AGGREGATE PRODUCERS of WISCONSIN

QUARTERLY NEWS

June 2015

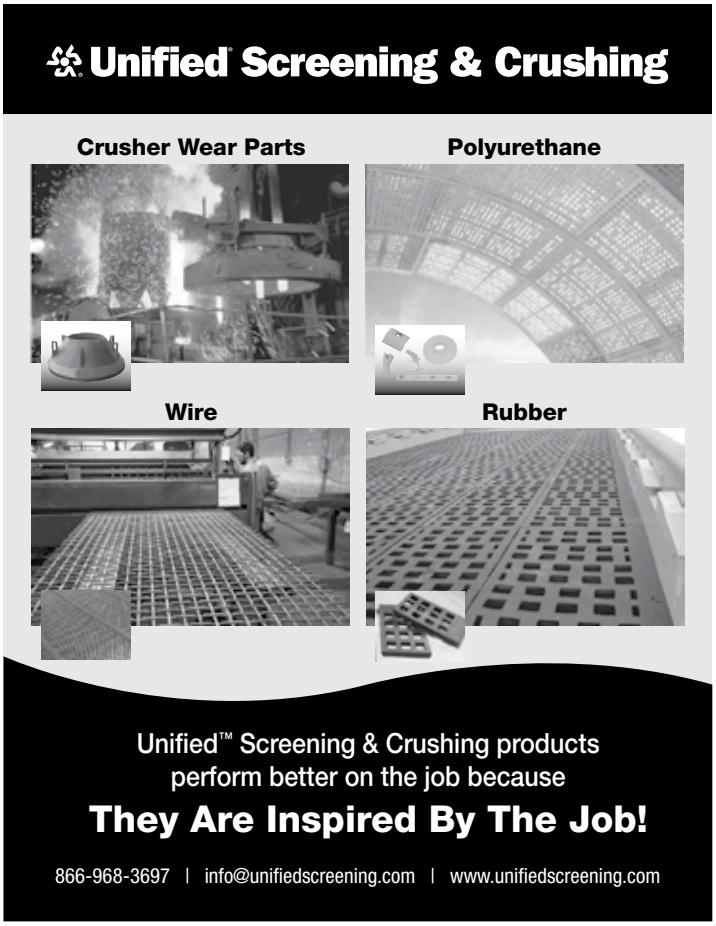
Producers of Crushed Stone, Sand and Gravel

Message from the President

Adam Tegelman

As summer quickly approaches, we all scramble to get our businesses ready for the big summer push. The same is happening in Madison with the Wisconsin legislature, as they prepare to finish their work on our state's budget. At our last Aggregate Producers of Wisconsin (APW) board of directors meeting in Madison, it became increasingly apparent that we as an association also need to act proactively on legislation this session.

As was noted in an e-mail to APW members earlier this year, we are seeing a growing number of local ordinances adversely impacting aggregate producers' operations. If you haven't done so already and you have an example of this happening in your area, please e-mail our lobbyist, Bob Fassbender at: fassbender@hamilton-consulting.com.



To that end, APW will be hosting a statewide legislative day on Wednesday, September 16 in Madison to help advance our legislative priorities. Included in this newsletter are registration forms and further information regarding this important event. It is imperative we have a good turnout so our elected officials can hear directly from us on how these local regulations are impeding our ability to operate and in some instances threaten our very livelihood. I know everyone is busy, but having one or more representatives from each company at our legislative day will leave a lasting impression with our legislators.

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2015-2017 Biennial Budget Bill Debate

The new legislative session kicked off in January and legislators have spent the last several months focused on the governor's 2015-2017 budget proposal. The governor's budget bill (Assembly Bill 21/Senate Bill 21) was introduced at the beginning of February. Starting in mid-March, the Joint Finance Committee (JFC) held committee hearings, invited selected agency heads to appear, and testify before the committee on their respective agency budgets, which make up the governor's budget. Following the agency testimony, JFC members held four public hearings across the state on the governor's budget.

Beginning in April, JFC began voting on portions of the budget. JFC is expected to continue voting through the end of May. At the end of the JFC budget process, all JFC modifications to the governor's bill are incorporated in a substitute amendment and sent to the full legislature for floor votes in each house. The legislature is expected to take up the budget bill in June and will send their final product to the governor by the end of the month. The governor completes veto review within 30 days of receiving the bill, and then signs all non-vetoed portions into law.

