



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1261/P1

MDK:kjf:rs

D-NOTE

RM has been run

DOA:.....Dombrowski, BB0277 - Transfer Division of Energy (and Office of Energy Independence) to PSC

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

1-21-09

Don't Gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

PUBLIC UTILITY REGULATION

Under current law, DOA has created a Division of Energy to administer federal and state programs for providing assistance to low-income households for weatherization, energy conservation, payment of energy bills, and other energy-related services. This bill transfers responsibility to administer the programs from DOA to the PSC. ~~The bill also transfers the Office of Energy Independence from DOA to the PSC.~~

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 15.01 (6) of the statutes is amended to read:
3 15.01 (6) "Division," "bureau," "section" and "unit" means the subunits of a
4 department or an independent agency, whether specifically created by law or created

1 by the head of the department or the independent agency for the more economic and
2 efficient administration and operation of the programs assigned to the department
3 or independent agency. The office of justice assistance in the department of
4 administration, the office of energy independence in the ~~department of~~
5 ~~administration~~ public service commission, the office of the Wisconsin Covenant
6 Scholars Program in the department of administration, and the office of credit
7 unions in the department of financial institutions have the meaning of "division"
8 under this subsection. The office of the long-term care ombudsman under the board
9 on aging and long-term care and the office of educational accountability in the
10 department of public instruction have the meaning of "bureau" under this
11 subsection.

12 **SECTION 2.** 15.105 (30) of the statutes is renumbered 15.795 (2) and amended
13 to read:

14 **15.795 (2) OFFICE OF ENERGY INDEPENDENCE.** There is created an office of energy
15 independence in the ~~department of administration~~ public service commission. The
16 office shall be headed by an executive director and shall have staff sufficient to carry
17 out the duties under s. ~~16.956~~ 196.026.

18 **SECTION 3.** 15.795 (title) of the statutes is amended to read:

19 **15.795 (title) Same; attached office offices.**

20 **SECTION 4.** 16.26 of the statutes is renumbered 196.3742 and amended to read:

21 **196.3742 ~~Weatherization~~ Federal weatherization assistance.**

22 Notwithstanding s. 16.54 (2) (a), the ~~department~~ commission shall administer
23 federal funds available to this state under the weatherization assistance for
24 low-income persons program, as amended, 42 USC 6861 to 6873. The ~~department~~

1 commission shall administer the funds in accordance with 42 USC 6861 to 6873 and
2 regulations adopted under 42 USC 6861 or 6873.

3 **SECTION 5.** 16.27 (title) of the statutes is renumbered 196.3744 (title) and
4 amended to read:

5 **196.3744 (title) ~~Low-income~~ Federal low-income energy assistance.**

6 **SECTION 6.** 16.27 (1) of the statutes is renumbered 196.3744 (1), and 196.3744
7 (1) (e), as renumbered, is amended to read:

8 196.3744 (1) (e) "Low-income warm room program volunteer" means a person
9 who is eligible for assistance under 42 USC 8621 to 8629, whose dwelling, in
10 comparison to the dwellings of other persons eligible for assistance under 42 USC
11 8621 to 8629, has a high ratio of space to occupant, and who volunteers to take the
12 training under sub. (2) (b) and to cooperate with the ~~department~~ commission in the
13 installation and operation of low-income warm room program materials in his or her
14 dwelling.

15 **SECTION 7.** 16.27 (2) of the statutes is renumbered 196.3744 (2) and amended
16 to read:

17 196.3744 (2) ADMINISTRATION. (a) The ~~department~~ commission shall
18 administer low-income energy assistance as provided in this section to assist an
19 eligible household to meet the costs of home energy with low-income home energy
20 assistance benefits authorized under 42 USC 8621 to 8629.

21 (b) The ~~department~~ commission shall administer a low-income warm room
22 program to install low-income warm room program materials in the dwellings of
23 low-income warm room program volunteers and to train the low-income warm room
24 program volunteers and the members of each low-income warm room program

1 volunteer's household in the operation of the low-income warm room program
2 materials to achieve maximum health and heating efficiency.

3 **SECTION 8.** 16.27 (3) of the statutes is renumbered 196.3744 (3), and 196.3744
4 (3) (intro.), (b), (c), (d) and (e) (intro.), 1., 6. and 7., as renumbered, are amended to
5 read:

6 196.3744 (3) FUNDING. (intro.) Subject to s. 16.54 (2), the department
7 commission shall do all of the following, within the limits of the availability of federal
8 funds received under 42 USC 8621 to 8629:

9 (b) By October 1 of every year from the appropriation under s. ~~20.505 (1) (mb)~~
10 20.155 (1) (m), determine the total amount available for payment of heating
11 assistance under sub. (6) and determine the benefit schedule.

12 (c) From the appropriation under s. ~~20.505 (1) (mb)~~ 20.155 (1) (m), allocate
13 \$1,100,000 in each federal fiscal year for the department's commission's expenses in
14 administering the funds to provide low-income energy assistance under this section.

15 (d) From the appropriation under s. ~~20.505 (1)~~ 20.155 (3) (n), allocate
16 \$2,900,000 in each federal fiscal year for the expenses of a county department,
17 another local governmental agency, or a private nonprofit organization in
18 administering under sub. (4) the funds to provide low-income energy assistance
19 under this section.

20 (e) (intro.) From the appropriation under s. ~~20.505 (1) (mb)~~ 20.155 (1) (m):

21 1. Allocate and transfer to the appropriation under s. ~~20.505 (1) (kn)~~ 20.155 (3)
22 (k), 15% of the moneys received under 42 USC 8621 to 8629 in each federal fiscal year
23 under the priority of maintaining funding for the geographical areas on July 20,
24 1985, and, if funding is reduced, prorating contracted levels of payment, for the

1 weatherization assistance program administered by the ~~department~~ commission
2 under s. ~~16.26~~ 196.3742.

3 6. If federal funds received under 42 USC 8621 to 8629 in a federal fiscal year
4 total less than 90% of the amount received in the previous federal fiscal year, submit
5 a plan of expenditure ~~under s. 16.54 (2) (b) of the funds to the joint committee on~~
6 finance. The commission may not use the funds unless the committee approves the
7 plan.

8 7. By October 1 of each year, allocate funds budgeted but not spent and any
9 funds remaining from previous fiscal years to heating assistance under sub. (6) or to
10 the weatherization assistance program under s. ~~16.26~~ 196.3742.

11 **SECTION 9.** 16.27 (4) of the statutes is renumbered 196.3744 (4) and amended
12 to read:

13 196.3744 (4) APPLICATION PROCEDURE. (a) A household may apply after
14 September 30 and before May 16 of any year for heating assistance from the county
15 department under s. 46.215 (1) (n) or 46.22 (1) (b) 4m. a. to e. or from another local
16 governmental agency or a private nonprofit organization with which the ~~department~~
17 commission contracts to administer the heating assistance program, and shall have
18 the opportunity to do so on a form prescribed by the ~~department~~ commission for that
19 purpose.

20 (b) If by February 1 of any year the number of households applying under par.
21 (a) substantially exceeds the number anticipated, the ~~department~~ commission may
22 reduce the amounts of payments made under sub. (6) made after that date. The
23 ~~department~~ commission may suspend the processing of additional applications
24 received until the ~~department~~ commission adjusts benefit amounts payable.

25 **SECTION 10.** 16.27 (5) of the statutes is renumbered 196.3744 (5).

1 **SECTION 11.** 16.27 (6) of the statutes is renumbered 196.3744 (6) and amended
2 to read:

3 196.3744 **(6)** **BENEFITS.** Within the limits of federal funds allocated under sub.
4 (3) and subject to the requirements of ~~sub.~~ subs. (4) (b) and ~~s. 16.54 (2) (b) (6m)~~,
5 heating assistance shall be paid under this section according to a benefit schedule
6 established by the ~~department~~ commission based on household income, family size
7 and energy costs.

8 **SECTION 12.** 16.27 (7) of the statutes is renumbered 196.3744 (7).

9 **SECTION 13.** 16.27 (8) of the statutes is renumbered 196.3744 (8) and amended
10 to read:

11 196.3744 **(8)** **CRISIS ASSISTANCE PROGRAM.** A household eligible for heating
12 assistance under sub. (6) may also be eligible for a crisis assistance payment to meet
13 a weather-related or fuel supply shortage crisis. The ~~department~~ commission shall
14 define the circumstances constituting a crisis for which a payment may be made and
15 shall establish the amount of payment to an eligible household or individual. The
16 ~~department~~ commission may delegate a portion of its responsibility under this
17 subsection to a county department under s. 46.215 or 46.22 or to another local
18 governmental agency or a private nonprofit organization.

