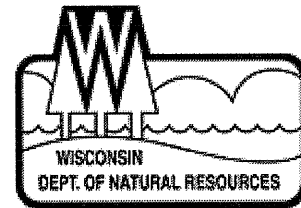




WISCONSIN DEPARTMENT OF
ADMINISTRATION

MICHAEL L. MORGAN, SECRETARY



MATTHEW J. FRANK, SECRETARY

AGREEMENT TO TRANSFER AND REPAY FUNDS

This Agreement, by and between the Wisconsin Secretary of Administration and the Wisconsin Secretary of Natural Resources, gives effect to Section 677 of 2009 Wisconsin Act 28, the 2009-2011 budget act.

Section 677 creates s. 25.43(2s), Stats. Section 25.43(2s), Stats., permits the Secretary of Administration and the Secretary of Natural Resources to enter into an agreement that establishes terms and conditions for the transfers of moneys ("Transferred Funds") from the environmental improvement fund ("EIF") established under s. 25.43, Stats., to the dry cleaner environmental response fund ("DERF") established under s. 25.48, Stats., when the Secretary of Administration determines that moneys available in the DERF are insufficient to pay awards under s. 292.65, Stats.

The terms and conditions of this Agreement shall be as follows:

1. **NOTICE.** The Department of Natural Resources ("DNR") shall notify the Department of Administration ("DOA") when the estimated amount of requests DNR expects to receive within 90 days for award payments under s. 292.65(8), Stats., exceeds moneys available in the DERF. The notice shall specify the estimated amount ("Shortfall") by which award payments will exceed moneys available in the DERF.
2. **APPROVAL.** Within 7 business days of receiving notice of the Shortfall, DOA shall notify DNR that it has approved or disapproved of a transfer of moneys and the amount of Transferred Funds approved.
3. **MAXIMUM AMOUNT OF TRANSFERRED FUNDS.** The maximum balance of Transferred Funds may not exceed six million two hundred thousand dollars (\$6,200,000). The amount of Transferred Funds may not exceed the lesser of the amount specified in this par. or the amount of the Shortfall in the DERF.
4. **REPAYMENT OF TRANSFERRED FUNDS.** After DOA has made available funds from the EIF to the DERF under par. 1, whenever there are moneys available in the DERF, DNR shall promptly repay EIF the lesser of:
 - (a) the balance DERF owes EIF, or
 - (b) the amount by which available moneys in the DERF exceed the estimated amount of the requests DNR expects to receive within 90 days for award payments under s. 292.65(8), Stats.. The balance DERF owes EIF shall be calculated by adding the interest computed under par. 6 to the amount of Transferred Funds under pars. 1 and 2 and subtracting prior payments under this paragraph.
5. **CALCULATING INTEREST OWED.** DOA shall assess a special interest charge on the average daily balance of Transferred Funds at the maximum annualized rate allowed under s. 20.002 (11)(c), Stat.. Such interest shall accrue.. For purposes of that section, the monthly interest charges shall be recorded as a payable interest charge to the DERF and as an interest receivable to the EIF.

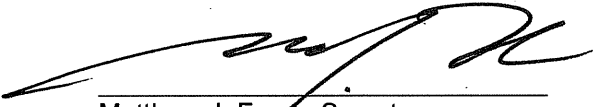
6. **EFFECTIVE DATE AND AGREEMENT PERIOD.** This agreement shall be effective as of July 30, 2009, and shall remain in full force and effect until either (a) the Transferred Funds balance is zero and the Secretary of Administration determines that the DERF is likely to receive future income sufficient to pay future awards, or (b) the dry cleaners environmental response program under s. 292.65, Stats., has denied or paid all outstanding requests for awards or the program has terminated pursuant to s. 292.65(14), Stats., and the Transferred Funds balance has been reduced to zero.
7. **CONTACTS.** This Agreement shall be administered and implemented by the DNR Dry Cleaner Environmental Response Fund Manager and the DOA Finance Programs Administrator or his designated DOA Capitol Finance Officer. Each agency shall inform the other if it reassigns administration and implementation of this Agreement to another employee.

Agreed upon by the undersigned Secretary of Administration and the undersigned Secretary of Natural Resources.



Michael L. Morgan, Secretary
Department of Administration

8/4/09
Date



Matthew J. Frank, Secretary
Department of Natural Resources

7-30-09
Date