of May 15, 2007. In addition, specify that any funds committed, but not yet expended, by DNR from the original stewardship program, may be expended from the Stewardship 2000 program.

	Chg. to JFC
BR	-\$2,050,000

3. STEWARDSHIP REVIEW

Senate: No change to Joint Finance.

Assembly: Restore authority of the Joint Committee on Finance to review projects under the Warren Knowles-Gaylord Nelson Stewardship 2000 program through a 14-day passive review process. Specify that all projects (including development projects) in excess of \$500,000 would be subject to review.

Further, specify that a DNR project or activity using stewardship funds of less than or equal to \$500,000 is subject to review by the Joint Committee on Finance if all of the following

apply: (a) it is so closely related to one or more other Department projects or activities proposed or conducted using stewardship funds that the projects or activities, if combined, would constitute a larger project or activity that exceeds \$500,000; and (b) the Department separated the projects or activities primarily to avoid Joint Finance Review.

If the Joint Finance Co-chairs do not notify DNR within 14 working days that the Committee is scheduling a meeting to review the proposal, DNR may proceed with the project. Specify that at least three members of the Committee would be required to register an objection for the item to be scheduled for a meeting. If the Committee would not hold a meeting to review the proposal within 60 days after the Co-Chairpersons notified the Department that a meeting would be scheduled, the Department could proceed with the transaction. Specify that this procedure does not apply to DNR acquisition of land held by the Board of Commissioners of Public Lands (BCPL).

Currently, DNR may obligate, under the land acquisition subprogram, any amount not in excess of the total bonding authority for that subprogram for the acquisition of land, subject to the approval of the Governor and the Joint Committee on Finance. This provision would clarify that the 14-day passive review process applies to these transactions. Under current law, the Department must set aside \$2,000,000 in each fiscal year to acquire land from the Board of Commissioners of Public Lands (BCPL). These acquisitions would not be subject to Joint Finance review.

4. PUBLIC ACCESS ON STEWARDSHIP LAND

MGG/RNK
45
Senate: No change to Joint Finance.

Assembly: Specify that land on which development rights are acquired by easement or other conveyance with stewardship funding be open to the public for hunting, fishing, trapping, hiking and cross-country skiing. Further, specify that land acquired in fee simple, or by an easement or other conveyance that does not involve acquisition of development rights, that is acquired using stewardship funds must be open to the public for hunting, fishing, trapping, hiking and cross-country skiing, unless the property owner and DNR jointly determine that a closure is necessary to protect public safety. DNR lands in fish or game refuges may be closed to hunting, fishing, and trapping.

In addition, direct the Natural Resources Board to develop a process by rule to allow for review of a closure finding. Require DNR to submit a report by November 15 annually identifying each property that is not open and the reason for the closure.

5. STEWARDSHIP ACREAGE ALLOCATION

MGG/RNK
Senate: No change to Joint Finance.

Assembly: Specify that no more than 10% of available Stewardship bonding authority in any fiscal year may be used to purchase parcels less than 10 acres in size.

10/12/07
77.895 (3) (fm) is in the bill but should not be.

6. STEWARDSHIP AUDIT

Senate: No change to Joint Finance.

Assembly: Request the Joint Committee on Audit to direct the Legislative Audit Bureau to conduct an audit of the Stewardship program. Specify that, if the Committee directs the Audit Bureau to perform an audit of the Stewardship program, the Bureau shall file its report before July 1, 2009.

7. STEWARDSHIP EARMARKS

Senate: No change to Joint Finance.

Assembly: Include Joint Finance provision earmarking four projects. Further, direct DNR to expend up to \$600,000 under the Warren Knowles-Gaylord Nelson Stewardship 2000 program to the City of Antigo for property development activities related to the Ice Age and Springbrook trails. Require the Department to provide \$1 for each \$1 expended by the city of Antigo. Authorize DNR to expend bonding authority from either the land acquisition subprogram or the property development and local assistance subprogram.

8. STEWARDSHIP COMPREHENSIVE REVIEW

Senate: No change to Joint Finance.

Assembly: Direct DNR to conduct a comprehensive evaluation of the Stewardship program. Require the Department to submit a report to the Joint Committee on Finance, the legislative standing committees responsible for natural resources issues, and to the Assembly speaker and Senate majority leader, by January 1, 2009. The report would specify goals for the Stewardship program including criteria (such as the maximum number of acres of conservation land that should be under state ownership or easement), for determining when the Stewardship program should be concluded.

9. LAND MANAGEMENT

Senate: No change to Joint Finance.

Assembly: Adopt the Joint Finance provision, except specify that the \$200,000 in 2008-09 for operation and maintenance expenses on properties managed by the Bureau of Facilities and Lands be one-time funding.

Fish, Wildlife, and Recreation

1. ENDANGERED RESOURCES FUNDING

Senate: No change to Joint Finance.

Assembly: Reduce the maximum amount appropriated from this GPR sum sufficient appropriation by \$136,000, to \$364,000 in 2007-08 and 2008-09 (the same level provided in 2006-07) to match endangered resources donations from gifts, grants and the voluntary income tax check-off designation for the endangered resources program. The maximum match would revert to \$500,000 GPR annually beginning in 2009-10.

	Chg. to JFC
GPR	-\$272,000

2. WILDLIFE DAMAGE PROGRAM PRIORITIES

Senate: No change to Joint Finance.

Assembly: Specify that, in the event that available revenues are not sufficient to cover all agricultural wildlife damage program related costs, funding for the control of wild animals would first be reduced or eliminated before other program activities were reduced or eliminated. Currently, this appropriation supports 2.0 staff who oversee the wildlife damage programs, costs incurred for the removal of wild animals that cause damage, and for responding to complaints about wild animals, or their structures, which are causing a nuisance. Specify that the amount available for this biennial appropriation on each June 30, be the lesser of the amount in the appropriations schedule or the amount available after agricultural wildlife damage program costs are paid.