Transportation Funding in the Biennial Budget

Regarding the Department of Transportation budget, the governor proposed $1.3 billion in new bonding and no tax/fee increases. Members of the legislature continue to discuss new borrowing in the range of $800 million to $1.1 billion. The upper end of this range is higher than the level which the legislature was initially reportedly inclined and reflects, we conclude, legislative desire to attempt to limit DOT-fund related fee increases and a recognition that an increase to the motor vehicle fuel excise tax is remote.

Members of both houses are expressing support for increasing motor vehicle registration fees in Wisconsin (e.g., increasing the automobile registration fee from $75 to $100), which would increase DOT Fund revenues by roughly $202 million over the biennium. Legislators continue to be interested in creating a new "hybrid/electric car" annual fee, with a $50 hybrid fee and a $100 electric car fee being considered by Assembly leadership. Initially, legislators were interested in tweaking fees assessed for over-size/over-weight loads (i.e., large manufactured loads), but that proposal is no longer viable.

Dane County Zoning

The Dane County Towns Association, working with local builders and aggregate producers, have proposed a budget amendment that allows Dane County towns to opt out of county zoning requirements. Under the proposal, county board approval of the town zoning ordinance is not required if the town has withdrawn from the county zoning.

The motion would also prohibit a county from imposing shorelands and floodplain requirements outside of that county.

Initially, the Aggregate Producers of Wisconsin had concerns about the proposed change but withdrew their objection to the provision upon receiving assurances it would be limited to Dane County. Dane County is opposing the changes, arguing that it will lead to more urban sprawl.

The motion to amend the budget would have to be offered shortly, as there is only one week left of joint finance deliberations. It is expected that the motion will have sufficient support among the republican majority to pass.

For further information, contact Hamilton Consulting's Bob Fassbender at fassbender@hamilton-consulting.com.

Local Public Works Projects

JFC took up a motion this week that would change the thresholds for lowest responsible bidder requirements for public works contracts. Current law states that public works contracts entered into by a technical college district board, public library system board, county, town, village, or second-, third-, or fourth-class city must take lowest responsible bidder if the project cost exceeds $25,000. JFC voted 12-4 on a party line vote to change the project cost threshold to $100,000. Also, the motion explicitly states that public works contracts that are less than $100,000 do not have to go to the lowest responsible bidder.

School Levy Tax Credit

The governor proposed cutting property taxes by increasing state spending on the school levy tax credit by $211 million over two years. JFC voted to delay the governor's tax credit increase, by moving all the payments back one cycle, leaving one payment to the fiscal year after the biennial budget, effectively freeing up $105 million GPR for the 2015-2017 budget for K-12 education.

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LFB: No Additional Revenue Projected

After weeks of optimistically waiting for new revenue numbers from the Legislative Fiscal Bureau (LFB), legislators were faced with the bleak reality: there is no new revenue projected for the 2015-2017 budget. In the LFB memo to the members of the Joint Finance Committee, the LFB director explained that even if there was additional revenue in the current year, economic forecasts project reduced growth rates in 2015-16 and 2016-17 that will offset any growth.

In January, the LFB estimated general fund revenue for the current fiscal year (2014-15) and through the biennium. LFB estimates that in 2015-16 revenues will be $15.15 billion and in 2016-17, revenues will be $15.72 billion.

After stating for weeks that K-12 education funding would remain the "top priority" for increasing funding in the budget, JFC passed a motion that would reverse the governor's proposed cuts and increase funding for public schools. Even without any additional revenue, JFC found room in the budget to increase funding by $100 per pupil, an increase of $69 million over current levels in second year. The governor's original budget proposal cut K-12 funding by $127 million over two years.

Rep. Nygren and Sen. Darling also announced JFC would reject Governor Walker's reforms for Family Care and IRIS program, Wisconsin's long-term care services for the elderly and self-directed long-term care support. The committee chairs stated they wanted a "better plan" for the programs. Later in the budget process, the committee does plan to introduce a motion that will direct the Department of Health Services to work on a reform plan for the programs.

Major Regulatory Reform Bill to Require Expensive Rules Pass Legislature

At the request of Governor Scott Walker Rep. Adam Neylon (R-Pewaukee) and Sen. Devin LeMahieu (R-Oostburg) have introduced a sweeping regulatory reform bill, Senate Bill 168. (The Assembly companion bill has not been introduced at the time of this writing.)

