## 2003 DRAFTING REQUEST

Senate	Amendment	(SA-SB44)
--------	-----------	-----------

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:   Addi. Drafters:   Subject:   Public Util electric   Extra Copies:   Public Util misc.   Extra Copies:   Submit via email: YES  Requester's email:   Carbon copy (CC:) to:   Pre 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:   Vers.   Drafted   Reviewed   Typed   Proofed   Submitted   Jacketed   Required   // mkunkel   66/05/2003   06/05/2003   06/06/2003   06/06/2003   // mkunkel   kfollett   chaskett   sbasford   06/06/2003	Received: 06/05/2003					Received By: mkunkel			
This file may be shown to any legislator: NO Drafter: mkunkel  May Contact: Addl. Drafters:  Subject: Public Util electric Public Util misc.  Submit via email: YES  Requester's email:  Carbon copy (CC:) to:  Pre Topic:  LiffB: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:  Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required /?  // mkunkel kfollett jfrantze sbasford 06/06/2003   06/06/2003	Wanted: As time permits					Identical to LRB:			
May Contact:  Subject: Public Util electric Public Util misc.  Submit via email: YES  Requester's email:  Carbon copy (CC:) to:  Pre 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:  Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required /?  // mkunkel kfollett jfrantze sbasford 06/05/2003 06/05/2003 06/06/2003   Sassord 06/06/2003   Sassord 06/06/2003    // mkunkel kfollett chaskett sbasford   Sassord 06/06/2003    // mkunkel kfollett chaskett sassord   Sassord 06/06/2003    // mkunkel kfollett sassord   Sassord 06/06/2003    // mkunkel kfollett sassord 06/06/2003    // mkunkel kfollett sassord 06/06/2003    // mkunkel kfollett sassord 06/06/	For: Leg	gislative Fiscal	Bureau		4	By/Representing	g: Renner		
Subject: Public Util electric Public Util misc.  Submit via email: YES  Requester's email:  Carbon copy (CC:) to:  Pre 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:  Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required  // // mkunkel kfollett jfrantze sbasford	This file	may be shown	to any legislat	or: NO		Drafter: mkunk	el.		
Public Util misc.  Submit via email: YES  Requester's email:  Carbon copy (CC:) to:  Pre 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:  Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required  //  //  //  //  //  mkunkel kfollett jfrantze sbasford  //  //  //  //  mkunkel kfollett jfrantze sbasford  //  //  //  //  //  mkunkel kfollett jfrantze sbasford  //  //  //  //  //  mkunkel kfollett jfrantze sbasford  //  //  //  //  //  mkunkel kfollett jfrantze sbasford  //  //  //  //  //  //  //  //  //	May Cor	ntact:				Addl. Drafters:			
Requester's email:  Carbon copy (CC:) to:  Pre Topic:  Liffs: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:  Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required  /?  // mkunkel kfollett jfrantze sbasford 06/05/2003 06/05/2003 06/06/2003 06/06/2003  // mkunkel kfollett chaskett sbasford	Subject:					Extra Copies:			
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:  Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required  /?  // mkunkel kfollett jfrantze sbasford 06/05/2003 06/05/2003 06/06/2003 06/06/2003  // mkunkel kfollett chaskett sbasford	Submit v	via email: YES							
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:  Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required  //  //  //  //  //  mkunkel kfollett jfrantze sbasford  06/05/2003 06/05/2003 06/06/2003 06/06/2003  //  mkunkel kfollett chaskett sbasford	Requeste	er's email:							
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:  Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required  /?  /1 mkunkel kfollett jfrantze sbasford 06/05/2003 06/05/2003 06/06/2003 06/06/2003  /2 mkunkel kfollett chaskett sbasford	Carbon o	copy (CC:) to:							
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:  Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required  //?  //1 mkunkel kfollett jfrantze sbasford 06/05/2003 06/05/2003 06/06/2003 06/06/2003  //2 mkunkel kfollett chaskett sbasford	Pre Top	oic:		-					
Limitation on PSC's ability to require public utilities to undertake additional public benefits programs or provide additional funding  Instructions:  See Attached  Drafting History:  Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required  /? // mkunkel kfollett jfrantze sbasford 06/05/2003 06/05/2003 06/06/2003 06/06/2003  // mkunkel kfollett chaskett sbasford	LFB:	.Renner -							
Instructions:  See Attached  Drafting History:  Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required  /?  /1 mkunkel kfollett jfrantze sbasford 06/05/2003 06/05/2003 06/06/2003 06/06/2003  /2 mkunkel kfollett chaskett sbasford	Topic:	,							
Drafting History:  Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required  /? /1 mkunkel kfollett jfrantze sbasford 06/05/2003 06/05/2003 06/06/2003 06/06/2003  /2 mkunkel kfollett chaskett sbasford	Limitation provide a	on on PSC's abadditional fund	ility to require ing	public utilitie	es to underta	ke additional publ	ic benefits pro	grams or	
Drafting History:  Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required  /?  // mkunkel kfollett jfrantze sbasford 06/05/2003 06/05/2003 06/06/2003 06/06/2003  // mkunkel kfollett chaskett sbasford	Instruct	ions:							
Vers.     Drafted     Reviewed     Typed     Proofed     Submitted     Jacketed     Required       /?     //     //     //     //     sbasford       //     06/05/2003     06/06/2003     06/06/2003       /2     mkunkel     kfollett     chaskett     sbasford       06/06/2003     06/06/2003     sbasford	See Atta	ched		•					
/? /1 mkunkel kfollett jfrantze sbasford 06/05/2003 06/05/2003 06/06/2003 8basford /2 mkunkel kfollett chaskett sbasford	Drafting	g History:						s.	
/1 mkunkel kfollett jfrantze sbasford 06/05/2003 06/05/2003 06/06/2003 06/06/2003 //2 mkunkel kfollett chaskett sbasford	Vers.	<u>Drafted</u>	Reviewed	<u>Typed</u>	Proofed	Submitted	<u>Jacketed</u>	Required	
OCIOCIDADA ACIOCIDADA SUBSTIDIO					3				
	/2				3				