Under Joint Finance, agricultural wildlife damage program claims and abatement costs are expected to exceed available revenues by approximately \$1.5 million by June 30, 2009. Under current law, if funds are insufficient for all costs, agricultural wildlife damage claims are first prorated or eliminated, then abatement costs, then county administration costs. Under this provision, the approximately \$250,000 appropriated for 2.0 staff and related DNR costs of overseeing the wildlife damage programs, and for wild animal removal would be prorated or eliminated before wildlife damage claims were reduced.

It is expected (depending on actual agricultural wildlife damage and claim levels) that revenues may be \$200,000 short of authorized expenditure levels in 2007-08 and an additional \$1.3 million short in 2008-09.

3. WILDLIFE DAMAGE REESTIMATES

MGG/RWK
NO NUMBER
DEC
PER
MB
Senate/Assembly: Provide \$15,000 annually for estimated venison processing donations. Further, provide \$1,322,300 in 2007-08 and \$1,487,300 in 2008-09 to reflect anticipated agricultural wildlife damage claims and abatement costs (approximately \$3.5 million in 2007-08 and \$3.7 million in 2008-09). The amounts would update the continuing appropriation amounts to reflect anticipated activity for the 2007-09 biennium.

	Chg. to JFC
SEG	\$2,839,600

4. WARDEN RADIOS

RWK/MGG
APB
Senate: No change to Joint Finance.

Assembly: Adopt the Joint Finance provision, except delete an additional \$21,800 each year to provide 205 of each radio (mobile radio and portable). Joint Finance would provide 215 of each radio.

	Chg. to JFC
SEG	-\$43,600

5. ENVIRONMENTAL ENFORCEMENT LTE

APB
Senate: No change to Joint Finance.

RET
Assembly: Delete the provision which would provide \$82,500 annually from the environmental fund to provide additional LTEs for environmental enforcement activities. Joint Finance would provide five LTEs, one in each of the five DNR regions.

	Chg. to JFC
SEG	-\$165,000

6. SHOVELNOSE STURGEON PERMIT

Senate: No change to Joint Finance.

RWK
60749
APB
Assembly: Adopt the Joint Finance provision, except modify the statutory language to specify that no person may take shovelnose sturgeon or shovelnose sturgeon eggs unless the person has a permit issued by DNR, and that a person required to hold a shovelnose sturgeon permit shall report to DNR on forms available from DNR, on or before the 10th day of each month, the number of pounds of shovelnose sturgeon eggs harvested during the preceding month. The bill would create an annual resident permit for shovelnose sturgeon harvest, with the fee set at \$50.75.

7. WILD TURKEY FEDERATION GRANT

MGG
RWK
APB
Senate: No change to Joint Finance.

Assembly: Provide \$50,000 in 2007-08 and \$50,000 in 2008-09 in one-time funding from the fish and wildlife account of the conservation fund (turkey stamp revenues) for grants to the Wisconsin chapter of the National Wild Turkey Federation. Funding would be for turkey habitat restoration, land access for private and public lands, oak restoration for turkey management, and timber stand improvement in Wisconsin.

	Chg. to JFC
SEG	\$100,000

8. CAPTIVE WILDLIFE EXEMPTION

Senate: No change to Joint Finance.

Assembly: Specify that annual community events which are sponsored by a municipality or sportsmen's club and are for charitable purposes be exempt from the requirement to obtain a permit from DNR in order to take from the wild or possess live native wild reptiles or live native wild amphibians. The exemption would apply if the Department determines that the activities do not pose a significant risk to the health or viability of a species in a particular location.

9. GULL STUDY

Senate: No change to Joint Finance.

Assembly: Delete the Joint Finance provision which would direct DNR to submit a report, by January 1, 2008, to the Joint Committee on Finance, and the legislative standing committees responsible for natural resources issues, recommending ways to substantially reduce the seagull population in Wisconsin.

10. HUNTER MENTORSHIP PROGRAM

Senate: No change to Joint Finance.

Assembly: Delete the Joint Finance provision which would create a hunting mentorship program and authorize a person who is 12 years of age, or such lower age as DNR specifies by rule, to hunt without obtaining a certificate of accomplishment and to possess or control a firearm while hunting if the person has a valid hunting license and is hunting with a qualified mentor. It would require that the mentor be at least 18 years old, be within arm's reach of the person for whom he or she is serving as a mentor, and have a current valid hunting license. Also, a mentor would only be allowed to take one person, for whom he or she is serving as a mentor, hunting at a time.

ASSEMBLY

11. WEAPONS CASING IN VEHICLES

Senate: No change to Joint Finance.

Assembly: Delete the Joint Finance provision which would specify that no person may place, possess, or transport a firearm or crossbow in or on a vehicle that is moving or has a running motor unless it is unloaded, and also encased or beyond the arm's reach of the operator and the occupants of the vehicle. A bow would be required to be either unstrung or encased, or to be beyond the reach of occupants while being transported.

12. PREPARATION OF FISH BROUGHT IN BY CHARTER BOATS

Senate: Authorize a restaurant or temporary restaurant to prepare and serve fish that are taken from the wild to the person who caught the fish, and to his or her guests, without obtaining a permit from DNR if all of the following conditions are satisfied: (a) the fish are legally taken; (b) while the fish are at the restaurant and before the fish are prepared for eating, they are stored in a cooler, which may be a portable cooler, that does not contain any other food; (c) the area where the fish are prepared for eating is washed and sanitized before and after preparation of the fish; and (d) all items used to prepare and serve the fish are washed in a dishwasher after such use. Further, specify that a restaurant or temporary restaurant may make a profit from preparing and serving the fish.