Probably the most significant provisions in the bill are those requiring authorizing legislation for all rules that have an economic impact of $10 million or more in implementation or compliance costs over a two-year period. As noted below, the bill also provides for independent analysis of such economic impacts.

Other provisions, the bill would:

- **Provide for Accurate Information Regarding the Costs of Compliance:** Currently, all rules require an Economic Impact Analysis (EIA) in order to gauge the costs to the industry of complying with the new regulation. This bill gives the secretary of revenue the authority to approve all EIAs to ensure that agencies are conducting proper outreach to individuals and businesses that are impacted by a rule in order to paint a true picture of the impact on the economy. In addition, the secretary will provide testimony on the economic impact of rules to the legislature when requested.

  The bill also provides for the Joint Committee for Review of Administrative Rules (JCRAR) and the secretary of revenue the ability to request an independent economic analysis if they choose. The bill requires that the EIA consider the impact on regulated persons and entities, in addition to local government units, public utility ratepayers, businesses and the state's economy as a whole.
- **Ensure Government Only Regulates Where Authorized:** The governor's budget adds two positions to the Office of Business Development (OBD), including one attorney and one program and policy analyst. This bill gives the OBD attorney the authority to review all rules for proper legal authority.
- **Increase Transparency in Rulemaking:** The bill adds a requirement for a preliminary public hearing and comment period at a rule's scoping period, which is prior to any agency work on the rule. Public hearings on all draft rules will still be required.
- **Allow for Extended Emergency Rules:** This bill authorizes the JCRAR to, during the last 30 days of the general session, extend an emergency rule until March of the following year if it so chooses. Currently the maximum extension is 120 days, which can make it difficult to maintain consistent regulations during periods that the legislature is not in session.
- **Promote Increased Outreach:** The OBD, in conjunction with the Small Business Regulatory Review Board, will work with agencies to ensure proper outreach to small businesses and suggest rule changes that ease the burden of compliance on businesses.

LEGISLATIVE & REGULATORY REPORT

Election Update: The Supreme Court and a New Senator

On April 7, Wisconsin voters went to the polls and voted in many local races, but those who follow Wisconsin politics watched the race for supreme court justice, the special election for the 20th Senate District and the open seat for Waukesha County Executive.

Supreme Court Justice

Justice Ann Walsh Bradley easily won re-election with 58 percent of the vote over Rock County Circuit Judge James Daily. Justice Ann Walsh Bradley has served on the state supreme court since 1995. Prior to serving on the state's highest court, Justice Bradley practiced law in Wausau and served as a circuit court judge in Marathon County. Before law school, she was a high school teacher in La Crosse. With a 10-year term, Bradley will be up for re-election in 2025.

Special Election for the 20th Senate District

The 20th Senate District is no longer vacant after U.S. Representative Glenn Grothman resigned the seat to take up his new seat in the U.S. House of Representatives. Duey Stroebel was elected to the state senate seat with no opposition on April 7 and was sworn in this past week.

Stroebel was the former state representative for the 60th Assembly District and a candidate for the 6th Congressional District. He will begin his work in the State Senate as early as next week.

Waukesha County Executive

Assistant Majority Leader and State Senator Paul Farrow (R-Waukesha) was elected to be Waukesha County Executive with 68 percent of the vote. Farrow has stated he will serve both positions, as state senator and county executive, until Governor Walker signs the new budget, which is likely to be sometime in late June.

Once Farrow resigns the Senate seat, a special election will be held to fill the 33rd Senate District seat, and candidates are already announcing their intention to run. Rep. Chris Kapenga (R-Delafield), who currently represents the 99th Assembly District and chairs the Assembly committee on Constitution and Ethics, has announced his intention to run for the Senate seat.

NSSGA News

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EPA to Tweak, Not Withdraw, Waters Rules

EPA's Administrator Gina McCarthy reiterated at a February 26 House Appropriations hearing that the agency intends to release an altered Waters of the U.S. (WOTUS) rule this spring. She confirmed that the final rule will differ significantly from the original draft. McCarthy had hinted at the changes during a joint House-Senate hearing February 4.

She stated definitively that EPA will not re-propose the rule but will permit interested parties a chance to comment on the changes, ignoring calls for withdraw from 34 states and thousands of stakeholders, including NSSGA.