19 **SECTION 14.** 16.27 (9) of the statutes is renumbered 196.3744 (9) and amended
20 to read:

21 196.3744 **(9)** **NOTICE OF UTILITY DISCONNECTION REQUIRED.** Any public utility, as
22 ~~defined in s. 196.01 (5)~~, or any fuel distributor furnishing heat, light or power to a
23 residential customer shall provide written notice of intent to disconnect or
24 discontinue service during the months of November to April and shall include
25 information concerning any federal, state or local program that provides assistance

1 for fuel or home heating bills. The ~~department~~ commission shall provide printed
2 information at no cost upon request to any fuel distributor serving residential
3 customers except public utilities. The information shall describe the nature and
4 availability of any federal, state or local program that provides assistance for fuel or
5 home heating bills.

6 **SECTION 15.** 16.54 (2) (b) of the statutes is renumbered 196.3744 (6m) and
7 amended to read:

8 196.3744 (6m) JOINT FINANCE REVISIONS. Upon presentation of proposed
9 revisions by the ~~department~~ commission to the joint committee on finance of
10 ~~alternatives to the provisions under s. 16.27~~, the joint committee on finance may
11 revise the eligibility criteria under ~~s. 16.27 sub.~~ (5) or benefit payments under ~~s.~~
12 ~~16.27 sub.~~ (6), and the ~~department~~ commission shall implement those revisions.
13 Benefits or eligibility criteria so revised shall take into account and be consistent
14 with the requirements of federal regulations promulgated under 42 USC 8621 to
15 8629. If funds received under 42 USC 8621 to 8629 in a federal fiscal year total less
16 than 90% of the amount received in the previous federal fiscal year, the ~~department~~
17 shall submit to the joint committee on finance a plan for expenditure of the funds.
18 The department may not use the funds unless the committee approves the plan.

19 **SECTION 16.** 16.956 of the statutes is renumbered 196.026.

20 **SECTION 17.** 16.957 (title) of the statutes is renumbered 196.3746 (title) and
21 amended to read:

22 **196.3746 (title) Low-income State low-income assistance.**

23 **SECTION 18.** 16.957 (1) (intro.) of the statutes is renumbered 196.3746 (1)
24 (intro.).

25 **SECTION 19.** 16.957 (1) (bm) of the statutes is repealed.

1 **SECTION 20.** 16.957 (1) (c) to (n) of the statutes are renumbered 196.3746 (1)
2 (c) to (n).

3 **SECTION 21.** 16.957 (1) (o) of the statutes is renumbered 196.3746 (1) (o), and
4 196.3746 (1) (o) 1., as renumbered, is amended to read:

5 196.3746 (1) (o) 1. The total amount received by the department of
6 administration for low-income funding under 42 USC 6861 to 6873 and 42 USC 8621
7 to 8629 in fiscal year 1997-98.

8 **SECTION 22.** 16.957 (1) (p) and (q) of the statutes are renumbered 196.3746 (1)
9 (p) and (q).

10 **SECTION 23.** 16.957 (1) (qm) of the statutes is repealed.

11 **SECTION 24.** 16.957 (1) (s) to (x) of the statutes are renumbered 196.3746 (1)
12 (s) to (x).

13 **SECTION 25.** 16.957 (2) (intro.) of the statutes is renumbered 196.3746 (2)
14 (intro.) and amended to read:

15 196.3746 (2) ~~DEPARTMENT~~ COMMISSION DUTIES. (intro.) In consultation with the
16 council, the ~~department~~ commission shall do all of the following:

17 **SECTION 26.** 16.957 (2) (a) of the statutes is renumbered 196.3746 (2) (a), and
18 196.3746 (2) (a) (intro.), as renumbered, is amended to read:

19 196.3746 (2) (a) (intro.) After holding a hearing, establish programs to be
20 administered by the ~~department~~ commission for awarding grants from the
21 appropriation under s. ~~20.505~~ 20.155 (3) (r) to provide low-income assistance. In
22 each fiscal year, the amount awarded under this paragraph shall be sufficient to
23 ensure that an amount equal to 47% of the sum of the following is spent for
24 weatherization and other energy conservation services:

25 **SECTION 27.** 16.957 (2) (c) of the statutes is renumbered 196.3746 (2) (c).

1 **SECTION 28.** 16.957 (2) (d) of the statutes is renumbered 196.3746 (2) (d), and
2 196.3746 (2) (d) 4. a. and d., as renumbered, are amended to read:

3 196.3746 (2) (d) 4. a. The expenses of the department commission, other state
4 agencies, and grant recipients in administering or participating in the programs
5 under par. (a).

6 d. Any other issue identified by the department commission, council, governor,
7 speaker of the assembly or majority leader of the senate.

8 **SECTION 29.** 16.957 (3) of the statutes is renumbered 196.3746 (3) and amended
9 to read:

10 196.3746 (3) CONTRACTS. The ~~department~~ commission shall, on the basis of
11 competitive bids, contract with community action agencies described in s. 49.265 (2)
12 (a) 1., nonstock, nonprofit corporations organized under ch. 181, or local units of
13 government to provide services under the programs established under sub. (2) (a).

14 **SECTION 30.** 16.957 (4) of the statutes is renumbered 196.3746 (4), and
15 196.3746 (4) (a), (b) (intro.) and (c) 1. (intro.), as renumbered, are amended to read:

16 196.3746 (4) (a) *Requirement to charge low-income assistance fees.* Each
17 electric utility, except for a municipal utility, shall charge each customer a
18 low-income assistance fee in an amount established in rules promulgated by the
19 department commission under par. (b). An electric utility, except for a municipal
20 utility, shall collect and pay the fees to the ~~department~~ commission in accordance
21 with the rules promulgated under par. (b). The low-income assistance fees collected
22 by an electric utility shall be considered trust funds of the ~~department~~ commission
23 and not income of the electric utility.

24 (b) *Rules.* (intro.) In consultation with the council, the department commission
25 shall promulgate rules that establish the amount of a low-income assistance fee

1 under par. (a). Fees established in rules under this paragraph may vary by class of
2 customer, but shall be uniform within each class, and shall satisfy each of the
3 following:

4 (c) 1. 'Low-income funding from fee.' (intro.) In each fiscal year, the low-income
5 assistance fee shall be an amount that, when added to the sum of the following shall
6 equal the low-income need target for that fiscal year determined by the department
7 commission under sub. (2) (d) 1.:

8 **SECTION 31.** 16.957 (5) of the statutes is renumbered 196.3746 (5), and
9 196.3746 (5) (b) 2. and (g) 1. (intro.) and 2., as renumbered, are amended to read:

10 196.3746 (5) (b) 2. No later than October 1, 2007, and no later than every 3rd
11 year after that date, each municipal utility or retail electric cooperative shall notify
12 the department commission whether the utility or cooperative has elected to
13 contribute the fees that the utility or cooperative charges under par. (a) to the
14 programs established under sub. (2) (a) in each year of the 3-year period for which
15 the utility or cooperative has made the election. If a municipal utility or retail
16 electric cooperative elects to contribute to the programs established under sub. (2)
17 (a), the utility or cooperative shall pay the low-income assistance fees that the utility
18 or cooperative collects under par. (a) to the department commission in each year of
19 the 3-year period for which the utility or cooperative has made the election.

20 (g) *Reports.* 1. (intro.) Annually, each municipal utility and retail electric
21 cooperative that spends the low-income assistance fees that the utility or
22 cooperative charges under par. (a) on commitment to community programs under
23 par. (b) 1. shall provide for an independent audit of its programs and submit a report
24 to the department commission that describes each of the following:

1 2. The ~~department~~ commission shall require that municipal utilities and retail
2 electric cooperatives file reports under subd. 1. electronically, in a format that allows
3 for tabulation, comparison, and other analysis of the reports. The department shall
4 maintain reports filed under subd. 1. for at least 6 years.

5 **SECTION 32.** 20.155 (3) (title) of the statutes is amended to read:

6 20.155 (3) (title) ~~AFFILIATED-GRANT~~ OTHER PROGRAMS.

 ***NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

7 **SECTION 33.** 20.155 (3) (q) (title) of the statutes is amended to read:

8 20.155 (3) (q) (title) *General Wireless 911 program operations and grants.*

 ***NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

9 **SECTION 34.** 20.505 (1) (kn) of the statutes is renumbered 20.155 (3) (k) and
10 amended to read:

11 20.155 (3) (k) *Weatherization assistance.* All moneys transferred from the
12 appropriation under ~~par. sub. (1)~~ (m) and all moneys received from other state
13 agencies or the ~~department~~ commission, for the weatherization program under s.
14 ~~16.26~~ 196.3742, for that purpose.

