

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

LRB-3276/1dn  
MDK:cjs:jf

October 11, 2001

Representative Gronemus:

Please note the following about this bill:

1. Does the definition of "objectionable flow of current" work, or should it be more descriptive? As drafted, the bill requires a remedy for "a steady state of current of 5 seconds or more" at the premises of a customer or member. I frankly don't know whether that language is descriptive enough, but it sounds like it should be more specific.
2. I named the board the electrical pollution board and the fund the electrical pollution fund. I didn't use "super fund" because there already is a super fund under federal law that deals with remedying hazardous substance contamination and I thought it would be confusing to have a state program with a similar name that does something different.
3. I believe that the Computer Business Equipment Manufacturers Association has changed its name to the Information Technology Industry Council. If I'm wrong, please let me know. In addition, I will double check the name change and contact you if I'm wrong.
4. This version allows customers and members to apply for funding if the utility or cooperative refuses or is unable to perform the remedy. However, I wasn't sure whether a customer or member who receives funding should be prohibited from going to court for treble damages. As drafted, the bill does *not* include such a prohibition. If you want such a prohibition, please let me know, and I will revise the bill.
5. I'm not sure how you want to handle general program operations of the board or its staffing. As drafted, the board's general program operations are funded from the same GPR appropriation that is used for certain other boards that are attached to DOA. Also, the bill directs DOA to provide staff services to the board. Alternatively, you could use a portion of the electrical pollution fund for the board's general program operations, and you could create position authorizations for the board so that it has its own staff. Please let me know if you want to make these changes.
6. I assumed that you wanted to delete proposed s. 16.956 (5) (PSC reports) from this version of the bill. Is this correct? If not, what rule violations should the PSC be required to report about?

7. The cooperative member is recommended by the Wisconsin Federation of Cooperatives (federation), not designated. This approach is similar to the physician member, who is recommended by the Wisconsin State Medical Society. There's a very strong argument that you can't delegate the appointment power to a private entity such as the federation, because it would be an improper delegation of legislative power. Therefore, the federation is allowed to recommend, not designate.

8. The amount in the schedule for FY 2001-02 is zero, because the utilities and cooperatives have 6 months after the bill goes into effect to start imposing the surcharge. Therefore, I assumed that no money would come into the fund in that fiscal year. As for FY 2002-03, the PSC provided you with data that total kilowatt sales in Wisconsin in 2000 equaled 64,774 million. Assuming the amount stays the same for FY 2002-03, the surcharge collected would be \$3,238,700 (which results from multiplying 64,774 million by 0.005 cents). As instructed, I used 85% of that amount and rounded the result up to the nearest hundred dollars (as we do for all appropriations), to arrive at \$2,752,900 for FY 2002-03.

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