



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 09/22/2009 (Per: RCT)

- | | |
|--|--|
| A ☞ The <u>2009</u> drafting file for LRB-2502 | H ☞ The <u>2009</u> drafting file for LRB-2509 |
| B ☞ The <u>2009</u> drafting file for LRB-2503 | I ☞ The <u>2009</u> drafting file for LRB-2510 |
| C ☞ The <u>2009</u> drafting file for LRB-2504 | J ☞ The <u>2009</u> drafting file for LRB-2511 |
| D ☞ The <u>2009</u> drafting file for LRB-2505 | K ☞ The <u>2009</u> drafting file for LRB-2528 |
| E ☞ The <u>2009</u> drafting file for LRB-2506 | L ☞ The <u>2009</u> drafting file for LRB-2591 |
| F ☞ The <u>2009</u> drafting file for LRB-2507 | M ☞ The <u>2009</u> drafting file for LRB-2592 |
| G ☞ The <u>2009</u> drafting file for LRB-2508 | N ☞ The <u>2009</u> drafting file for LRB-2593 |

 **Compile Draft – Appendix A**

has been copied/added to the drafting file for

2009 LRB-3254 (SB 279)

2009 DRAFTING REQUEST

Bill

Received: 03/31/2009

Received By: jkuesel

Wanted: As time permits

Identical to LRB:

For: Legislative Council - JLC 6-2988

By/Representing: John Stolzenberg

This file may be shown to any legislator: NO

Drafter: jkuesel

May Contact:

Addl. Drafters:

Subject: State Govt - miscellaneous

Extra Copies: Larry Konopacki - LCS - 1

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

Use of alternative-fuel vehicles in state fleet

Instructions:

Per attached LCS draft, 3/31/09.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			State
/P1	jkuesel 05/21/2009	jdyer 05/27/2009	phenry 05/27/2009	_____	lparisi 05/27/2009		State
/P2	jkuesel 07/20/2009	jdyer 07/21/2009	phenry 07/21/2009	_____	lparisi 07/21/2009		

FE Sent For:

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/?		1/2 7/21 jld		_____			State
/P1	jkuesel 05/21/2009	jdyer 05/27/2009	phenry 05/27/2009	_____	lparisi 05/27/2009		
1/2	jkuesel FE Sent For: 7/20/09		Ph 7/21	Ph 7/21			

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				JK 3/27			
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FE Sent For:

<END>

Memo

To: Drafters

From: Becky

Subject: Drafting requests for Legislative Council biofuels committee

Date: March 31, 2009

This morning, Larry Konopacki brought down the drafts that he and John Stolzenberg drafted for the Legislative Council Special Committee on Domestic Biofuels for us to convert to LRB drafts. They will eventually be combined in to one draft, but we think that the best way to start is to draft them as separate LRB drafts.

Please have a copy of each draft emailed to Larry and to John (both of them are on the frequently used addressees list in enter request). Do them as preliminary drafts.

Both John and Larry are open to us improving the drafts, so don't worry about making needed changes.

1 **AN ACT** to create 16.045 (1) (cm) and (f), 16.045 (4m) and (6), 16.956 (3) (f) and
2 93.07 (26) of the statutes; **relating to:** decreasing the use of petroleum-based
3 transportation fuels by state vehicles, promoting the use of alternative fuels in flex
4 fuel vehicles owned by the state, and promoting public alternative fuel refueling
5 facilities.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill draft was prepared for the joint legislative council's special committee on domestic biofuels. The bill draft codifies Executive Order #141, relating to increased utilization of renewable fuels and vehicles owned and operated by the State of Wisconsin.

The text of Executive Order #141 and the main statute amended by this draft, s. 16.045, are contained in attachments IV and I, respectively, in the report Wisconsin Biofuels and Alternative Fuels Use Report, 2008 Annual Report, Office of Energy Independence (OEI) (April 30, 2008). This report was distributed to the committee at its August 19, 2008 meeting.

