

2003 DRAFTING REQUEST

Senate Amendment (SA-SB44)

Received: 06/05/2003

Received By: mkunkel

Wanted: As time permits

Identical to LRB:

For: Legislative Fiscal Bureau

By/Representing: Renner

This file may be shown to any legislator: NO

Drafter: mkunkel

May Contact:

Addl. Drafters:

Subject: Public Util. - electric
Public Util. - misc.

Extra Copies:

Submit via email: YES

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

LFB:.....Renner -

Topic:

Limitation on PSC's ability to require public utilities to undertake additional public benefits programs or provide additional funding

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	mkunkel 06/05/2003	kfollett 06/05/2003	jfrantze 06/06/2003	_____	sbasford 06/06/2003		
/2	mkunkel 06/06/2003	kfollett 06/06/2003	chaskett 06/06/2003	_____	sbasford 06/06/2003		

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

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/1	mkunkel 06/05/2003	kfollett 06/05/2003	jfrantze 06/06/2003	6/6	sbasford 06/06/2003		

FE Sent For:

*12 kgl
6/6* *12 gh
6/6*

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/?	mkunkel	11 kjf 6/5	Dee/17	Self 6/7			

FE Sent For:

<END>

MOK

Post-it® Fax Note 7671		Date	# of pages ▶ 1
To <i>Mark Kuntel</i>	From <i>Darin Renner</i>		
Co./Dept. <i>LRS</i>	Co. <i>LFB</i>		
Phone #	Phone #		
Fax # <i>4-6948</i>	Fax #		

Senator Darling
Senator Welch
Representative Huebsch

ADMINISTRATION

Limitation on the PSC's Ability to Require Public Utilities to Undertake Additional Public Benefits Programs or to Provide Additional Public Benefits Funding [Amendment to Motion #709]

Motion:

Prohibit the PSC from requiring a public utility to perform any additional energy conservation and efficiency programs, or require utilities or ratepayers to pay additional funds due to the transfer of moneys from the public benefits fund for purposes other than those directed under s. 16.957 of the statutes.

Note:

This motion would prohibit the PSC from requiring a public utility to operate public benefits programs or making an additional assessment on public utility customers for programs that were previously provided by the Department of Administration, but were discontinued or only partially supported due to the transfer of funds from DOA-operated energy conservation and efficiency public benefits programs to other appropriations.

- MO# *810*
- Darling X N
 - Welch X N
 - Fitzgrid X N
 - Lazich X N
 - Harsdorf X N
 - Kanavas X N
 - Decker X N
 - Moore Y X
 - Kaufert X N
 - Huebsch X N
 - Ward X N
 - Stone X N
 - Rhoades X N
 - Meyer X N
 - Coggs X N
 - Schooff X N

15-1



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBb0384/1

MDK: [Signature]

D - NOTE

LFB:.....Renner – Limitation on PSC’s ability to require public utilities to undertake additional public benefits programs or provide additional funding

Fix request sheet pls.

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

SENATE AMENDMENT ,

TO 2003 SENATE BILL 44

1 At the locations indicated, amend the bill as follows:

2 1. Page 910, line 20: after that line insert:

3 “SECTION 2317m. 196.374 (5) of the statutes is created to read:

4 196.374 (5) The commission may not require any public utility to operate or
5 otherwise provide for, or impose any assessment on public utility customers for, any

6 program established by the department of administration under s. 16.957 (2) (a) or

7 (b) 1. This subsection does not apply to contributions that are required under sub.

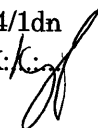
8 (3).”.

9 (END)

D-Note

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

LRBb0384/1dn

MDK: 

Date

Darin Renner:

This amendment applies to both low-income programs, which are established by DOA under s. 16.957 (2) (a), and energy conservation and efficiency and renewable resource programs, which are established by DOA under s. 16.957 (2) (b) 1. Is that okay? I ask because the note to the motion refers only to energy conservation and efficiency and renewable resource programs, but the motion appears to apply to all public benefits programs, which would include low-income programs.

Also, the motion appears to apply the prohibition to the PSC only if moneys are transferred from the DOA appropriations for use for other purposes. If drafted in that manner, it might appear that the PSC is free to require programs or assessments if moneys are not transferred. Therefore, I created a broader prohibition. As drafted, the only exception is for moneys that utilities must contribute under current law under s. 196.374 (3). Is that okay?

Finally, as we discussed, I don't think the amendment is necessary because the PSC does not appear to have the power under current law to require public utilities to do the things prohibited under the amendment. I raise this point in this drafter's note only so that the legislative history records my understanding of current law.

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

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

LRBb0384/1dn
MDK:kjf:jf

June 6, 2003

Darin Renner:

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E-mail: mark.kunkel@legis.state.wi.us

D-NOTE

PM has been run

LFB:.....Renner - Limitation on PSC's ability to require public utilities to undertake additional public benefits programs or provide additional funding

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6 program established by the department of administration under s. 16.957 (2)

7 (b) 1. This subsection does not apply to contributions that are required under sub.

8 (3)."

9

(END)

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

LRBb0384/2dn

MDK: *Kij*

Date

Darin Renner:

This version removes the reference to low-income programs. Therefore, the prohibition applies only to energy conservation and efficiency and renewable resource programs.

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

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MDK:kjf:cph

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