Under current law, an innkeeper, manager, or steward of any restaurant, club, hotel, boarding house, tavern, logging camp or mining camp is prohibited from serving or selling game fish taken from inland waters to its guests or boarders unless authorized by DNR through a permit prepared and furnished by the Department. Further, if issued a permit to serve game fish by DNR, the fish must be obtained legally, profit may not be the primary purpose for serving the game fish and the restaurant must close to the general public while serving the game fish, must comply with certain food safety requirements, and must notify the patrons that the game fish are not from an approved source. In addition, with certain exceptions, no fish taken by hook and line from outlying waters (Great Lakes), except rough fish, may be sold, bartered, or traded in any manner. Exceptions include eggs taken from trout and salmon that are not farm-raised fish, which may be sold or purchased only if the eggs are first removed from the whole fish in the presence of the buyer.

Under this provision, a DNR permit would not be required if the fish is served to the person who caught it, a restaurant would not be required to close to the general public while serving the fish, and the restaurant could profit from preparing and serving the fish.

Assembly: No change to Joint Finance.

13. MUNICIPAL WATER SAFETY BOAT LAUNCH FEE

Senate: No change to Joint Finance.

Assembly: Authorize a municipality, a public inland lake protection and rehabilitation district, or a town sanitary district to issue a boat launch fee to fund rescue boat operations. Specify that this fee may not exceed 20 percent of the fee charged for a state resident daily

vehicle admission pass to a Wisconsin state park (currently \$6.85, excluding the 15¢ issuing fee). In addition, specify that this fee may be charged in addition to any other boat launch fee currently authorized.

Under current law, a municipality, a public inland lake protection and rehabilitation district or a town sanitary district that has in effect one of several specified public safety ordinances may charge boat operators reasonable fees for any of the following: use of a public boat launching facility that the municipality or lake district owns or operates; the municipality's or district's costs for operating or maintaining a water safety patrol unit, and the municipality's or district's costs for providing other recreational boating services. Under administrative rule, the maximum "reasonable" daily boat launching fee that may be charged for non-motorized or non-trailered boats is the amount of the resident state park daily vehicle admission pass (currently \$7); and, for vehicles with trailers, an additional fee may be charged if an attendant is on duty, on-site toilet facilities are present, the site is located on a Great Lake, or the boat is 20 feet in length or more. In addition, if a daily launch fee is charged, a season pass must be provided at a fee of not more than 10 times the daily launch fee. This provision would allow a municipality to charge a boat launch fee of 20 percent of the fee for resident daily state park admission in addition to any reasonable fees currently charged (for a daily or season pass).

14. AIRBOATS NOISE LIMIT EXEMPTION

Senate: No change to Joint Finance.

Assembly: Specify that airboats are exempt from statutory maximum motorboat noise limits when used by licensed trappers who are engaged in trapping during an open trapping season. Under current law, the maximum allowable noise level for the operation of an engine-powered motorboat is 86 decibels, measured on an "A" weighted decibel scale.

15. LOCAL ATV AIDS

Senate: No change to Joint Finance.

Assembly: Reduce the amount provided to counties for the costs of local ATV law enforcement patrols by \$80,000 in 2007-08. Joint Finance would increase the amount provided for these patrols from \$200,000 to \$500,000 annually. This provision would provide \$420,000 in 2007-08 (a 20% increase from 2006-07 eligible claims).

	Chg. to JFC
SEG	-\$80,000

16. NORTHERN STATE FOREST ATV TRAILS

Senate: Provide \$400,000 SEG in 2007-08 from the ATV account of the conservation fund for development of ATV trails in the Northern Highland-American Legion State Forest. Specify that Natural Resources

	Chg. to JFC
SEG	\$400,000

Board approval is required before funding may be allocated.

Joint Finance would provide \$104,100 in 2007-08 and \$80,000 in 2008-09 from the ATV account of the conservation fund for a sustainable all-terrain vehicle trails system in northern state forests. This provision would provide an additional \$400,000 in 2007-08 for a total of \$504,100 in 2007-08 and \$80,000 in 2008-09 for northern state forest ATV trails.

Assembly: Delete provision.

	Chg. to JFC
SEG	-\$184,100

17. ATV LANDOWNER INCENTIVE PROGRAM

m99
b0503
485
Senate: Shift up to \$100,000 SEG from ATV local trail aids in 2007-08 for a landowner incentive program. In addition, increase the annual non-resident ATV trail pass from \$18 to \$35, effective July 1, 2008. Create a continuing appropriation into which all moneys received from the sale of annual nonresident ATV trail passes would be deposited.

	Chg. to JFC
SEG	\$410,000
SEG-REV	\$190,000

DNR would award incentive grants to private landowners who permit public all-terrain vehicle corridors on their lands. Specify that, under the ATV landowner incentive program, a landowner may apply for an annual incentive payment at the following rates based on the number of days the trail was open for public use during the previous fiscal year:

- a. \$25 for each mile that was open for public use for 60 to 179 days;
- b. \$75 for each mile that was open for public use at least 180 days but less than 270 days;
- c. \$100 for each mile that was open for public use for 270 days or more;

Specify that an application for a landowner incentive payment is not considered complete until the forester or another employee of each county in which the public ATV corridor is located measures the length of the corridor for the purpose of calculating the payment. Further, specify that a landowner shall receive an additional payment of 10%, if the landowner enters into at least a five-year agreement with a county to allow a public ATV corridor on the property. Also, specify that, if the total amount of incentive payments in a given fiscal year exceeds the amount available, DNR would prorate the payments.