 ***NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

15 **SECTION 35.** 20.505 (1) (n) of the statutes is renumbered 20.155 (3) (n) and
16 amended to read:

17 20.155 (3) (n) *Federal aid; local assistance.* All moneys received from the
18 federal government for local assistance related to s. ~~16.27~~ 196.3744, as authorized
19 by the governor under s. 16.54, for the purposes of providing local assistance.

 ***NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

20 **SECTION 36.** 20.505 (3) (title) of the statutes is amended to read:

1 20.505 (3) (title) ~~UTILITY PUBLIC BENEFITS AND AIR~~ AIR QUALITY IMPROVEMENT.

 ***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

2 **SECTION 37.** 20.505 (3) (q) of the statutes is renumbered 20.155 (3) (qm) and
3 amended to read:

4 20.155 (3) (qm) *General program operations; utility public benefits low-income*
5 *assistance.* From the utility public benefits fund, the amounts in the schedule for
6 general program operations under s. ~~16.957~~ 196.3746.

 ***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

7 **SECTION 38.** 20.505 (3) (r) of the statutes is renumbered 20.155 (3) (r) and
8 amended to read:

9 20.155 (3) (r) *Low-income assistance grants.* From the utility public benefits
10 fund, a sum sufficient for low-income assistance grants under s. ~~16.957~~ 196.3746 (2)
11 (a).

 ***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

12 **SECTION 39.** 25.96 of the statutes is amended to read:

13 **25.96 Utility public benefits fund.** There is established a separate
14 nonlapsible trust fund designated as the utility public benefits fund, consisting of
15 low-income assistance fees received under s. ~~16.957~~ 196.3746 (4) (a) and (5) (b) 2. and
16 all moneys received under s. 196.374 (3) (b) 4.

17 **SECTION 40.** 46.215 (1) (n) of the statutes is amended to read:

18 46.215 (1) (n) To collect and transmit information to the ~~department of~~
19 ~~administration~~ public service commission so that a federal energy assistance
20 payment may be made to an eligible household; to collect and transmit information
21 to the ~~department of administration~~ public service commission so that

1 weatherization services may be made available to an eligible household; to receive
2 applications from individuals seeking low-income energy assistance under s. ~~16.27~~
3 196.3744 (4) or weatherization services under s. ~~16.26~~ 196.3742; to provide
4 information on the income eligibility for weatherization of a recipient of low-income
5 energy assistance to an entity with which the ~~department of administration~~ public
6 service commission contracts for provision of weatherization under s. ~~16.26~~
7 196.3742; and to receive a request, determine a correct payment amount, if any, and
8 provide payment, if any, for emergency assistance under s. ~~16.27~~ 196.3744 (8).

9 **SECTION 41.** 46.22 (1) (b) 4m. c. of the statutes is amended to read:

10 46.22 (1) (b) 4m. c. To receive applications from individuals seeking low-income
11 energy assistance under s. ~~16.27~~ 196.3744 (4) or weatherization services under s.
12 ~~16.26~~ 196.3742.

13 **SECTION 42.** 46.22 (1) (b) 4m. d. of the statutes is amended to read:

14 46.22 (1) (b) 4m. d. To provide information on the income eligibility for
15 weatherization of a recipient of low-income energy assistance to an entity with
16 which the ~~department of administration~~ public service commission contracts for
17 provision of weatherization under s. ~~16.26~~ 196.3742.

18 **SECTION 43.** 46.22 (1) (b) 4m. e. of the statutes is amended to read:

19 46.22 (1) (b) 4m. e. To receive a request, determine a correct payment amount,
20 if any, and provide payment, if any, for emergency assistance under s. ~~16.27~~ 196.3744
21 (8).

22 **SECTION 44.** 76.28 (1) (d) of the statutes is amended to read:

23 76.28 (1) (d) "Gross revenues" for a light, heat and power company other than
24 a qualified wholesale electric company or a transmission company means total
25 environmental control charges paid to the company under a financing order issued

1 under s. 196.027 (2) and total operating revenues as reported to the public service
2 commission except revenues for interdepartmental sales and for interdepartmental
3 rents as reported to the public service commission and deductions from the sales and
4 use tax under s. 77.61 (4), except that the company may subtract from revenues
5 either the actual cost of power purchased for resale, as reported to the public service
6 commission, by a light, heat and power company, except a municipal light, heat and
7 power company, that purchases under federal or state approved wholesale rates
8 more than 50% of its electric power from a person other than an affiliated interest,
9 as defined in s. 196.52 (1), if the revenue from that purchased electric power is
10 included in the seller's gross revenues or the following percentages of the actual cost
11 of power purchased for resale, as reported to the public service commission, by a
12 light, heat and power company, except a municipal light, heat and power company
13 that purchases more than 90% of its power and that has less than \$50,000,000 of
14 gross revenues: 10% for the fee assessed on May 1, 1988, 30% for the fee assessed on
15 May 1, 1989, and 50% for the fee assessed on May 1, 1990, and thereafter. For a
16 qualified wholesale electric company, "gross revenues" means total business
17 revenues from those businesses included under par. (e) 1. to 4. For a transmission
18 company, "gross revenues" means total operating revenues as reported to the public
19 service commission, except revenues for transmission service that is provided to a
20 public utility that is subject to the license fee under sub. (2) (d), to a public utility, as
21 defined in s. 196.01 (5), or to a cooperative association organized under ch. 185 for
22 the purpose of providing electricity to its members only. For an electric utility, as
23 defined in s. ~~16.957~~ 196.3746 (1) (g), "gross revenues" does not include low-income
24 assistance fees collected by the electric utility under s. ~~16.957~~ 196.3746 (4) (a) or (5)
25 (a). For a generator public utility, "gross revenues" does not include any grants

1 awarded to the generator public utility under s. 16.958 (2) (b). For a wholesale
2 supplier, as defined in s. ~~16.957~~ 196.3746 (1) (w), "gross revenues" does not include
3 any low-income assistance fees that are received from a municipal utility or retail
4 electric cooperative or under a joint program established under s. ~~16.957~~ 196.3746
5 (5) (f). For a municipal utility, "gross revenues" does not include low-income
6 assistance fees received by the municipal utility from a municipal utility or retail
7 electric cooperative under a joint program established under s. ~~16.957~~ 196.3746 (5)
8 (f).

9 **SECTION 45.** 76.28 (1) (eg) of the statutes is amended to read:

10 76.28 (1) (eg) "Municipal utility" has the meaning given in s. ~~16.957~~ 196.3746
11 (1) (q).

12 **SECTION 46.** 76.28 (1) (gr) of the statutes is amended to read:

13 76.28 (1) (gr) "Retail electric cooperative" has the meaning given in s. ~~16.957~~
14 196.3746 (1) (t).

15 **SECTION 47.** 76.48 (1g) (d) of the statutes is amended to read:

16 76.48 (1g) (d) "Gross revenues" means total operating revenues, except
17 revenues for interdepartmental sales and for interdepartmental rents, less
18 deductions from the sales and use tax under s. 77.61 (4) and, in respect to any electric
19 cooperative that purchases more than 50% of the power it sells, less the actual cost
20 of power purchased for resale by an electric cooperative, if the revenue from that
21 purchased electric power is included in the seller's gross revenues or if the electric
22 cooperative purchased more than 50% of the power it sold in the year prior to
23 January 1, 1988, from a seller located outside this state. For an electric cooperative,
24 "gross revenues" does not include grants awarded to the electric cooperative under
25 s. 16.958 (2) (b). For a retail electric cooperative, "gross revenues" does not include

1 low-income assistance fees collected by the retail electric cooperative under s. ~~16.957~~
2 196.3746 (5) (a), low-income assistance fees received by the retail electric
3 cooperative from a retail electric cooperative or municipal utility under a joint
4 program established under s. ~~16.957~~ 196.3746 (5) (f). For a wholesale supplier, as
5 defined in s. ~~16.957~~ 196.3746 (1) (w), "gross revenues" does not include any
6 low-income assistance fees that are received from a municipal utility, as defined in
7 s. ~~16.957~~ 196.3746 (1) (q), or retail electric cooperative or under a joint program
8 established under s. ~~16.957~~ 196.3746 (5) (f).

9 **SECTION 48.** 76.48 (1g) (dm) of the statutes is amended to read:

10 76.48 (1g) (dm) "Municipal utility" has the meaning given in s. ~~16.957~~ 196.3746
11 (1) (q).