Also of note is the disagreement between the two agencies that proposed the rule – EPA and the Army Corps of Engineers – as to the tenor of the million comments submitted. EPA testified that 84 percent of comments were in support of the rule, whereas the Corps said that 60 percent were negative.

"Only a small portion of the comments submitted have been uploaded to the online docket. This begs the question of how EPA has considered almost a million comments in such a short space of time." said Pam Whitted, NSSGA's senior vice president of Legislative and Regulatory Affairs.

NSSGA Highlights Impacts of Federal Regulatory Burden to Congress

NSSGA shared comments with the Senate Committee on Homeland Security and Government Reform in response to a request from Chairman Ron Johnson, R-Wisc., ranking committee Democrat Tom Carper, D-Del., and Subcommittee on Regulatory Affairs & Federal Management Subcommittee Chairman James Lankford, R-Okla., and ranking subcommittee Democrat Heidi Heitkamp, D-N.D., for a review that the committee has undertaken on the impact of federal regulations.

NSSGA President and CEO Michael W. Johnson pointed out that the speed of economic recovery is directly related to the growth of government, and regulators should consider cumulative impacts of compliance before more rules are imposed. Johnson's letter said, "This would allow the capital costs and feasibility of compliance associated with a new rule to be more thoughtfully understood both by regulators and stakeholders. Anything that affects the costs of aggregates ultimately results in increased costs of public works projects that are passed along to taxpayers."

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Congressional Leaders Pave Way for Two-Month Highway Extension

With only four legislative days left before the May 31 highway program extension deadline, both chambers of Congress on May 15 laid the ground work for a two-month extension of the Highway Trust Fund contract authority and expenditure authority. Sens. Barbara Boxer, D-Calif., and Tom Carper, D-Del., proposed legislation, S. 1350, in the Senate. Majority Leader Mitch McConnell, R-Ky., put procedural motions in place in order for the Senate to take the extension up next week. The House Rules Committee plans to take up H.R. 2353, a similar House version, at a May 18 evening hearing.

Republican leaders on Capitol Hill favor a six month extension through the end of the year, however, reaching consensus on the $10 to $11 billion needed to fund the program has proven elusive. The concern regarding the extension to the end of the calendar year is that come December lawmakers will have other pressing issues on their plate and will resort to yet another temporary fix instead of producing a multiyear bill. This shorter extension keeps the pressure on Congress to find a long-term solution.

The latest estimates from the Department of Transportation project that the Highway Account of the Highway Trust Fund will still have about $3.6 billion in cash on hand as of July 31 and the Mass Transit Account will still have $1.6 billion. Those same estimates show the Highway Account hitting a zero balance sometime in late August.

House Appropriations Committee Approves 2016 Transportation Spending Bill

U.S. House appropriators approved the FY 2016 transportation and housing spending bill that flat funds the federal highway program. The bill provides about $55 billion in discretionary spending for transportation and housing programs. To fund highway projects, the House Transportation committee is still required to act to authorize the program. Next step is consideration by the full House.

“At a time when our roads and bridges need a significant influx of funds to simply be maintained right now, how can Congress talk about next year’s spending?,” NSSGA’s Director of Government Affairs Michele Stanley said.

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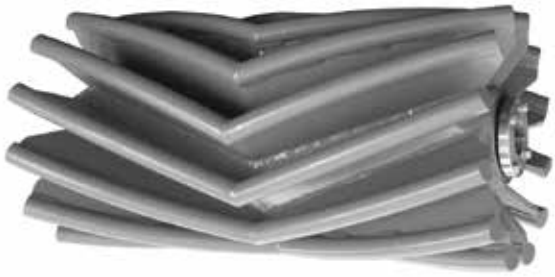

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APW Statewide Legislative Day

The APW is hosting a statewide legislative day, which will be free for all APW members to come to Madison and meet with your area legislators. The goal of this event is to introduce the aggregate industry to the policy makers of Wisconsin, thereby creating a connection between industry and legislative leaders.

Date: Wednesday, September 16, 2015

Location: The Madison Club
5 E. Wilson St.
Madison, WI 53701

Time: Registration at 9:30 am
Program at 10:00 am
Luncheon at 12:00 pm
Hike the Hill to begin at 1:30 pm

The event will begin with a general membership meeting, a working luncheon and legislative update as a preparation for the afternoon of "Hiking the Hill" where those in attendance will go to the Capitol and meet with their area legislators.