In addition, specify that payments made to landowners under the landowner incentive programs would not be included as income under the state individual income and corporate income and franchise tax.

The provision would increase the fees for an annual non-resident ATV trail pass from \$18 to \$35. As the fee for a two-year registration would remain \$30, it could be expected that some non-residents may purchase a two-year ATV registration rather than an annual non-resident trail pass. However, in order to register an ATV in Wisconsin, a non-resident would be required

to pay sales tax on the value of the vehicle or present proof that he or she had paid the sales tax on the vehicle. Therefore, it is not expected that a substantial number of non-resident ATV users would purchase a two-year registration rather than an annual non-resident trail pass. However, to the extent that some users switched from a trail pass to a registration, the amount of the motor fuel tax transfer to the ATV account would be increased due to the increased registrations. Further, the annual trail pass fee would almost double. This would likely result in some reduction in sales. While the precise effects of these factors on annual trail pass sales is not known, for the purposes of this estimate, a 5% reduction in sales is assumed.

The annual non-resident ATV trail pass currently generates revenues of approximately \$220,000 per year. Approximately \$410,000 would be available for the ATV landowner incentive program in 2008-09 (\$190,000 in new revenue from the increased trail use fee and \$220,000 of revenue currently available for general ATV account appropriation).

Assembly: No change to Joint Finance.

18. LIGHTWEIGHT UTILITY VEHICLES PILOT PROGRAM

Senate: Provide \$10,000 SEG in 2007-08 from the ATV account of the conservation fund. DNR would provide grants (not to exceed \$2,000 to any county) to Florence, Forest, Sawyer, Marinette, and Washburn counties and to municipalities (a city, village, or town) within those counties for a pilot program to investigate the effects of using lightweight utility vehicles on trails and roadways that are currently authorized to be used by all-terrain vehicles. Direct DNR to administer the pilot program in consultation with DOT. Lightweight utility vehicles would not be subject to ATV registration requirements under the pilot program. Specify that the pilot program would sunset on September 30, 2009.

	Chg. to JFC
SEG	\$10,000

Define a "lightweight utility vehicle" to mean an engine-driven device having a gross weight of more than 700 pounds but not more than 1,999 pounds that is designed to travel on 4 or more low-pressure tires, is equipped with a cargo area, and is used primarily off a highway. Further, specify that a low-pressure tire is a tire that is designed to be mounted on a rim with a maximum diameter of 14 inches and to be inflated with an operating pressure not to exceed 20 pounds per square inch as recommended by the manufacturer. In addition, specify that the definition of a lightweight utility vehicle does not include golf carts or low-speed vehicles. Define "golf cart" to mean a vehicle whose speed attainable in one mile does not exceed 20 miles per hour on a paved, level surface, and is designed and intended to convey one or more persons and equipment to play the game of golf in an area designated as a golf course. Define "low-speed vehicle" as a motor vehicle that is four-wheeled, whose speed attainable in one mile is more than 20 miles per hour and not more than 25 miles per hour on a paved level surface, and whose gross vehicle weight is less than 3,000 pounds.

Specify that the identified counties and municipalities within the identified counties are eligible to participate in the pilot program and the governing body of each county or municipality may elect to participate in the pilot program by adopting a resolution to that effect.

In addition, specify that the governing body of each county or municipality may withdraw from the pilot program prior to the end of the pilot program by adopting a resolution to that effect. Further, specify that the counties and municipalities in the pilot program may designate any of the following:

a. all-terrain vehicle routes and trails within their respective jurisdictions that may be used by operators of lightweight utility vehicles.

b. all-terrain vehicle routes and trails within their respective jurisdictions upon which lightweight utility vehicle use is prohibited.

In addition, specify that the operation of a lightweight utility vehicle as authorized under the pilot program is subject to the same uniform traffic citations as all-terrain vehicles are subject to under current law. Further, specify that the operator of a lightweight utility vehicle must possess a valid motor vehicle operator's license and that any trial fees imposed on all-terrain vehicle use by a county or municipalities also apply to the operation of a lightweight utility vehicle.

Require DNR, in consultation with the counties and municipalities, to evaluate the effect of using lightweight utility vehicles on roadways and on all-terrain vehicle routes and trails upon conclusion of the pilot program. Direct the Department to submit a report describing the results of this evaluation to the appropriate standing committees of the legislature by January 1, 2010.

Assembly: Include the provision as contained in the Senate's version of the bill, however, add Langlade, Lincoln and Oneida Counties (and their municipalities) as eligible for the pilot program.

b0744 ✓
RJK
4/5

Forestry and Parks

1. OUTDOOR RECREATIONAL ACTIVITIES LAND ACQUISITION GRANT PROGRAM

Senate: No change to Joint Finance.

Assembly: Delete the Joint Finance provision. Rather, effective July 1, 2008, allow the municipality to retain closed acreage payments under the Managed Forest Land (MFL) program, but to remit 20% of the revenue from these payments to the county treasurer. An estimated \$3.7 million would be retained by local governments in 2008-09. Under current law, the revenue from these payments is deposited in the forestry account of the conservation fund.

	Chg. to JFC
SEG	-\$1,000,000
SEG-REV	-\$3,700,000

RJK
MGG
4/5

Joint Finance would provide \$1,000,000 in 2008-09 for an outdoor recreational activities land acquisition grant program.

2. PARKS AND SOUTHERN FOREST OPERATIONS

RNK/MGG
Senate: No change to Joint Finance.