12 **SECTION 49.** 76.48 (1g) (fm) of the statutes is amended to read:

13 76.48 (1g) (fm) "Retail electric cooperative" has the meaning given in s. ~~16.957~~
14 196.3746 (1) (t).

15 **SECTION 50.** 77.54 (44) of the statutes is amended to read:

16 77.54 (44) The gross receipts from the collection of low-income assistance fees
17 that are charged under s. ~~16.957~~ 196.3746 (4) (a) or (5) (a).

18 **SECTION 51.** 134.80 of the statutes is amended to read:

19 **134.80 Home heating fuel dealers.** Any dealer selling fuel of any kind for
20 the purpose of heating a private residence shall notify each private residential
21 customer whose account is subject to disconnection of the existence of the fuel
22 assistance programs provided by the ~~department of administration~~ commission
23 under s. ~~16.27~~ 196.3746.

24 **SECTION 52.** 196.025 (1) (ag) 2. of the statutes is amended to read:

1 196.025 (1) (ag) 2. "Wholesale supplier" has the meaning given in s. ~~16.957~~
2 196.3746 (1) (w).

3 **SECTION 53.** 196.374 (1) (f) of the statutes is amended to read:

4 196.374 (1) (f) "Load management program" means a program to allow an
5 energy utility, municipal utility, wholesale electric cooperative, as defined in s.
6 ~~16.957~~ 196.3746 (1) (v), retail electric cooperative, or municipal electric company, as
7 defined in s. 66.0825 (3) (d), to control or manage daily or seasonal customer demand
8 associated with equipment or devices used by customers or members.

9 **SECTION 54.** 196.374 (1) (h) of the statutes is amended to read:

10 196.374 (1) (h) "Municipal utility" has the meaning given in s. ~~16.957~~ 196.3746
11 (1) (q).

12 **SECTION 55.** 196.374 (1) (L) of the statutes is amended to read:

13 196.374 (1) (L) "Retail electric cooperative" has the meaning given in s. ~~16.957~~
14 196.3746 (1) (t).

15 **SECTION 56.** 196.374 (1) (n) of the statutes is amended to read:

16 196.374 (1) (n) "Wholesale supplier" has the meaning given in s. ~~16.957~~
17 196.3746 (1) (w).

18 **SECTION 57.** 196.374 (1) (o) of the statutes is amended to read:

19 196.374 (1) (o) "Wholesale supply percentage" has the meaning given in s.
20 ~~16.957~~ 196.3746 (1) (x).

21 **SECTION 58.** 196.374 (3) (a) of the statutes is amended to read:

22 196.374 (3) (a) *In general.* The commission shall have oversight of programs
23 under sub. (2). The commission shall maximize coordination of program delivery,
24 including coordination between programs under subs. (2) (a) 1., (b) 1. and 2., and (c)
25 and (7), ordered programs, low-income weatherization programs under s. ~~16.957~~

1 196.3746, renewable resource programs under s. 196.378, and other energy
2 efficiency or renewable resource programs. The commission shall cooperate with the
3 department of natural resources to ensure coordination of energy efficiency and
4 renewable resource programs with air quality programs and to maximize and
5 document the air quality improvement benefits that can be realized from energy
6 efficiency and renewable resource programs.

7 **SECTION 59.** 196.378 (1) (p) of the statutes is amended to read:

8 196.378 (1) (p) "Wholesale supplier" has the meaning given in s. ~~16.957~~
9 196.3746 (1) (w).

10 **SECTION 60.** 285.48 (4) (b) of the statutes is amended to read:

11 285.48 (4) (b) The implementation of low-income weatherization and energy
12 conservation measures, including programs established under s. ~~16.957~~ 196.3746 (2)
13 (a) ~~or (b)~~ or programs under s. 196.374.

14 **SECTION 61.** 977.01 (2) of the statutes is amended to read:

15 977.01 (2) "Public assistance" means relief provided by counties under s. 59.53
16 (21), Wisconsin works under ss. 49.141 to 49.161, medical assistance under subch.
17 IV of ch. 49, low-income energy assistance under s. ~~16.27~~ 196.3744, weatherization
18 assistance under s. ~~16.26~~ 196.3742, and the food stamp program under 7 USC 2011
19 to 2029.

20 **SECTION 9101. Nonstatutory provisions; Administration.**

21 (1) PUBLIC SERVICE COMMISSION TRANSFERS.

22 (a) *Definitions.* In this subsection:

23 1. "Commission" means the public service commission.

24 2. "Department" means the department of administration.

25 3. "Division" means the division of energy of the department of administration.

1 4. "Office" means the office of energy independence.

2 4 5. "Secretary" means the secretary of administration.

3 (b) *Assets and liabilities.* On the effective date of this paragraph, the assets and
4 liabilities of the department that are primarily related to the division or office, as
5 determined by the secretary, shall become the assets and liabilities of the
6 commission.

7 (c) *Positions and employees.* On the effective date of this paragraph, all
8 positions, except for the administrator of the division, and all incumbent employees
9 holding those positions in the department performing duties that are primarily
10 related to the division or office, as determined by the secretary, are transferred to the
11 commission.

12 (d) *Employee status.* Employees transferred under paragraph (c) have all the
13 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
14 statutes in the commission that they enjoyed in the department immediately before
15 the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so
16 transferred who has attained permanent status in class is required to serve a
17 probationary period.

18 (e) *Tangible personal property.* On the effective date of this paragraph, all
19 tangible personal property, including records, of the department that is primarily
20 related to the division or office, as determined by the secretary, is transferred to the
21 commission.

22 (f) *Contracts.* All contracts entered into by the department in effect on the
23 effective date of this paragraph that are primarily related to the division or office, as
24 determined by the secretary, remain in effect and are transferred to the commission.

1 The commission shall carry out any obligations under those contracts unless
2 modified or rescinded by the commission to the extent allowed under the contract.

3 (g) *Rules and orders.* All rules promulgated by the department in effect on the
4 effective date of this paragraph that are primarily related to the division ~~or office~~
5 remain in effect until their specified expiration dates or until amended or repealed
6 by the commission. All orders issued by the department in effect on the effective date
7 of this paragraph that are primarily related to the division ~~or office~~ remain in effect
8 until their specified expiration dates or until modified or rescinded by the
9 commission.

10 (h) *Pending matters.* Any matter pending with the department on the effective
11 date of this paragraph that is primarily related to the division ~~or office~~, as
12 determined by the secretary, is transferred to the commission. All materials
13 submitted to or actions taken by the department with respect to the pending matters
14 are considered as having been submitted to or taken by the commission.

15

(END)

D-Note

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

LRB-1261/P2dn

MDK: *kgf*

Date

Cindy Dombrowski:

This version is identical to the previous version, except that I eliminated the transfer of the Office of Energy Independence.

Also, you may still want to get back to me on the 3rd item of my drafter's note to the previous version, in which I stated: "Is it okay to refer to the federal appropriation under s. 20.155 (1) (m) in s. 20.155 (3) (k) (which is renumbered from 20.505 (1) (kn)), or do you want to create a new federal appropriation under s. 20.155 (3)? Note that 20.155 (1) (m) is also cross-referenced in s. 196.3744 (3) (b), (c), and (e) (intro)."

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov

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

LRB-1261/P2dn
MDK:kjf:rs

January 22, 2009

Cindy Dombrowski:

This version is identical to the previous version, except that I eliminated the transfer of the Office of Energy Independence.

Also, you may still want to get back to me on the 3rd item of my drafter's note to the previous version, in which I stated: "Is it okay to refer to the federal appropriation under s. 20.155 (1) (m) in s. 20.155 (3) (k) (which is renumbered from 20.505 (1) (kn)), or do you want to create a new federal appropriation under s. 20.155 (3)? Note that 20.155 (1) (m) is also cross-referenced in s. 196.3744 (3) (b), (c), and (e) (intro.)."

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov

Kunkel, Mark

From: Dombrowski, Cynthia A - DOA [cynthia.dombrowski@wisconsin.gov]
Sent: Monday, January 26, 2009 2:32 PM
To: Kunkel, Mark
Subject: RE: Division of Energy Transfer

I think they want a general catch-all fed appn in program 3 for other FED that might come along from DOE. DOA has one and says they've gotten grants from time to time related to this topic.