In particular, the bill draft directs the department of administration to require state agencies to reduce the amount of gasoline and diesel fuels they use that are petroleum-based by the specified percentages, requires OEI to promote the use of alternative fuels in flex fuel vehicles owned by the state, and directs OEI and the department of agriculture, trade and consumer protection to cooperatively promote public alternative fuel refueling facilities.

6 **SECTION 1.** 16.045 (1) (cm) and (f) of the statutes are created to read:

7 16.045 (1) (cm) "Flex fuel vehicle" means a vehicle designed to operate on gasoline,
8 a blend of a fuel marketed as 85 percent ethanol and 15 percent gasoline, or a mixture of
9 gasoline and this blend.

10 (1) "Office" means the office of energy independence.

1 **SECTION 2.** 16.045 (4m) and (6) of the statutes are created to read:

2 16.045 (~~4m~~) The department shall require through its policies and guidelines
3 established under s. 16.04 (1), all agencies to collectively reduce the portions of gasoline and
4 diesel fuel in state-owned vehicles that is petroleum-based beneath the amounts of these fuels
5 that the agencies used in 2006 by the following percentages:

6 (a) For gasoline:

7 1. 20 percent by 2010.

8 2. 50 percent by 2015.

9 (b) For diesel fuel:

10 1. 10 percent by 2010.

11 2. 25 percent by 2015.

COMMENT: Sub. (4m) implements item 1. in Executive Order #141.

Other statutes that will apply to the implementation of this provision are the department of administration's duty to ensure optimum efficiency and economy in the fleet management and maintenance activities of agencies under s. 16.04; and the general state procurement requirements to buy on low bid under s. 16.75 (1) and to purchase fuel produced in the state under s. 16.75 (10).

If the committee does not want one or more of these statutes to apply to this provision, exceptions to the relevant statutes should be added to the bill draft.

12 **(6)** The office shall develop a plan designed to facilitate usage of alternative fuels in the
13 flex fuel vehicles and other vehicles owned by the state. The plan shall ensure all of the
14 following:

15 (a) All flex fuel vehicles and other vehicles powered by an alternative fuel other than
16 gasohol that are owned by the state shall be identifiable.

1 (b) All state employees driving flex fuel vehicles and other vehicles powered by an
2 alternative fuel other than gasohol shall be made aware of the alternative fuel refueling stations
3 in the area of their destination.

4 (c) All state employees shall strive to use alternative fuels when operating state flex fuel
5 and diesel-powered vehicles.

COMMENT: Subsection (6) implements item 2. in Executive Order #141,
as revised by the committee.

6 **SECTION 3.** 16.956 (3) (f) of the statutes is created to read:

7 16.956 (3) (f) Pursue, in cooperation with the department of agricultural, trade and
8 consumer protection, the establishment of additional alternative alternative fuel refueling
9 facilities at public retail outlets.

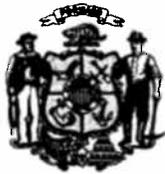
10 **SECTION 4.** 93.07 (26) of the statutes is created to read:

11 93.07 (26) ALTERNATIVE FUEL REFUELING FACILITIES. To pursue in cooperation with the
12 office of energy independence, the establishment of additional fuel refueling facilities at
13 public retail outlets.

COMMENT: The last 2 SECTIONS implement item 3. in Executive Order
#141. SECTION 3 specifies a new duty of OEL. SECTION 4 specifies a new
duty of the department of agriculture, trade, and consumer protection.

14

(END)



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-2502/P1

wanted soon

JTK: jld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to ~~decreasing~~ ^{generate} the use of petroleum-based transportation
 2 fuels by state vehicles, ~~promoting~~ ^{use of} the use of alternative fuels in flex fuel
 3 vehicles owned by the state, and ~~promoting~~ ^{use of} public alternative fuel refueling
 4 facilities.

