



## 2001 SENATE BILL 422

February 5, 2002 - Introduced by Senators COWLES, BURKE and SCHULTZ, cosponsored by Representatives MCCORMICK, RICHARDS, HAHN, MILLER and BLACK. Referred to Committee on Universities, Housing, and Government Operations.

1 **AN ACT** *to amend* 227.19 (3) (intro.); and *to create* 227.117 and 227.19 (3) (f) of  
2 the statutes; **relating to:** energy assessments of proposed agency rule.

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### *Analysis by the Legislative Reference Bureau*

Under current law, an agency proposing a rule is required to prepare a fiscal estimate of the rule before the rule is submitted to the legislative council. In addition, the agency must prepare a regulatory analysis of how the rule effects small businesses.

This bill gives the department of administration (DOA) the authority to conduct an energy assessment of any proposed state agency rule that may potentially impact state energy policies. The bill requires DOA to conduct an energy assessment of a proposed rule if asked to do so by the agency that submitted the rule or by an appropriate standing committee of the legislature. If, after the assessment, DOA concludes that the proposal may have a significant impact on the state's energy policies, DOA may prepare an energy impact statement. The bill requires the state agency that is proposing the rule to consider the DOA energy impact statement before final adoption of the rule. Under the bill, the state agency that is proposing the rule must include the energy impact statement in the notice when the agency submits its proposed rule in final form to the legislature and an explanation of any changes made in the rule in response to that statement.

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

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

1           **SECTION 1.** 227.117 of the statutes is created to read:

2           **227.117 Review of rules impacting energy policies.** (1) The department  
3 of administration may conduct an energy assessment of any proposed rule submitted  
4 to the legislative council staff for review under s. 227.15 (1). If the department of  
5 administration receives a request for an energy assessment under sub. (2), the  
6 department of administration shall conduct the requested assessment. The energy  
7 assessment shall evaluate the potential impact of the proposed rule on the energy  
8 policies of the state related to electricity generation, transmission, or distribution or  
9 to fuels used in generating electricity. If, after making such an assessment, the  
10 department of administration concludes that the proposed rule may have a  
11 significant impact on those policies, the department of administration may prepare  
12 an energy impact statement. An energy impact statement prepared under this  
13 subsection shall evaluate the probable impacts of the proposed rule on the state's  
14 energy policies and describe appropriate alternatives to the proposed rule that will  
15 reduce any negative impacts on those policies.

16           (2) (a) A standing committee of the legislature may request that the  
17 department of administration conduct an energy assessment under sub. (1) of any  
18 proposed rule submitted to the legislative council staff for review under s. 227.15 (1)  
19 or submitted to the legislature in final draft form under s. 227.19 (2) if the standing  
20 committee has jurisdiction over either the subject matter of the rule or over energy  
21 policy.

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1 (b) The agency that proposed a rule may request that the department of  
2 administration conduct an energy assessment of the rule under sub. (1).

3 (3) The department of administration shall submit a copy of any energy impact  
4 statement prepared under sub. (1) to the legislative council staff and to the agency  
5 that proposed the rule that resulted in the statement.

6 (4) An agency that receives an energy impact statement under sub. (3), shall  
7 consider the energy impact statement before submitting the notification and report  
8 to the legislature under s. 227.19 (2) and (3).

9 **SECTION 2.** 227.19 (3) (intro.) of the statutes is amended to read:

10 227.19 (3) FORM OF REPORT. (intro.) The report required under sub. (2) shall be  
11 in writing and shall include the proposed rule in the form specified in s. 227.14 (1),  
12 the material specified in s. 227.14 (2) to (4), a copy of any energy impact statement  
13 received from the department of administration under s. 227.117 (3), a copy of any  
14 recommendations of the legislative council staff and an analysis. The analysis shall  
15 include:

16 **SECTION 3.** 227.19 (3) (f) of the statutes is created to read:

17 227.19 (3) (f) If an energy impact statement regarding the proposed rule was  
18 submitted with the report, an explanation of what changes, if any, that were made  
19 in the proposed rule in response to that statement.

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(END)