Cindy

Cynthia Dombrowski

Executive Policy and Budget Analyst
Department of Administration
Tel: (608)266-5878
Fax: (608)267-0372
cynthia.dombrowski@wisconsin.gov

From: Kunkel, Mark [mailto:Mark.Kunkel@legis.wisconsin.gov]
Sent: Monday, January 26, 2009 2:30 PM
To: Dombrowski, Cynthia A - DOA
Subject: RE: Division of Energy Transfer

Sorry, but one more question.

If I renumber 505 (1) (n) to be 155 (3) (n), do you still want an additional fed appr. in 155 (3), as requested in item 3 of your original email, or will 155 (3) (n) be sufficient?

From: Dombrowski, Cynthia A - DOA [mailto:cynthia.dombrowski@wisconsin.gov]
Sent: Monday, January 26, 2009 2:02 PM
To: Kunkel, Mark
Subject: RE: Division of Energy Transfer

You're totally right on 505(1)(n). That can be renumbered to PSC.

Thanks!
Cindy

From: Kunkel, Mark [mailto:Mark.Kunkel@legis.wisconsin.gov]
Sent: Monday, January 26, 2009 1:46 PM
To: Dombrowski, Cynthia A - DOA
Subject: RE: Division of Energy Transfer

Regarding item 2 below, I'm not sure why you want to retain 505 (1) (n) in DOA. 505 (1) (n) states: "All moneys received from the federal government for local assistance related to s. 16.27, as authorized by the governor under s. 16.54, for the purposes of providing local assistance." Section 16.27 is renumbered to 196.3744. If you keep 505 (1) (n) where it is, but replace 16.27 with 196.3744, the result is an appropriation to DOA for local assistance administered by the PSC under s. 196.3744. Is that okay?

01/26/2009

From: Dombrowski, Cynthia A - DOA [mailto:cynthia.dombrowski@wisconsin.gov]

Sent: Monday, January 26, 2009 11:35 AM

To: Kunkel, Mark

Subject: Division of Energy Transfer

Hi Mark -

On LRB 1261/P2

Please make the following modifications:

1. Effective date of the transfer is January 1, 2010
2. Retain 505 (1)(n) in DOA but still create 3n in PSC.
3. Retain 505 (1)(mb) in DOA. Also, create a new federal aid appropriation in program 3 of PSC. Should be a generic federal aid, continuing, all \$ received from the fed for purposes for which received

Thanks!!

Cindy



0-NOTE

R. M. H. H. H.
C. H. H. H. H.
S. H. H. H. H.

DOA:.....Dombrowski, BB0277 - Transfer Division of Energy to PSC

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

1-27-09

Don't Gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

PUBLIC UTILITY REGULATION

Under current law, DOA has created a Division of Energy to administer federal and state programs for providing assistance to low-income households for weatherization, energy conservation, payment of energy bills, and other energy-related services. This bill transfers responsibility to administer the programs from DOA to the PSC.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 16.26 of the statutes is renumbered 196.3742 and amended to read:

3 **196.3742 Weatherization Federal weatherization assistance.**

4 Notwithstanding s. 16.54 (2) (a), the department commission shall administer

5 federal funds available to this state under the weatherization assistance for

1 low-income persons program, as amended, 42 USC 6861 to 6873. The department
2 commission shall administer the funds in accordance with 42 USC 6861 to 6873 and
3 regulations adopted under 42 USC 6861 or 6873.

4 **SECTION 2.** 16.27 (title) of the statutes is renumbered 196.3744 (title) and
5 amended to read:

6 **196.3744 (title) Low-income Federal low-income energy assistance.**

7 **SECTION 3.** 16.27 (1) of the statutes is renumbered 196.3744 (1), and 196.3744
8 (1) (e), as renumbered, is amended to read:

9 196.3744 (1) (e) "Low-income warm room program volunteer" means a person
10 who is eligible for assistance under 42 USC 8621 to 8629, whose dwelling, in
11 comparison to the dwellings of other persons eligible for assistance under 42 USC
12 8621 to 8629, has a high ratio of space to occupant, and who volunteers to take the
13 training under sub. (2) (b) and to cooperate with the department commission in the
14 installation and operation of low-income warm room program materials in his or her
15 dwelling.

16 **SECTION 4.** 16.27 (2) of the statutes is renumbered 196.3744 (2) and amended
17 to read:

18 196.3744 (2) ADMINISTRATION. (a) The department commission shall
19 administer low-income energy assistance as provided in this section to assist an
20 eligible household to meet the costs of home energy with low-income home energy
21 assistance benefits authorized under 42 USC 8621 to 8629.

22 (b) The department commission shall administer a low-income warm room
23 program to install low-income warm room program materials in the dwellings of
24 low-income warm room program volunteers and to train the low-income warm room
25 program volunteers and the members of each low-income warm room program

1 volunteer's household in the operation of the low-income warm room program
2 materials to achieve maximum health and heating efficiency.

3 **SECTION 5.** 16.27 (3) of the statutes is renumbered 196.3744 (3), and 196.3744
4 (3) (intro.), (b), (c), (d) and (e) (intro.), 1., 6. and 7., as renumbered, are amended to
5 read:

6 196.3744 (3) FUNDING. (intro.) Subject to s. 16.54 (2), the department
7 commission shall do all of the following, within the limits of the availability of federal
8 funds received under 42 USC 8621 to 8629:

9 (b) By October 1 of every year from the appropriation under s. ~~20.505 (1) (mb)~~
10 20.155 (1) (m), determine the total amount available for payment of heating
11 assistance under sub. (6) and determine the benefit schedule.

12 (c) From the appropriation under s. ~~20.505 (1) (mb)~~ 20.155 (1) (m), allocate
13 \$1,100,000 in each federal fiscal year for the department's commission's expenses in
14 administering the funds to provide low-income energy assistance under this section.

15 (d) From the appropriation under s. ~~20.505 (1)~~ 20.155 (3) (n), allocate
16 \$2,900,000 in each federal fiscal year for the expenses of a county department,
17 another local governmental agency, or a private nonprofit organization in
18 administering under sub. (4) the funds to provide low-income energy assistance
19 under this section.

20 (e) (intro.) From the appropriation under s. ~~20.505 (1) (mb)~~ 20.155 (1) (m):

21 1. Allocate and transfer to the appropriation under s. ~~20.505 (1) (kn)~~ 20.155 (3)
22 (k), 15% of the moneys received under 42 USC 8621 to 8629 in each federal fiscal year
23 under the priority of maintaining funding for the geographical areas on July 20,
24 1985, and, if funding is reduced, prorating contracted levels of payment, for the

1 weatherization assistance program administered by the department commission
2 under s. ~~16.26~~ 196.3742.

3 6. If federal funds received under 42 USC 8621 to 8629 in a federal fiscal year
4 total less than 90% of the amount received in the previous federal fiscal year, submit
5 a plan of expenditure under s. 16.54 (2) (b) of the funds to the joint committee on
6 finance. The commission may not use the funds unless the committee approves the
7 plan.

8 7. By October 1 of each year, allocate funds budgeted but not spent and any
9 funds remaining from previous fiscal years to heating assistance under sub. (6) or to
10 the weatherization assistance program under s. ~~16.26~~ 196.3742.

11 **SECTION 6.** 16.27 (4) of the statutes is renumbered 196.3744 (4) and amended
12 to read:

13 196.3744 (4) APPLICATION PROCEDURE. (a) A household may apply after
14 September 30 and before May 16 of any year for heating assistance from the county
15 department under s. 46.215 (1) (n) or 46.22 (1) (b) 4m. a. to e. or from another local
16 governmental agency or a private nonprofit organization with which the department
17 commission contracts to administer the heating assistance program, and shall have
18 the opportunity to do so on a form prescribed by the department commission for that
19 purpose.

20 (b) If by February 1 of any year the number of households applying under par.
21 (a) substantially exceeds the number anticipated, the department commission may
22 reduce the amounts of payments made under sub. (6) made after that date. The
23 department commission may suspend the processing of additional applications
24 received until the department commission adjusts benefit amounts payable.

25 **SECTION 7.** 16.27 (5) of the statutes is renumbered 196.3744 (5).

1 **SECTION 8.** 16.27 (6) of the statutes is renumbered 196.3744 (6) and amended
2 to read:

3 196.3744 (6) **BENEFITS.** Within the limits of federal funds allocated under sub.
4 (3) and subject to the requirements of ~~sub.~~ subs. (4) (b) and ~~s. 16.54 (2) (b) (6m),~~
5 heating assistance shall be paid under this section according to a benefit schedule
6 established by the ~~department~~ commission based on household income, family size
7 and energy costs.

8 **SECTION 9.** 16.27 (7) of the statutes is renumbered 196.3744 (7).

