

2001 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB55)

Received: 06/22/2001

Received By: **kunkemd**

Wanted: As time permits

Identical to LRB:

For: Assembly Republican Caucus

By/Representing: **Smith**

This file may be shown to any legislator: NO

Drafter: **kunkemd**

May Contact:

Addl. Drafters:

Subject: **Public Util. - misc.**

Extra Copies:

Submit via email: NO

Requester's email:

Pre Topic:

ARC:.....Smith - AM48,

Topic:

PSC intervenor compensation

Instructions:

See Attached

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>
/1	kunkemd 06/23/2001	gilfokm 06/23/2001	jfrantze 06/23/2001	_____	lrb_docadmin 06/24/2001		

FE Sent For:

<END>

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ARC Amendment # 48

Economic Development Package

SPENDING CUTS & REALLOCATIONS

M. J. DRINK
see page 12

~~1. Commerce - Milwaukee Development Opportunity Zone~~

Motion: Require a 50-50 match with the City of Milwaukee whereby the City would be required to offer financial incentives to the businesses within the Zone up to \$2.35 million.

Savings - \$2,350,000 (GPR-Lapse)

~~2. ETF - Group Health Insurance - Monthly Contribution from Employees (Grotzman)
Request #157~~

Motion: Require each state employee to pay a minimum of \$5 per month towards his or her group health insurance coverage.

Savings - \$1,890,800 (GPR-Lapse)

~~3. WERC - Wisconsin Employment Peace Act - Appropriations and Fees (Duff)
Request #88~~

Motion: Decrease WERC's "Promotion of Peace in Labor Relations" appropriation by \$100,000 GPR in 2001-2002 and \$200,000 GPR in 2002-2003. In addition, authorize WERC to establish fees by rule for services performed by the agency that are not otherwise charged.

Savings - \$300,000 (GPR)

~~4. Tourism - Badger State Games
Not Original Request of Caucus~~

Motion: Eliminate excess promotional funding for the Badger State Games.

Savings - \$100,000 (GPR)

~~5. Commerce - Business Employees Skills Training (BEST) Grant Program
Not Original Request of Caucus~~

Motion: Reallocate tribal gaming revenue funding from the BEST grant program. Direct \$150,000 PR to Potosi Brewery Foundation, \$100,000 PR to Forward Wisconsin in 2002-03.

RAC

RAC

PJK

PJK

5. Energy-Related Policy

- MOX
- a) Intervenor Compensation – Appropriations (at the request of Rep. Hoven)
***Not Original Request of Caucus* (Pleva has language)**
 Under current law, the PSC must compensate any participant – who is not a public utility – who intervenes in cases before the commission, for all or a portion of the participant’s costs of intervening if certain conditions are met. Also, to qualify for compensation, participants before the PSC must provide for the record an adequate presentation of a significant position in which the participant has a substantial interest, and that an adequate presentation would not occur without a grant of compensation.

6/55

Motion: Specify that the PSC may compensate non-utility participants who intervene in cases before it, for all or a portion of the participant’s costs of intervening if certain conditions are met. Specify that participants must provide a presentation of a significant position in which they have a substantial interest, and that an adequate presentation would not be possible without compensation from the PSC.
 (Savings – \$500,000 PR)

Employee Relations

- RAC
- a) LTE Participation in the State’s Deferred Compensation Plan (at the request of Rep. Bies)
Request #94
 Under current law, LTE’s are state employees appointed for provisional appointments for less than 1,044 hours per year. These employees do not qualify for any fringe benefits other than worker’s compensation, unemployment insurance, group insurance, retirement and social security coverage.

Motion: Allow LTE’s to participate in the state’s deferred compensation plan.
 (No Fiscal Effect)

- RAC
- b) Use of Accumulated Sick Leave by State Retirees (at the request of Rep. Powers)
Request #153
 Under current law, a state retiree may opt to take advantage of a one-time only election to use accumulated sick leave to pay for health insurance.

Motion: Allow state retirees to use accumulated sick leave to pay for health insurance, consistent with regular enrollment periods.
 (No Fiscal Effect)

- RAC
- c) Employee-required Contribution Rate and Benefit Adjustment Contribution (at the request of Rep. Vrakas)
Request #184
 Under current law, both employer and employee contributions, plus investment earnings on those contributions, fund benefits under the WRS. In most cases, as a result of labor



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBb1557/1

MDK: /z...
img

ARC:.....Smith – AM48, PSC intervenor compensation

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 992, line 12: after that line insert:

3 “SECTION 2994g. 196.31 (1) (intro.) of the statutes is amended to read:

4 196.31 (1) (intro.) In any proceeding before the commission, the commission
5 shall may compensate any participant in the proceeding who is not a public utility,
6 for some or all of the reasonable costs of participation in the proceeding if the
7 commission finds that:

8 History: 1983 a. 27; 1985 a. 297; 1989 a. 56 s. 259; 1993 a. 496; 1999 a. 9.

8 SECTION 2994i. 196.31 (1) (a) of the statutes is amended to read:

9 196.31 (1) (a) The participation is necessary to provide for the record an

10 adequate presentation of a significant position in which the participant has a

1 substantial interest, and that an adequate presentation would not ~~occur~~ be possible
2 without a grant of compensation; or”.

History: 1983 a. 27; 1985 a. 297; 1989 a. 56 s. 259; 1993 a. 496; 1999 a. 9.

3 2. Page 1402, line 18: after that line insert:

4 ~~(a)~~ INTERVENOR COMPENSATION. The treatment of section 196.31 (1) (intro.)
5 and (a) of the statutes first applies to compensation paid on the effective date of this
6 subsection.”

7 (END)

Int. comp.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1557/1dn

MDK:.....



Heather Smith:

Under this amendment, the change in compensation first applies to compensation that is paid on the effective date of the budget. Therefore, a person who intervened in a proceeding before the effective date of the budget would be subject to the change. I haven't researched the issue, but it may be possible to argue that applying the change to persons who intervened before the effective date of the budget deprives such persons of due process. I don't know whether this argument has any merit, but I thought I would bring it to your attention.

You could take a different approach, and provide that the amendment's change first applies to proceedings that commence on the effective date. Under this approach, the change would not apply to compensation paid for intervening in proceedings that began before the effective date of the budget. Please let me know if you want to take this different approach.

Mark D. Kunkel
Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1557/1dn
MDK:kmg:cmh

June 23, 2001

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State of Wisconsin
2001 - 2002 LEGISLATURE

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5 and (a) of the statutes first applies to compensation paid on the effective date of this
6 subsection.”.

7 (END)