RMS A

Analysis by the Legislative Reference Bureau

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill ~~was~~ ^{is} prepared for the joint legislative council's special committee on domestic biofuels. The bill ~~rat~~ ^{codifies} Executive Order #141, relating to increased utilization of renewable fuels and vehicles owned and operated by the State of Wisconsin.

The text of Executive Order #141 and the main statute amended by this ~~bill~~ ^{statute}, s. 16.045, are contained in attachments IV and I, respectively, in the ~~report~~ ^{Wisconsin Biofuels and Alternative Fuels Use Report, 2008 Annual Report, Office of Energy Independence (OEI) (April 30, 2008)}. ~~This report was distributed to the committee at its August 10, 2008 meeting.~~

In particular, the bill ~~directs~~ ^{requires} the department of administration to require state agencies to reduce the amount of gasoline and diesel fuels they use that are petroleum-based by ~~the~~ ^{specified} percentages, requires OEI to promote the use of

within certain time periods

alternative fuels in flex fuel vehicles owned by the state, and directs OEI and the department of agriculture, trade and consumer protection to cooperatively promote public alternative fuel refueling facilities.

SECTION 1. 16.045 (1) (cm) and (f) of the statutes are created to read:

16.045 (1) (cm) "Flex fuel vehicle" means a vehicle designed to operate on gasoline, a blend of a fuel marketed as 85 percent ethanol and 15 percent gasoline, or a mixture of gasoline and that blend.

(f) "Office" means the office of energy independence.

SECTION 2. 16.045 (4m) and (6) of the statutes are created to read:

16.045 (4m) The department shall require through its policies and guidelines established under s. 16.04 (1) all agencies to collectively reduce the usage of gasoline and diesel fuel in state-owned vehicles that is petroleum-based below the amount of these fuels that the agencies used in 2006 at least by the following percentages:

(a) For gasoline:

- 1. 20 percent by 2010.
2. 50 percent by 2015.

(b) For diesel fuel:

- 1. 10 percent by 2010.
2. 25 percent by 2015.

(6) The office shall develop a plan designed to facilitate usage of alternative fuels in the flex fuel vehicles and other vehicles owned by the state. The plan shall ensure all of the following:

(a) That all flex fuel vehicles and other vehicles powered by an alternative fuel other than gasohol that are owned by the state shall be identifiable.

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(b) ^{of that all} state employees driving flex fuel vehicles ^{are} and other vehicles powered by an alternative fuel other than gasohol ~~that~~ ^{are} made aware of the alternative fuel refueling stations in the ^{vicinity of their route of travel} ~~area of their destination~~.

(c) ^{of that all} state employees ~~that~~ ^{are} strive to use alternative fuels when operating state flex fuel and diesel-powered vehicles.

SECTION 3. 16.956 (3) (f) of the statutes is created to read:

16.956 (3) (f) Pursue, in cooperation with the department of ^{agriculture} ~~agriculture~~, trade and consumer protection, the establishment ^{and maintenance of sufficient} ~~of additional~~ alternative ~~alternative~~ fuel refueling facilities at public retail outlets ^{to meet the traveling needs} ~~of the public~~.

SECTION 4. 93.07 (26) of the statutes is created to read:

93.07 (26) ALTERNATIVE FUEL REFUELING FACILITIES. To pursue in cooperation with the ^{and maintenance of sufficient} ~~office of energy independence~~, the establishment ~~of additional~~ ^{of sufficient} alternative fuel refueling facilities at public retail outlets ^{to meet the traveling needs of the public} ~~of the public~~.

(END)

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2502/P1ins
JTK.....

INS A:

This bill is explained in the Note provided by the Joint Legislative Council in the bill. ✓

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill. ✓

INS 2-1:

SECTION 1. 16.04 (1) (a) of the statutes is amended to read: ✓

16.04 (1) (a) Develop uniform state policies and guidelines for vehicle and aircraft acquisition, use, maintenance, recording of operational and other costs, performance evaluation and replacement of vehicles and aircraft. The department shall incorporate the fuel usage requirements under s. 16.045(4m) in any policies or guidelines adopted under this paragraph. ✓

History: 1979 c. 34; 1983 a. 524; 1987 a. 27.