9 **SECTION 10.** 16.27 (8) of the statutes is renumbered 196.3744 (8) and amended
10 to read:

11 196.3744 (8) **CRISIS ASSISTANCE PROGRAM.** A household eligible for heating
12 assistance under sub. (6) may also be eligible for a crisis assistance payment to meet
13 a weather-related or fuel supply shortage crisis. The ~~department~~ commission shall
14 define the circumstances constituting a crisis for which a payment may be made and
15 shall establish the amount of payment to an eligible household or individual. The
16 ~~department~~ commission may delegate a portion of its responsibility under this
17 subsection to a county department under s. 46.215 or 46.22 or to another local
18 governmental agency or a private nonprofit organization.

19 **SECTION 11.** 16.27 (9) of the statutes is renumbered 196.3744 (9) and amended
20 to read:

21 196.3744 (9) **NOTICE OF UTILITY DISCONNECTION REQUIRED.** Any public utility, ~~as~~
22 ~~defined in s. 196.01 (5),~~ or any fuel distributor furnishing heat, light or power to a
23 residential customer shall provide written notice of intent to disconnect or
24 discontinue service during the months of November to April and shall include
25 information concerning any federal, state or local program that provides assistance

1 for fuel or home heating bills. The department commission shall provide printed
2 information at no cost upon request to any fuel distributor serving residential
3 customers except public utilities. The information shall describe the nature and
4 availability of any federal, state or local program that provides assistance for fuel or
5 home heating bills.

6 **SECTION 12.** 16.54 (2) (b) of the statutes is renumbered 196.3744 (6m) and
7 amended to read:

8 196.3744 (6m) JOINT FINANCE REVISIONS. Upon presentation of proposed
9 revisions by the department commission to the joint committee on finance of
10 ~~alternatives to the provisions under s. 16.27~~, the joint committee on finance may
11 revise the eligibility criteria under ~~s. 16.27 sub.~~ (5) or benefit payments under ~~s.~~
12 ~~16.27 sub.~~ (6), and the department commission shall implement those revisions.
13 Benefits or eligibility criteria so revised shall take into account and be consistent
14 with the requirements of federal regulations promulgated under 42 USC 8621 to
15 8629. ~~If funds received under 42 USC 8621 to 8629 in a federal fiscal year total less~~
16 ~~than 90% of the amount received in the previous federal fiscal year, the department~~
17 ~~shall submit to the joint committee on finance a plan for expenditure of the funds.~~
18 ~~The department may not use the funds unless the committee approves the plan.~~

19 **SECTION 13.** 16.957 (title) of the statutes is renumbered 196.3746 (title) and
20 amended to read:

21 **196.3746 (title) Low-income State low-income assistance.**

22 **SECTION 14.** 16.957 (1) (intro.) of the statutes is renumbered 196.3746 (1)
23 (intro.).

24 **SECTION 15.** 16.957 (1) (bm) of the statutes is repealed.

1 **SECTION 16.** 16.957 (1) (c) to (n) of the statutes are renumbered 196.3746 (1)
2 (c) to (n).

3 **SECTION 17.** 16.957 (1) (o) of the statutes is renumbered 196.3746 (1) (o), and
4 196.3746 (1) (o) 1., as renumbered, is amended to read:

5 196.3746 (1) (o) 1. The total amount received by the department of
6 administration for low-income funding under 42 USC 6861 to 6873 and 42 USC 8621
7 to 8629 in fiscal year 1997-98.

8 **SECTION 18.** 16.957 (1) (p) and (q) of the statutes are renumbered 196.3746 (1)
9 (p) and (q).

10 **SECTION 19.** 16.957 (1) (qm) of the statutes is repealed.

11 **SECTION 20.** 16.957 (1) (s) to (x) of the statutes are renumbered 196.3746 (1)
12 (s) to (x).

13 **SECTION 21.** 16.957 (2) (intro.) of the statutes is renumbered 196.3746 (2)
14 (intro.) and amended to read:

15 196.3746 (2) ~~DEPARTMENT~~ COMMISSION DUTIES. (intro.) In consultation with the
16 council, the department commission shall do all of the following:

17 **SECTION 22.** 16.957 (2) (a) of the statutes is renumbered 196.3746 (2) (a), and
18 196.3746 (2) (a) (intro.), as renumbered, is amended to read:

19 196.3746 (2) (a) (intro.) After holding a hearing, establish programs to be
20 administered by the ~~department~~ commission for awarding grants from the
21 appropriation under s. ~~20.505~~ 20.155 (3) (r) to provide low-income assistance. In
22 each fiscal year, the amount awarded under this paragraph shall be sufficient to
23 ensure that an amount equal to 47% of the sum of the following is spent for
24 weatherization and other energy conservation services:

25 **SECTION 23.** 16.957 (2) (c) of the statutes is renumbered 196.3746 (2) (c).

1 **SECTION 24.** 16.957 (2) (d) of the statutes is renumbered 196.3746 (2) (d), and
2 196.3746 (2) (d) 4. a. and d., as renumbered, are amended to read:

3 196.3746 (2) (d) 4. a. The expenses of the department commission, other state
4 agencies, and grant recipients in administering or participating in the programs
5 under par. (a).

6 d. Any other issue identified by the department commission, council, governor,
7 speaker of the assembly or majority leader of the senate.

8 **SECTION 25.** 16.957 (3) of the statutes is renumbered 196.3746 (3) and amended
9 to read:

10 196.3746 (3) **CONTRACTS.** The department commission shall, on the basis of
11 competitive bids, contract with community action agencies described in s. 49.265 (2)
12 (a) 1., nonstock, nonprofit corporations organized under ch. 181, or local units of
13 government to provide services under the programs established under sub. (2) (a).

14 **SECTION 26.** 16.957 (4) of the statutes is renumbered 196.3746 (4), and
15 196.3746 (4) (a), (b) (intro.) and (c) 1. (intro.), as renumbered, are amended to read:

16 196.3746 (4) (a) *Requirement to charge low-income assistance fees.* Each
17 electric utility, except for a municipal utility, shall charge each customer a
18 low-income assistance fee in an amount established in rules promulgated by the
19 department commission under par. (b). An electric utility, except for a municipal
20 utility, shall collect and pay the fees to the department commission in accordance
21 with the rules promulgated under par. (b). The low-income assistance fees collected
22 by an electric utility shall be considered trust funds of the department commission
23 and not income of the electric utility.

24 (b) *Rules.* (intro.) In consultation with the council, the department commission
25 shall promulgate rules that establish the amount of a low-income assistance fee

1 under par. (a). Fees established in rules under this paragraph may vary by class of
2 customer, but shall be uniform within each class, and shall satisfy each of the
3 following:

4 (c) 1. 'Low-income funding from fee.' (intro.) In each fiscal year, the low-income
5 assistance fee shall be an amount that, when added to the sum of the following shall
6 equal the low-income need target for that fiscal year determined by the department
7 commission under sub. (2) (d) 1.:

8 **SECTION 27.** 16.957 (5) of the statutes is renumbered 196.3746 (5), and
9 196.3746 (5) (b) 2. and (g) 1. (intro.) and 2., as renumbered, are amended to read:

10 196.3746 (5) (b) 2. No later than October 1, 2007, and no later than every 3rd
11 year after that date, each municipal utility or retail electric cooperative shall notify
12 the department commission whether the utility or cooperative has elected to
13 contribute the fees that the utility or cooperative charges under par. (a) to the
14 programs established under sub. (2) (a) in each year of the 3-year period for which
15 the utility or cooperative has made the election. If a municipal utility or retail
16 electric cooperative elects to contribute to the programs established under sub. (2)
17 (a), the utility or cooperative shall pay the low-income assistance fees that the utility
18 or cooperative collects under par. (a) to the department commission in each year of
19 the 3-year period for which the utility or cooperative has made the election.

20 (g) *Reports.* 1. (intro.) Annually, each municipal utility and retail electric
21 cooperative that spends the low-income assistance fees that the utility or
22 cooperative charges under par. (a) on commitment to community programs under
23 par. (b) 1. shall provide for an independent audit of its programs and submit a report
24 to the department commission that describes each of the following:

INSEAT 10-6

1 2. The department commission shall require that municipal utilities and retail
2 electric cooperatives file reports under subd. 1. electronically, in a format that allows
3 for tabulation, comparison, and other analysis of the reports. The department shall
4 maintain reports filed under subd. 1. for at least 6 years.