AS
Assembly: Delete provision. Joint Finance would provide \$135,300 in 2007-08 and \$349,200 with 3.0 positions in 2008-09 for permanent staff, limited term employees, utilities, and supplies to operate new buildings and campgrounds in the Wisconsin state park and forest systems.

	Change to JFC Funding Positions	
SEG	-\$484,500	-3.00

3. LAKESHORE STATE PARK OPERATIONS

RNK/MGG
Senate: No change to Joint Finance.

AS
Assembly: Delete provision. Joint Finance would provide \$159,500 in 2007-08 and \$138,500 in 2008-09 from the parks account of the conservation fund for operations at Milwaukee Lakeshore State Park.

	Chg. to JFC
SEG	-\$298,000

4. FORESTRY BIOMASS GRANTS

RNK/MGG
Senate: No change to Joint Finance.

AS
Assembly: Delete provision. This would maintain the authority for DNR to award forestry resource and development grants from the forestry account to match federal monies. However, no funding would be appropriated.

Water Quality

1. AQUATIC INVASIVE SPECIES GRANTS

Senate: Include the Joint Finance provision. Further, allow any applicant for a fishing license or boat registration to elect to make a voluntary contribution to be used for grants to control aquatic invasive species. In addition, require DNR to ensure that any application form, including an electronic form, for a fishing license or boat registration include a designation that allows the applicant to specify an additional amount as a voluntary contribution for the control of aquatic invasive species. Specify that fishing licenses developed and issued by the Lac du

	Chg. to JFC
SEG	\$100,000

Flambeau band are exempt from this provision. Further, create a continuing appropriation for the distribution of grants for the control of aquatic invasive species into which all moneys received from the aquatic invasive species donations are deposited.

Under current law, a person purchasing a deer, bear, turkey, or small game hunting license may make a voluntary contribution of at least \$1 for the venison processing program. In addition, applicants for a fishing license may make a voluntary contribution of \$1 and applicants for a boat registration may make a voluntary contribution of \$3 for lake research. Venison processing donations have averaged approximately \$18,000 annually over the last three years, and voluntary contributions for lake research have averaged approximately \$45,000. While the level of donations is not known, a voluntary contribution for the control of aquatic invasive species could bring in similar revenue to the voluntary contribution for lake research, or approximately \$50,000 annually. However, the invasives donation also may result in some reduction in the amount contributed to lake research. Revenues generated would provide local grants for invasive species management in addition to the \$1.8 million in water resources SEG appropriated under Joint Finance.

*MG 9
60711 ✓
AS*
Assembly: Adopt the Joint Finance provision. In addition, transfer \$1.5 million in 2007-08 and \$2.5 million in 2008-09 of water resources SEG from recreational boating project aids to aquatic invasive species grants. (This would make \$3.3 million in 2007-08 and \$4.3 million annually beginning in 2008-09 available for cost sharing grants for the control of aquatic invasive species). Further, provide \$1.5 million in 2007-08 and \$2.5 million annually beginning in 2008-09 from the Warren Knowles-Gaylord Nelson Stewardship program bonding revenue for recreational boating project aids (to maintain funding at \$3.1 million annually). (Also see Stewardship Reauthorization.)

2. OSHKOSH AQUATIC INVASIVE SPECIES EARMARK

*VRNK
60327 ✓
AS*
Senate: Direct DNR to provide \$25,000 in 2007-08 from the aquatic invasive species grants program to the City of Oshkosh for invasive species education, prevention, and control activities in Miller's Bay and the adjacent water area in Lake Winnebago. No local matching funds would be required.

Assembly: No change to Joint Finance.

3. SUPERIOR HARBOR CORROSION STUDY

*RUNK ✓
60389 ✓
AS*
Senate: Direct DNR to provide \$100,000 in 2007-08 from the existing recreational boating grants appropriation to the City of Superior to complete a study of the corrosion of the dockwall in the Duluth/Superior Harbor. No matching funds would be required. Specify that this funding be provided before applying the percentages regarding Great Lakes and inland water projects. Recreational boating aids are funded at \$3.1 million annually.

Assembly: No change to Joint Finance.

4. **RURAL NONPOINT BONDING** *RET*

4/5 **Senate:** Provide an increase in general obligation bonding authority of \$1.5 million for targeted runoff management (TRM) grants. This would provide a total of \$7 million for TRM grants (the same amount as recommended by the Governor). The TRM program offers competitive grant awards to support small-scale, short-term nonpoint source water pollution abatement projects (generally one to three years) that are undertaken by local government units.

	Chg. to JFC
BR	\$1,500,000

Assembly: No change to Joint Finance.

5. **URBAN NONPOINT BONDING** *RET*

4/5 **Senate:** Provide an additional \$1.3 million in general obligation bonding for urban nonpoint source water pollution abatement and storm water management, and the municipal flood control and riparian restoration programs. This would provide a total of \$6 million BR for urban nonpoint programs (the same level as recommended by the Governor). Bonding revenue would be used to provide cost-share grants for the installation of nonpoint source water pollution abatement projects and provide financial assistance to municipalities and sewerage districts for the construction of facilities and structures that aid in the collection and transmission of storm water.

	Chg. to JFC
BR	\$1,300,000

Assembly: No change to Joint Finance.

6. **CHIPPEWA FALLS MUNICIPAL FLOOD CONTROL GRANT** *RET 60330 ✓*

4/5 **Senate:** Direct DNR to provide the City of Chippewa Falls with a grant of up to \$200,000 from the municipal flood control grant program, but not to exceed 70% of the cost to purchase land along Highway 29. Exempt the city from the eligibility requirements of the program and the typical application scoring process. The earmarked funding would be for the purchase of land near Bridge and River Streets that is part of a plan to reinvigorate the Highway 29 gateway to the city's downtown.