Kuesel, Jeffery

From: Stolzenberg, John
Sent: Monday, June 15, 2009 4:09 PM
To: Kreye, Joseph; Kuesel, Jeffery
Cc: Konopacki, Larry
Subject: Redraft of LRB-2502/P1 and LRB-2503/P1

Joe and Jeff,

I am writing both of you regarding these two drafts for the biofuels study committee because we want consistent treatment of references to E-85 fuels in both of them.

- ✓ Jeff, on page 2, line 9, in LRB-2502/P1, we are concerned that a literal reading of the phrase “a blend of a fuel marketed as gasoline and at least 85% ethanol” might exclude a blend that never goes above 85% ethanol. One way to address this is to substitute “85% ethanol or a higher percentage of ethanol” for “at least 85% ethanol” on line 9.
- ✓ Joe, there are 3 references to E-85 fuel in current law that are included in, but not amended by, LRB-2503/P1. See, for example, the reference to “motor vehicle fuel consisting of at least 85% ethanol” on page 2, line 19, in this draft. I would like to request that you change these references in a redraft of this draft to include that the blending percentages are based on the marketing of the fuel and to address the concern in the preceding paragraph.

Jeff and Joe, please coordinate these revisions in the 2 drafts, so that we'll have consistent treatment of E-85 blends in both drafts.

- ✓ Jeff, in addition, it appears that on page 3, line 3, in LRB-2502/P1, “revise” should be substituted for “reuse”.

Thanks for your help on these drafts. Let me know if you have any questions on these requested changes.

John

John Stolzenberg
Legislative Council
266-2988



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-2502/P+ P2
JTK:jld:ph

Wed 7/22

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

x

Regen

1 AN ACT *to amend* 16.04 (1) (a); and *to create* 16.045 (1) (cm) and (f), 16.045 (4m)
2 and (6), 16.956 (3) (f) and 93.07 (26) of the statutes; **relating to:** use of
3 petroleum-based transportation fuels by state vehicles, use of alternative fuels
4 in flex fuel vehicles owned by the state, and use of public alternative fuel
5 refueling facilities.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTE provided by the Joint Legislative Council in the bill.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Special Committee on Domestic Biofuels. The bill codifies Executive Order #141, relating to increased utilization of renewable fuels and vehicles owned and operated by the State of Wisconsin.

The text of Executive Order #141 and the main statute amended by this bill, s. 16.045, stats., are contained in attachments IV and I, respectively, in the Wisconsin

Biofuels and Alternative Fuels Use Report, 2008 Annual Report, Office of Energy Independence (OEI) (April 30, 2008).

In particular, the bill directs the Department of Administration to require state agencies to reduce the amount of gasoline and diesel fuels they use that are petroleum-based by specified percentages within certain time periods, requires OEI to promote the use of alternative fuels in flex fuel vehicles owned by the state, and directs OEI and the Department of Agriculture, Trade and Consumer Protection to cooperatively promote public alternative fuel refueling facilities.

1 **SECTION 1.** 16.04 (1) (a) of the statutes is amended to read:

2 16.04 (1) (a) Develop uniform state policies and guidelines for vehicle and
3 aircraft acquisition, use, maintenance, recording of operational and other costs,
4 performance evaluation and replacement of vehicles and aircraft. The department
5 shall incorporate the fuel usage requirements under s. 16.045 (4m) in any policies
6 or guidelines adopted under this paragraph.

7 **SECTION 2.** 16.045 (1) (cm) and (f) of the statutes are created to read:

8 16.045 (1) (cm) "Flex fuel vehicle" means a vehicle designed to operate on
9 gasoline, a blend of a fuel marketed as gasoline and ~~at least~~ 85 percent ethanol, or
10 a mixture of gasoline and that blend.

✓
or a
higher
percentage
of
ethanol

11 (f) "Office" means the office of energy independence.