5 **SECTION 28.** 20.155 (3) (title) of the statutes is amended to read:

6 20.155 (3) (title) ~~AFFILIATED GRANT~~ OTHER PROGRAMS.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

7 **SECTION 29.** 20.155 (3) (q) (title) of the statutes is amended to read:

8 20.155 (3) (q) (title) *General Wireless 911 program operations and grants.*

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

9 **SECTION 30.** 20.505 (1) (kn) of the statutes is renumbered 20.155 (3) (k) and
10 amended to read:

11 20.155 (3) (k) *Weatherization assistance.* All moneys transferred from the
12 appropriation under ~~par. sub. (1)~~ (m) and all moneys received from other state
13 agencies or the ~~department~~ commission, for the weatherization program under s.
14 ~~16.26~~ 196.3742, for that purpose.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

15 **SECTION 31.** 20.505 (1) (n) of the statutes is renumbered 20.155 (3) (n) and
16 amended to read:

17 20.155 (3) (n) *Federal aid; local assistance.* All moneys received from the
18 federal government for local assistance related to s. ~~16.27~~ 196.3744, as authorized
19 by the governor under s. 16.54, for the purposes of providing local assistance.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

20 **SECTION 32.** 20.505 (3) (title) of the statutes is amended to read:

1 20.505 (3) (title) ~~UTILITY PUBLIC BENEFITS AND AIR~~ AIR QUALITY IMPROVEMENT.

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

2 **SECTION 33.** 20.505 (3) (q) of the statutes is renumbered 20.155 (3) (qm) and
3 amended to read:

4 20.155 (3) (qm) *General program operations; utility public benefits low-income*
5 *assistance*. From the utility public benefits fund, the amounts in the schedule for
6 general program operations under s. ~~16.957~~ 196.3746.

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

7 **SECTION 34.** 20.505 (3) (r) of the statutes is renumbered 20.155 (3) (r) and
8 amended to read:

9 20.155 (3) (r) *Low-income assistance grants*. From the utility public benefits
10 fund, a sum sufficient for low-income assistance grants under s. ~~16.957~~ 196.3746 (2)
11 (a).

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

12 **SECTION 35.** 25.96 of the statutes is amended to read:

13 **25.96 Utility public benefits fund.** There is established a separate
14 nonlapsible trust fund designated as the utility public benefits fund, consisting of
15 low-income assistance fees received under s. ~~16.957~~ 196.3746 (4) (a) and (5) (b) 2. and
16 all moneys received under s. 196.374 (3) (b) 4.

17 **SECTION 36.** 46.215 (1) (n) of the statutes is amended to read:

18 46.215 (1) (n) To collect and transmit information to the ~~department of~~
19 ~~administration~~ public service commission so that a federal energy assistance
20 payment may be made to an eligible household; to collect and transmit information
21 to the ~~department of administration~~ public service commission so that

1 weatherization services may be made available to an eligible household; to receive
2 applications from individuals seeking low-income energy assistance under s. ~~16.27~~
3 196.3744 (4) or weatherization services under s. ~~16.26~~ 196.3742; to provide
4 information on the income eligibility for weatherization of a recipient of low-income
5 energy assistance to an entity with which the ~~department of administration~~ public
6 service commission contracts for provision of weatherization under s. ~~16.26~~
7 196.3742; and to receive a request, determine a correct payment amount, if any, and
8 provide payment, if any, for emergency assistance under s. ~~16.27~~ 196.3744 (8).

9 **SECTION 37.** 46.22 (1) (b) 4m. c. of the statutes is amended to read:

10 46.22 (1) (b) 4m. c. To receive applications from individuals seeking low-income
11 energy assistance under s. ~~16.27~~ 196.3744 (4) or weatherization services under s.
12 ~~16.26~~ 196.3742.

13 **SECTION 38.** 46.22 (1) (b) 4m. d. of the statutes is amended to read:

14 46.22 (1) (b) 4m. d. To provide information on the income eligibility for
15 weatherization of a recipient of low-income energy assistance to an entity with
16 which the ~~department of administration~~ public service commission contracts for
17 provision of weatherization under s. ~~16.26~~ 196.3742.

18 **SECTION 39.** 46.22 (1) (b) 4m. e. of the statutes is amended to read:

19 46.22 (1) (b) 4m. e. To receive a request, determine a correct payment amount,
20 if any, and provide payment, if any, for emergency assistance under s. ~~16.27~~ 196.3744
21 (8).

22 **SECTION 40.** 76.28 (1) (d) of the statutes is amended to read:

23 76.28 (1) (d) "Gross revenues" for a light, heat and power company other than
24 a qualified wholesale electric company or a transmission company means total
25 environmental control charges paid to the company under a financing order issued

1 under s. 196.027 (2) and total operating revenues as reported to the public service
2 commission except revenues for interdepartmental sales and for interdepartmental
3 rents as reported to the public service commission and deductions from the sales and
4 use tax under s. 77.61 (4), except that the company may subtract from revenues
5 either the actual cost of power purchased for resale, as reported to the public service
6 commission, by a light, heat and power company, except a municipal light, heat and
7 power company, that purchases under federal or state approved wholesale rates
8 more than 50% of its electric power from a person other than an affiliated interest,
9 as defined in s. 196.52 (1), if the revenue from that purchased electric power is
10 included in the seller's gross revenues or the following percentages of the actual cost
11 of power purchased for resale, as reported to the public service commission, by a
12 light, heat and power company, except a municipal light, heat and power company
13 that purchases more than 90% of its power and that has less than \$50,000,000 of
14 gross revenues: 10% for the fee assessed on May 1, 1988, 30% for the fee assessed on
15 May 1, 1989, and 50% for the fee assessed on May 1, 1990, and thereafter. For a
16 qualified wholesale electric company, "gross revenues" means total business
17 revenues from those businesses included under par. (e) 1. to 4. For a transmission
18 company, "gross revenues" means total operating revenues as reported to the public
19 service commission, except revenues for transmission service that is provided to a
20 public utility that is subject to the license fee under sub. (2) (d), to a public utility, as
21 defined in s. 196.01 (5), or to a cooperative association organized under ch. 185 for
22 the purpose of providing electricity to its members only. For an electric utility, as
23 defined in s. ~~16.957~~ 196.3746 (1) (g), "gross revenues" does not include low-income
24 assistance fees collected by the electric utility under s. ~~16.957~~ 196.3746 (4) (a) or (5)
25 (a). For a generator public utility, "gross revenues" does not include any grants

1 awarded to the generator public utility under s. 16.958 (2) (b). For a wholesale
2 supplier, as defined in s. ~~16.957~~ 196.3746 (1) (w), “gross revenues” does not include
3 any low-income assistance fees that are received from a municipal utility or retail
4 electric cooperative or under a joint program established under s. ~~16.957~~ 196.3746
5 (5) (f). For a municipal utility, “gross revenues” does not include low-income
6 assistance fees received by the municipal utility from a municipal utility or retail
7 electric cooperative under a joint program established under s. ~~16.957~~ 196.3746 (5)
8 (f).

9 **SECTION 41.** 76.28 (1) (eg) of the statutes is amended to read:

10 76.28 (1) (eg) “Municipal utility” has the meaning given in s. ~~16.957~~ 196.3746
11 (1) (q).

12 **SECTION 42.** 76.28 (1) (gr) of the statutes is amended to read:

13 76.28 (1) (gr) “Retail electric cooperative” has the meaning given in s. ~~16.957~~
14 196.3746 (1) (t).

15 **SECTION 43.** 76.48 (1g) (d) of the statutes is amended to read:

16 76.48 (1g) (d) “Gross revenues” means total operating revenues, except
17 revenues for interdepartmental sales and for interdepartmental rents, less
18 deductions from the sales and use tax under s. 77.61 (4) and, in respect to any electric
19 cooperative that purchases more than 50% of the power it sells, less the actual cost
20 of power purchased for resale by an electric cooperative, if the revenue from that
21 purchased electric power is included in the seller’s gross revenues or if the electric
22 cooperative purchased more than 50% of the power it sold in the year prior to
23 January 1, 1988, from a seller located outside this state. For an electric cooperative,
24 “gross revenues” does not include grants awarded to the electric cooperative under
25 s. 16.958 (2) (b). For a retail electric cooperative, “gross revenues” does not include

1 low-income assistance fees collected by the retail electric cooperative under s. ~~16.957~~
2 196.3746 (5) (a), low-income assistance fees received by the retail electric
3 cooperative from a retail electric cooperative or municipal utility under a joint
4 program established under s. ~~16.957~~ 196.3746 (5) (f). For a wholesale supplier, as
5 defined in s. ~~16.957~~ 196.3746 (1) (w), "gross revenues" does not include any
6 low-income assistance fees that are received from a municipal utility, as defined in
7 s. ~~16.957~~ 196.3746 (1) (q), or retail electric cooperative or under a joint program
8 established under s. ~~16.957~~ 196.3746 (5) (f).