It is IMPERATIVE that we have a good turn out for this event! While everyone is busy, it is essential to come to this event to show that as an industry we are working towards positive reform. A large part of advocacy is working with and educating legislators about legislation that affects their constituents, your customers and your profession!

Please complete this form and mail it to APW, PO Box 2157, Madison, WI 53701. Or complete form and fax to 608-237-2299. Also, please make sure that your home address is included on the form, as that is how we will be matching you to your legislators. For more information, please contact the APW Office at 608-283-2595 or erinkruegerconsulting@gmail.com.

APW Statewide Legislative Day - September 16, 2015 Sponsorship Opportunities

_____ Yes! I wish to sponsor the APW Legislative Day for $250.00

Company: _____

Phone: _____ Fax: _____ Email: _____

Address: _____

City: _____ State: _____ Zip: _____

Attendee: _____

Attendee Home Address: _____

Attendee: _____

Attendee Home Addresss: _____

Total # of Registrations: _____

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APW Statewide Legislative Day - September 16, 2015 Registration

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Attendee: _____

Attendee Home Address: _____

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Total # of Registrations: _____

This event is free of charge. We welcome all members of APW to come and participate on behalf of the aggregate industry at no cost to you!

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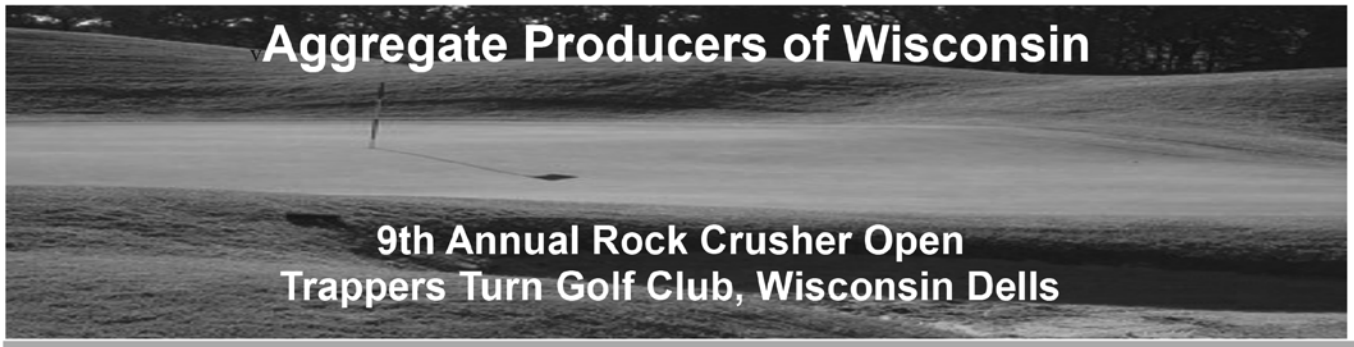

Friday, August 14, 2015

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- Special mention at program

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- Corporate Logo on signage & on APW website homepage with link to your website
- Special mention at program

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$150 Hole Sponsor

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AMOUNT: $150 _____

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As $300 sponsor, please circle one of the above

$500 _____ Carts Lunch After-golf Social
As $500 sponsor, please circle one of the above

$850 _____ Carts Lunch After-golf Social
Please circle one of the above and fill out foursome to the right

Registration: 10:00 am

WI Cookout Buffet prior to shotgun start

Shotgun start: 11:00 am

Cost: $ 95 per golfer

$380 per foursome

(Includes Lunch, 18 holes golf and cart)

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Friday, August 14, 2015

trappers turn golf club*

Registration & WI Cookout Buffet: 10:00 am

Shotgun Start: 11:00

After Golf Social: 4:00 pm

Cost:$95 per person, $380 per Foursome
Includes lunch, green fees, and cart

Join APW for our ***9th Annual Rock Crusher Open*** on

August 14 at Trappers Turn, one of Wisconsin's premier golf courses.

You don't have to be part of a foursome to golf—we'll put together individual golfers.