12 **SECTION 3.** 16.045 (4m) and (6) of the statutes are created to read:

13 16.045 (4m) The department shall require all agencies to collectively reduce
14 the usage of gasoline and diesel fuel in state-owned vehicles that is petroleum-based
15 below the total amount that the agencies used in 2006 by at least the following
16 percentages:

17 (a) For gasoline:

- 18 1. Twenty percent by 2010.
19 2. Fifty percent by 2015.

20 (b) For diesel fuel:

1 1. Ten percent by 2010.

2 2. Twenty-five percent by 2015.

3 (6) The office shall adopt, ^{g revise} ~~cause~~ as necessary, and implement a plan designed
4 to facilitate usage of alternative fuels in the flex fuel vehicles and other vehicles
5 owned by the state. The plan shall ensure all of the following:

6 (a) That all flex fuel vehicles and other vehicles powered by an alternative fuel
7 other than gasohol that are owned by the state are identifiable.

8 (b) That all state employees driving flex fuel vehicles and other vehicles
9 powered by an alternative fuel other than gasohol are made aware of the alternative
10 fuel refueling stations in the vicinity of their route of travel.

11 (c) That all state employees strive to use alternative fuels when operating state
12 flex fuel and diesel-powered vehicles.

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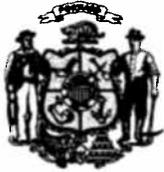
14 16.956 (3) (f) Pursue, in cooperation with the department of agriculture, trade
15 and consumer protection, the establishment and maintenance of sufficient
16 alternative fuel refueling facilities at public retail outlets to meet the traveling needs
17 of the public.

18 **SECTION 5.** 93.07 (26) of the statutes is created to read:

19 93.07 (26) ALTERNATIVE FUEL REFUELING FACILITIES. To pursue in cooperation
20 with the office of energy independence, the establishment and maintenance of
21 sufficient alternative fuel refueling facilities at public retail outlets to meet the
22 traveling needs of the public.

23

(END)



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-2502/P2
JTK:jld:ph

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1 **SECTION 1.** 16.04 (1) (a) of the statutes is amended to read:

2 16.04 (1) (a) Develop uniform state policies and guidelines for vehicle and
3 aircraft acquisition, use, maintenance, recording of operational and other costs,
4 performance evaluation and replacement of vehicles and aircraft. The department
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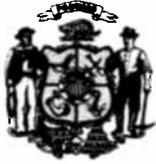
20 (b) For diesel fuel:

Biofuels Recommendations 8/6/09

Final Draft	Topic	LRB #	Redraft Requested	Status
WLC:-0356/2	state financial assistance	- 2528	----	DONE
WLC:-0357/2	use value property tax	-2504	----	DONE
WLC:-0358/2	feedstocks assessment	-2592	----	DONE
WLC:-0359/1	management practices	-2507	----	DONE
WLC:-0360/2	carbon offset education	-2508	----	DONE
WLC:-0361/1	training assessment	-2593	----	DONE
WLC:-0362/1	regulatory burden study	-2509	----	DONE
WLC:-0363/1	marketing order	-2510	----	DONE
WLC:-0364/3	personal fuel production exemption	-2505	----	DONE
WLC:-0365/3 (3/11 amdt)	blender pump tax credit	-2503	----	DONE
WLC:-0367/2	wholesale unblended fuel	-2506	----	DONE
WLC:-0368/5 (3/11 amdt)	renewable fuels requirement	-2511	----	DONE
WLC:-0369/2	state fleet	-2502	----	DONE (no elec. copy)
WLC:-0370/2	OEI powers & duties	-2591	----	DONE
Letter to Cong. Delegation	w/o reference to "switchgrass"			
Letter to Gov.				

R:\STOL\draft\ + Documents

Need (14)
 Compile Drafts
 Added To
 SB 279
 (LRB-3254/1)



State of Wisconsin
LEGISLATIVE REFERENCE BUREAU

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