9 **SECTION 44.** 76.48 (1g) (dm) of the statutes is amended to read:

10 76.48 (1g) (dm) "Municipal utility" has the meaning given in s. ~~16.957~~ 196.3746
11 (1) (q).

12 **SECTION 45.** 76.48 (1g) (fm) of the statutes is amended to read:

13 76.48 (1g) (fm) "Retail electric cooperative" has the meaning given in s. ~~16.957~~
14 196.3746 (1) (t).

15 **SECTION 46.** 77.54 (44) of the statutes is amended to read:

16 77.54 (44) The gross receipts from the collection of low-income assistance fees
17 that are charged under s. ~~16.957~~ 196.3746 (4) (a) or (5) (a).

18 **SECTION 47.** 134.80 of the statutes is amended to read:

19 **134.80 Home heating fuel dealers.** Any dealer selling fuel of any kind for
20 the purpose of heating a private residence shall notify each private residential
21 customer whose account is subject to disconnection of the existence of the fuel
22 assistance programs provided by the ~~department of administration~~ commission
23 under s. ~~16.27~~ 196.3746.

24 **SECTION 48.** 196.025 (1) (ag) 2. of the statutes is amended to read:

1 196.025 (1) (ag) 2. “Wholesale supplier” has the meaning given in s. ~~16.957~~
2 196.3746 (1) (w).

3 **SECTION 49.** 196.374 (1) (f) of the statutes is amended to read:

4 196.374 (1) (f) “Load management program” means a program to allow an
5 energy utility, municipal utility, wholesale electric cooperative, as defined in s.
6 ~~16.957~~ 196.3746 (1) (v), retail electric cooperative, or municipal electric company, as
7 defined in s. 66.0825 (3) (d), to control or manage daily or seasonal customer demand
8 associated with equipment or devices used by customers or members.

9 **SECTION 50.** 196.374 (1) (h) of the statutes is amended to read:

10 196.374 (1) (h) “Municipal utility” has the meaning given in s. ~~16.957~~ 196.3746
11 (1) (q).

12 **SECTION 51.** 196.374 (1) (L) of the statutes is amended to read:

13 196.374 (1) (L) “Retail electric cooperative” has the meaning given in s. ~~16.957~~
14 196.3746 (1) (t).

15 **SECTION 52.** 196.374 (1) (n) of the statutes is amended to read:

16 196.374 (1) (n) “Wholesale supplier” has the meaning given in s. ~~16.957~~
17 196.3746 (1) (w).

18 **SECTION 53.** 196.374 (1) (o) of the statutes is amended to read:

19 196.374 (1) (o) “Wholesale supply percentage” has the meaning given in s.
20 ~~16.957~~ 196.3746 (1) (x).

21 **SECTION 54.** 196.374 (3) (a) of the statutes is amended to read:

22 196.374 (3) (a) *In general.* The commission shall have oversight of programs
23 under sub. (2). The commission shall maximize coordination of program delivery,
24 including coordination between programs under subs. (2) (a) 1., (b) 1. and 2., and (c)
25 and (7), ordered programs, low-income weatherization programs under s. ~~16.957~~

1 196.3746, renewable resource programs under s. 196.378, and other energy
2 efficiency or renewable resource programs. The commission shall cooperate with the
3 department of natural resources to ensure coordination of energy efficiency and
4 renewable resource programs with air quality programs and to maximize and
5 document the air quality improvement benefits that can be realized from energy
6 efficiency and renewable resource programs.

7 **SECTION 55.** 196.378 (1) (p) of the statutes is amended to read:

8 196.378 (1) (p) "Wholesale supplier" has the meaning given in s. ~~16.957~~
9 196.3746 (1) (w).

10 **SECTION 56.** 285.48 (4) (b) of the statutes is amended to read:

11 285.48 (4) (b) The implementation of low-income weatherization and energy
12 conservation measures, including programs established under s. ~~16.957~~ 196.3746 (2)
13 (a) ~~or~~ (b) or programs under s. 196.374.

14 **SECTION 57.** 977.01 (2) of the statutes is amended to read:

15 977.01 (2) "Public assistance" means relief provided by counties under s. 59.53
16 (21), Wisconsin works under ss. 49.141 to 49.161, medical assistance under subch.
17 IV of ch. 49, low-income energy assistance under s. ~~16.27~~ 196.3744, weatherization
18 assistance under s. ~~16.26~~ 196.3742, and the food stamp program under 7 USC 2011
19 to 2029.

20 **SECTION 9101. Nonstatutory provisions; Administration.**

21 (1) PUBLIC SERVICE COMMISSION TRANSFERS.

22 (a) *Definitions.* In this subsection:

23 1. "Commission" means the public service commission.

24 2. "Department" means the department of administration.

25 3. "Division" means the division of energy of the department of administration.

1 4. "Secretary" means the secretary of administration.

2 (b) *Assets and liabilities.* On the effective date of this paragraph, the assets and
3 liabilities of the department that are primarily related to the division, as determined
4 by the secretary, shall become the assets and liabilities of the commission.

5 (c) *Positions and employees.* On the effective date of this paragraph, all
6 positions, except for the administrator of the division, and all incumbent employees
7 holding those positions in the department performing duties that are primarily
8 related to the division, as determined by the secretary, are transferred to the
9 commission.

10 (d) *Employee status.* Employees transferred under paragraph (c) have all the
11 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
12 statutes in the commission that they enjoyed in the department immediately before
13 the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so
14 transferred who has attained permanent status in class is required to serve a
15 probationary period.

16 (e) *Tangible personal property.* On the effective date of this paragraph, all
17 tangible personal property, including records, of the department that is primarily
18 related to the division, as determined by the secretary, is transferred to the
19 commission.

20 (f) *Contracts.* All contracts entered into by the department in effect on the
21 effective date of this paragraph that are primarily related to the division, as
22 determined by the secretary, remain in effect and are transferred to the commission.
23 The commission shall carry out any obligations under those contracts unless
24 modified or rescinded by the commission to the extent allowed under the contract.

1 (g) *Rules and orders.* All rules promulgated by the department in effect on the
2 effective date of this paragraph that are primarily related to the division remain in
3 effect until their specified expiration dates or until amended or repealed by the
4 commission. All orders issued by the department in effect on the effective date of this
5 paragraph that are primarily related to the division remain in effect until their
6 specified expiration dates or until modified or rescinded by the commission.

7 (h) *Pending matters.* Any matter pending with the department on the effective
8 date of this paragraph that is primarily related to the division, as determined by the
9 secretary, is transferred to the commission. All materials submitted to or actions
10 taken by the department with respect to the pending matters are considered as
11 having been submitted to or taken by the commission.

12 (END)

INSERT 19-11

D-Note

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INSERT 10-6:

SECTION 1. 20.155 (3) (m) of the statutes is created to read:

20.155 (3) (m) *Federal aid*. All moneys received from the federal government not otherwise appropriated under this section, as authorized by the governor under s. 16.54, to carry out the purposes for which received.

→ note: bud

INSERT 19-11:

SECTION 9401. Effective dates; Administration.

(1) PUBLIC SERVICE COMMISSION TRANSFERS. The treatment of sections 16.26, 16.27 (title), (1), (2), (3), (4), (5), (6), (7), (8), and (9), 16.54 (2) (b), 16.957 (title), (1) (intro.), (bm), (c) to (n), (o), (p), (q), (qm), and (s) to (x), (2) (intro.), (a), (c), and (d), (3), (4), and (5), 20.155 (3) (title), (m), and (q) (title), 20.505 (1) (kn) and (n) and (3) (title), (q), and (r), 25.96, 46.215 (1) (n), 46.22 (1) (b) 4m. c., 4m. d., and 4m. e., 76.28 (1) (d), (eg), and (gr), 76.48 (1g) (d), (dm), and (fm), 77.54 (44), 134.80, 196.025 (1) (ag) 2., 196.374 (1) (f), (h), (L), (n), and (o) and (3) (a), 196.378 (1) (p), 285.48 (4) (b), and 977.01 (2) of the statutes takes effect on January 1, 2010.

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

LRB-1261/P3dn

MDK:...

Date

Cindy Dombrowski:

This version is identical to the previous version, except that: 1) s. 20.155 (3) (m) is created, based on similar language in s. 20.505 (1) (mb); and 2) the effective date of the changes is January 1, 2010.

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