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Individual/Foursome Registration

Please register no later than August 7

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2. _____

3. _____

4. _____

Total Amount Enclosed: _____

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Contact:_____ Email:_____

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- Special mention at program

$300 Sponsor

- Choose to sponsor carts, lunch, or after-golf social
- Corporate Logo on signage & on APW website homepage with link to your website
- Special mention at program

$150 Course Hole Event Sponsor

- Name on signage at outing & on APW website with link to your website
- Special mention at program

Donated items (incl. logo wear) are welcome for the drawing

Mail registration form and check made payable to APW to:
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MEMBER NEWS

DATES TO REMEMBER

APW 9th Annual Rock Crusher Golf Outing
Friday, August 14, 2015, Trappers Turn Golf Course, Wisconsin Dells
To register online for this event, please go to: www.aggregateproducers.org.
Sponsorships are also available for those interested in supporting APW.

APW Legislative Day
Wednesday, September 16, 2015, The Madison Club, Madison
To register online for this event, please go to: www.aggregateproducers.org.
Sponsorships are also available for those interested in supporting APW.

APW Annual Convention
Thursday, December 3, 2015, Holiday Inn, Stevens Point

The agenda for the conference is in the planning stages now. If you have any topics, ideas, or suggestions for speakers, please contact the APW office at: erinkruegerconsulting@gmail.com.

Don't forget to check the APW website, www.aggregateproducers.org for industry related news.

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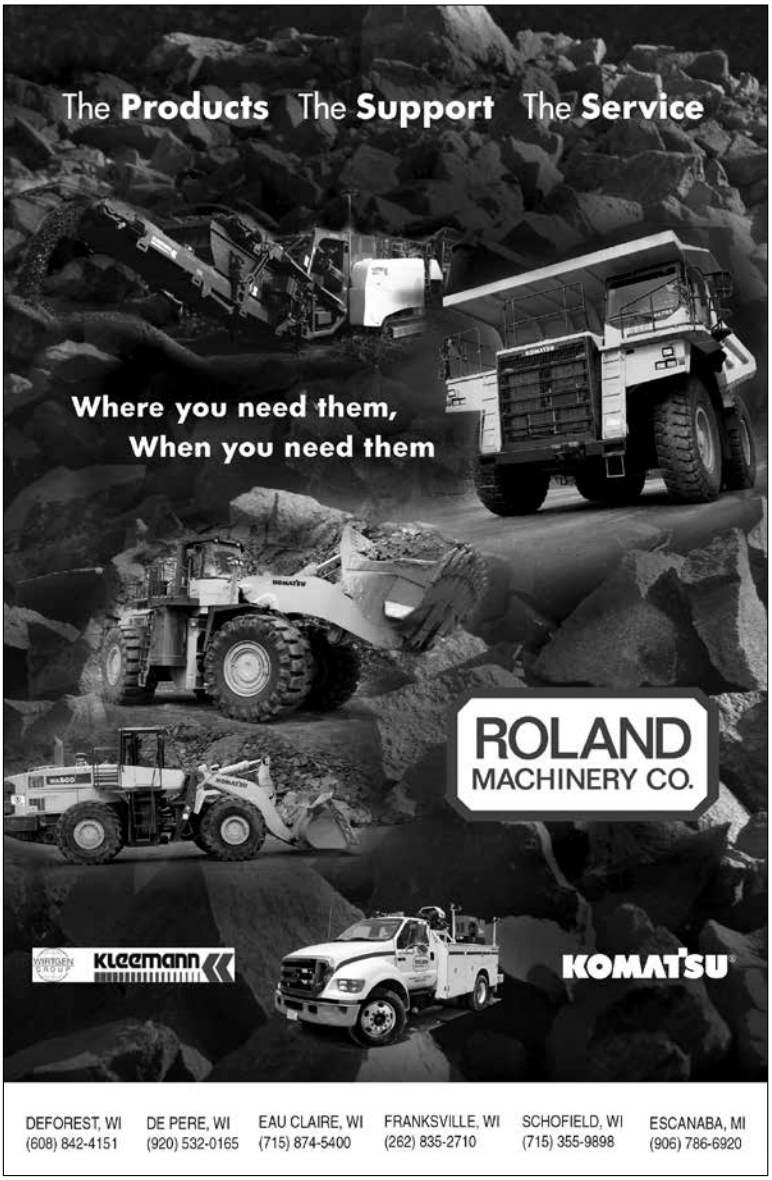

President's Message

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We also have our 9th annual rock crushers golf event on Friday, August 14 at Trappers Turn in the Dells. This is always a fun event, and I encourage you all to attend this year. Registration information and further information regarding this event is also in this newsletter.

There is a lot happening right now with APW! Please take the time to help support our industry and association by coming to the many events scheduled later this year. I look forward to seeing you all there!

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