Assembly: No change to Joint Finance.

Air, Waste, and Contaminated Land

1. RECYCLING TIPPING FEE

Senate: Increase the recycling tipping fee by an additional \$4 per ton effective for waste disposed of on or after July 1, 2007. This would result in a recycling tipping fee of \$10 per ton. The additional \$4 per ton would generate revenue of approximately \$21,830,000 in 2007-08 and \$27,640,000 in 2008-09. The fee is assessed on most waste disposed of in Wisconsin landfills, excluding high-volume industrial waste, and certain PCB contaminated or paper mill wastes. The fee is collected on a quarterly basis and deposited in the segregated recycling fund. The following table shows the estimated June 30, 2009, condition of the recycling fund.

Chg. to JFC
SEG-REV \$49,470,000

Estimated Recycling Fund Balance -- Senate

	<u>\$ in Millions</u>
Joint Finance Balance	\$34.0
Senate Revenue Change	49.5
Senate Expenditure Changes:	
Municipal Recycling Grants	42.0
Renewable Energy Grants	30.1
PCB Sediment Transport	<u>6.0</u>
Expenditure Change	\$78.1
 June 30, 2009, Balance	 \$5.4

Assembly: Delete the \$3 per ton recycling tipping fee increase (maintain the current \$3 per ton fee). This would reduce recycling fund revenue by \$16,195,000 in 2007-08 and \$22,180,000 in 2008-09. The following table shows the estimated June 30, 2009, condition of the recycling fund.

Chg. to JFC
SEG-REV - \$38,375,000

OK
AS increase draft 11/73
AS

I have gotten later instructions. LRB# on front cover. Ret

Estimated Recycling Fund Balance -- Assembly

\$ in Millions

Joint Finance Balance	\$34.0
Assembly Revenue Change	-38.4
Assembly Expenditure/Transfer Changes:	
Delete Transfer to General Fund	-33.0
Delete Demo Grant	-2.0
Grant to Pulp and Paper Mill	2.5
Grant to Soybean Crushing Facility	<u>4.0</u>
Expenditure/Transfer Change	-\$28.5
 June 30, 2009, Balance	 \$24.1

2. TRANSFER FROM THE RECYCLING FUND TO THE GENERAL FUND

Senate: No change to Joint Finance.

Assembly: Delete the transfer of \$13,000,000 in 2007-08 and \$20,000,000 in 2008-09 from the recycling fund to the general fund.

Chg. to JFC	
GPR-REV	-\$33,000,000

RET 61180 (new)

3. RECYCLING GRANTS TO LOCAL GOVERNMENTS

Senate: Increase the DNR municipal and county recycling grant appropriation by \$21,000,000 SEG annually to provide \$47,400,000 for recycling grants. This would include \$45,500,000 for municipal and county recycling grants, which provides financial assistance to responsible units of local government for a portion of eligible recycling expenses, and \$1,900,000 for recycling efficiency incentive grants, which provides financial assistance to responsible units of local governments that claim recycling efficiencies such as consolidation of two or more responsible units, or cooperative agreements for direct recycling services or shared private vendor services. The provision would increase state recycling grants to an average of approximately 46% of anticipated net eligible recycling costs.

Chg. to JFC	
SEG	\$42,000,000

only \$6,500,000 increase

Assembly: No change to Joint Finance.

schedule change only, I think RET

4. RECYCLING DEMONSTRATION GRANTS

Senate: No change to Joint Finance.

Assembly: Delete the increase of \$1,000,000 SEG annually from the segregated recycling fund for the waste reduction and recycling demonstration grant program for contracts with nonprofit organizations to assist businesses to reduce the amount of solid waste

Chg. to JFC	
SEG	-\$2,000,000

RET

generated or to reuse or recycle solid waste. Further, delete the Joint Finance modifications to contracts with nonprofit organizations, which would have: (a) prohibited DNR from providing more than \$250,000 annually to an individual organization; and (b) required that any contract entered into under the provision must include goals and objectives that the nonprofit organization will meet, methods that will measure progress towards the goals and objectives, and a schedule for reporting to DNR on the use of funds and progress towards the goals and objectives.

5. COMPENSATION FOR REMEDIATION OF PCB CONTAMINATED SEDIMENT *ret*

Senate: Provide \$3,000,000 recycling fund SEG annually and create a program to reimburse certain responsible parties for the difference between the cost of transporting PCB contaminated sediment to an out-of-state hazardous waste disposal facility, and the cost of disposing of the PCB contaminated sediment in Wisconsin.

	Chg. to JFC
SEG	\$6,000,000

The Department of Natural Resources (DNR) would issue awards to eligible claimants for eligible reimbursement costs. An eligible claimant would be any person who is a responsible party under s. 292.11 (the state hazardous substances spills statute) or 42 U.S.C. sections 9601 et seq. for remediation of PCB contaminated sediment or has entered into a consent decree with DNR or the U.S. Environmental Protection Agency (EPA) to undertake the remediation of PCB contaminated sediment. PCB contaminated sediment would be defined as sediment dredged from the beds or bank of navigable waters in Wisconsin, which contains polychlorinated biphenyls (PCBs) in a concentration of 50 parts per million or greater.

An applicant would submit a claim which contains all of the following: (a) test results which show that the sediment contains PCBs in a concentration of 50 parts per million or greater; (b) documentation establishing that the sediment was removed from navigable waters in Wisconsin as part of a remediation project being undertaken by the responsible party as part of a consent decree with DNR or EPA; (c) documentation showing that the PCB contaminated sediment was transported to and disposed at a licensed hazardous waste disposal facility outside Wisconsin and that disposal occurred on or after May 1, 2007; (d) documentation showing the disposal costs, including information related to the length and any other terms of any contract entered into by the applicant and disposal facility, and any other costs DNR determines to be reasonably necessary and attributable to the out of state disposal; and (e) an estimate of the cost associated with disposal of PCB contaminated sediment in a facility in Wisconsin that is approved for the disposal of PCB contaminated sediment. If there is no facility in Wisconsin meeting those requirements, the applicant would be required to estimate the disposal costs based on one of the following methods: (a) an estimate based on the costs of disposing of PCB contaminated sediment at facilities in other states, other than the facility that the applicant uses for disposal of the contaminated sediments, that are comparable to a facility that, if constructed in Wisconsin, would meet applicable federal and state requirements; or (b) an estimate based on the costs of constructing and operating a facility in Wisconsin that would meet the applicable state and federal requirements for a PCB waste disposal facility. Specify

that if there is no facility in the state, and if DNR has accepted an estimate of an in state disposal cost based on the estimated costs of disposal from facilities in other states that would accept PCB contaminated sediment, within two years of the date of the application, the applicant may use that cost in its current application. The applicant would be required to include an explanation of the method used to estimate the cost of transporting the PCB contaminated sediment to a facility in Wisconsin.

When DNR receives a claim, the Department would notify the claimant if the claim is complete, or specify any additional information which the applicant must submit in order to complete the claim. If the claimant does not submit a complete claim, as determined by DNR, the Department may not proceed until it receives a complete claim.

Eligible reimbursement costs would include: (a) all costs associated with the transportation, permits, and disposal fees for the disposal of PCB contaminated sediment out of state, less such costs for the disposal of PCB contaminated sediment in Wisconsin; and (b) other costs that DNR determines to be reasonably necessary and attributable to the out of state disposal.

If DNR determines that a claimant submits a claim that meets all the requirements of the program, the Department would be required to issue an award in an amount equal to 95% of the amount by which the approved costs of disposal of the PCB contaminated sediment exceeds what the disposal costs would be for disposing of the PCB contaminated sediment in a facility in Wisconsin, as determined under program provisions. The claimant would be required to pay five percent of the total eligible costs.

DNR would be required to pay each claim within 60 days after receiving a completed claim application. If the claims appropriation is insufficient to pay the claim, DNR would be required to conditionally approve the completed claim, and to pay the claim if and when appropriated funds become available for payment of the claim.

DNR would be required to deny a claim if any of the following apply: (a) the claim is not within the scope of the program; or (b) the claimant submits a fraudulent claim. DNR would also be required to deny reimbursement for any costs not submitted within two years of the date the costs were incurred for the disposal of the PCB contaminated sediment included in the claim.

The applicant would be authorized to seek review of a DNR decision related to an award as follows:

a. Within 30 days after DNR makes a decision of approval or denial of an award, the applicant would be authorized to submit a petition for reconsideration to the DNR Secretary. The DNR Secretary would be required to issue a decision on whether he or she will grant the petition within 20 days of receipt of the petition. If the Secretary grants the petition for reconsideration, he or she would meet with the applicant and DNR staff. The DNR Secretary would have to issue a decision on the reconsideration within 30 days of the meeting with the

applicant and DNR staff. A request for reconsideration would not be considered a prerequisite to the other review under the program.

b. Within 30 days after DNR makes a decision of approval or denial of an award, or, if reconsideration is sought, within 30 days of the final decision on reconsideration, the applicant would be authorized to petition for a contested case hearing. A request for a contested case hearing would not be considered a prerequisite to other review under the program.

c. Within 30 days after DNR makes a decision of approval or denial of an award, or, if reconsideration is sought, within 30 days of the final decision on reconsideration, or, if a contested case hearing is sought, within 30 days of the final decision on the contested case, the applicant would be authorized to file a petition for judicial review of the award.

The existence of the relief under the program would not be a bar to any other statutory or common law remedy for a responsible party to recover costs of disposing of PCB contaminated sediment. A person would not be required to exhaust the remedy available under the program before commencing an action seeking any other statutory or common law remedy. The findings and conclusions under the program would not be admissible in any civil action.

A claim could be submitted for disposal of PCB contaminated sediments, for disposal that occurs on or after May 1, 2007.

DNR would be required to promulgate administrative rules that establish procedures for the submission, review and approval of claims under the program. DNR would be authorized to promulgate emergency rules for the program, without making a finding of emergency.

It is probable that most of the expenditures under the program in the next few years would relate to the Fox River PCB cleanup project (although PCB removal projects on the Milwaukee and Sheboygan Rivers, and other Wisconsin waters may also qualify). In May, 2007, dredging began in an area below a dam at De Pere, and approximately 20,000 to 25,000 cubic yards of PCB contaminated sediment with concentrations of 50 parts per million or greater will be hauled to a federally-licensed landfill near Detroit, Michigan. DNR and paper company representatives anticipate that at least 200,000 cubic yards of PCB contaminated sediment with concentrations of 50 parts per million or greater will be removed as part of the Fox River remediation project during the next several years. In 2006, Georgia Pacific submitted an application for licensing a portion of its landfill near Green Bay to hold PCB contaminated sediment with concentrations of 50 parts per million or greater. Georgia Pacific withdrew its application in response to local opposition.

Assembly: No change to Joint Finance.

6. ENVIRONMENTAL MANAGEMENT ACCOUNT TIPPING FEE

Senate: No change to Joint Finance.

Assembly: Delete the 35¢ per ton increase to the solid waste tipping fee for waste other than high-volume industrial waste. This would decrease segregated environmental management account revenue from the amounts in the bill by \$1,254,700 in 2007-08 and \$2,517,400 in 2008-09, and would maintain the current tipping fees of 64¢ per ton for municipal and non- high-volume industrial waste and 34¢ per ton for high-volume industrial waste.

Change to JFC Funding Positions		
SEG-REV	- \$3,772,100	
SEG	- \$3,967,600	- 6.98

In addition, reduce the following appropriations in the environmental management account by a total of \$1,981,100 in 2007-08 and \$1,986,500 in 2008-09 and 6.98 positions annually (an 8.8% reduction) in order to maintain a positive account balance.

<u>Agency and Appropriation</u>	<u>2007-08</u>	<u>2008-09</u>	<u>Annual Position Reductions</u>
Commerce Brownfields grants	\$616,900	\$616,900	0.00
DNR Air and Waste Division general operations	281,800	282,500	2.84
DNR Air and Waste Division Brownfields operations	32,400	32,400	0.26
DNR Enforcement and Science Division general operations	104,900	105,800	0.71
DNR Water Division general operations	310,200	311,600	2.62
DNR Groundwater management	8,100	8,100	0.00
DNR Administration and Technology general operations	93,900	96,100	0.00
DNR Customer Assistance and External Relations general operations	70,200	70,300	0.37
DNR State-funded response cleanup	215,200	215,300	0.00
DNR Well compensation grants	25,900	25,900	0.00
DNR Brownfields site assessment grants	149,800	149,800	0.00
DNR Brownfields green space grants	44,100	44,100	0.00
DHFS Groundwater and air quality standards	27,000	27,000	0.18
DMA Emergency response training	700	700	0.00
Total Reductions	\$1,981,100	\$1,986,500	6.98

7. LOCAL GOVERNMENT DEBT ISSUANCE RELATED TO BROWNFIELDS REVOLVING LOAN PROGRAM

Senate: No change to Joint Finance.

Assembly: Include the provisions of 2007 SB 202, which would authorize any municipality to issue municipal obligations or promissory notes to secure a loan or grant from the DNR brownfields revolving loan program. Currently, DNR is authorized to administer funds received from the federal Environmental Protection Agency as a brownfields revolving loan program under which DNR makes loans or grants for the cleanup of contaminated sites (brownfields). The program is known as the Ready for Reuse Loan and Grant Program. Municipalities must provide a proof of municipal obligation or loan collateral to secure the repayment of the loan.

STATE FAIR PARK

1. STATE FAIR PARK BONDING

AS

Senate: No change to Joint Finance.

RET

Assembly: Delete Joint Finance provision. This would restore \$4.3 million in existing, authorized, but unissued program revenue-supported bonding authority for the State Fair Park.

	Chg. to JFC
BR	\$4,300,000

TOURISM

1. KICKAPOO VALLEY RESERVE -- AIDS IN LIEU OF TAXES PAYMENTS

Senate: No change to Joint Finance.

Assembly: Provide \$36,600 in 2007-08 and \$39,800 in 2008-09 from the forestry account of the conservation fund and specify that annual payments for aids in lieu of property taxes made related to the Kickapoo Valley Reserve include the value of improvements related to the Visitor Center in the town of Stark.

CS
07/6/08
07/4/08
AS

	Chg. to JFC
SEG	\$76,400

OTHER PROVISIONS

1. IMMUNITY FROM RECREATIONAL LAND LIABILITY

Senate: No change to Joint Finance.

Assembly: Modify the current law exemption from liability for the death or injury of

RPN
AS

those who use the landowner's property for outdoor recreational activities, to apply to landowners who receive up to \$10,000 in payments annually for these activities, as opposed to \$2,000 currently.

2. REMEDIES AGAINST MANUFACTURERS, DISTRIBUTORS, SELLERS, AND PROMOTERS OF PRODUCTS

Senate: No change to Joint Finance.

Assembly: Include the provisions of 2005 SB 402, as passed by the Legislature (and vetoed by the Governor), related to the potential liability for a person's injury by a product. The provisions would specify that a manufacturer, distributor, seller, or promoter of a product may be held liable for a claim of an injury only if the claimant proves, in addition to any other elements required to prove his or her claim, the defendant manufactured, distributed, sold or promoted the specific product that caused the injury.

If a claimant cannot meet the required burden of proof, the manufacturer, distributor, seller, or promoter could be held liable only if the claimant can make all of the following proofs: (a) that no other lawful process exists for the claimant to seek redress from another person for the injury or harm; (b) that the claimant has suffered an injury or harm that can be caused only be a product chemically identical to the specific product that allegedly caused the claimant's injury or harm; (c) that the manufacturer, distributor, seller, or promoter manufactured, distributed, sold, or promoted a product that meets all of the following criteria: (1) is chemically identical to the specific product that allegedly caused the claimant's injury or harm; and (2) was manufactured, distributed, sold, or promoted in Wisconsin during the time period in which the specific product that allegedly caused the claimant's injury or harm was manufactured, distributed, sold, or promoted; and (d) that the action names, as defendants, those manufacturers of a product who collectively, during the relevant production period, manufactured at least 80 percent of all products sold in this state that are chemically identical to the specific product that allegedly caused the claimant's injury or harm.

No manufacturer, distributor, seller, or promoter of a product would be liable if more than 25 years have passed between the date that the manufacturer, distributor, seller, or promoter last manufactured, distributed, sold, or promoted a product chemically identical to the specific product that allegedly caused the claimant's injury and the date that the claimant's cause of action accrued.

If more than one manufacturer, distributor, seller, or promoter of a product is found liable for the claimant's injury or harm, the Court would be required to apportion liability among those manufacturers, distributors, sellers, and promoters, but that liability would be several and not joint.

The provisions would first apply to actions commenced on the first day of the second month beginning after publication of the biennial budget act.