06/06/2003 11:50:44 AM Page 2

<u>Vers.</u> <u>Drafted</u> <u>Reviewed</u> <u>Typed</u> <u>Proofed</u> <u>Submitted</u> <u>Jacketed</u> <u>Required</u>

FE Sent For:

<**END>** 

## 2003 DRAFTING REQUEST

## Senate Amendment (SA-SB44)

Received	: 06/05/2003				Received By: mk	kunkel			
Wanted: As time permits					Identical to LRB:				
For: <b>Legi</b>	slative Fiscal	Bureau			By/Representing	Renner			
This file	may be shown	to any legislato	or: NO		Drafter: mkunkel				
May Con	tact:				Addl. Drafters:		7		
Subject:		Util electric Util misc.			Extra Copies:				
Submit v	ia email: <b>YES</b>								
Requeste	r's email:								
Carbon co	opy (CC:) to:								
Pre Topi	ic:					1			
LFB:	Renner -				,				
Topic:									
Limitatio provide a	n on PSC's ab dditional fund	oility to require pling	oublic utiliti	es to underta	ke additional publi	c benefits pro	grams or		
Instructi	ons:				·				
See Attac	hed								
Drafting	History:								
Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	<u>Jacketed</u>	Required		
/? /1	mkunkel 06/05/2003	kfollett 06/05/2003	jfrantze 06/06/200	self 6/4 	sbasford 06/06/2003				
FE Sent F	₹or:	6/6	616						

### 2003 DRAFTING REQUEST

Senate Amendment (SA-SB44)

Received	d: <b>06/05/2003</b>	v.			Received By: m	kunkel	
Wanted:	As time pern	nits			Identical to LRB	<b>:</b> :	
For: Leg	islative Fisca	l Bureau			By/Representing	: Renner	
This file	may be show	n to any legislate	or: NO		Drafter: mkunk	el	
May Cor	ntact:				Addl. Drafters:		
Subject:		Util electric Util misc.			Extra Copies:		
Submit v	via email: YES	S					
Requeste	er's email:						
Carbon o	copy (CC:) to:						-
Pre Top	oic:						
LFB:	Renner -						
Topic:			<del></del>				
Limitation provide	on on PSC's abaddtional fund	oility to require pling	public utilit	ies to undertal	ke additional publi	ic benefits prog	grams or
Instruct	ions:				W. *		
See Atta	ched						
Drafting	g History:						
Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required

FE Sent For:

/?

mkunkel

<END>

	Jun.	4.	2003	2:14PM	LFB
--	------	----	------	--------	-----

Post-it <sup>®</sup> Fax Note 7671	Date # of pages
To Mark Kunkel	From Dark Renner
Co./Dept LRB	Co. LFB
Phone #	Phone #
Fax# 4-6948	Fax #

No. 9266 P. 1/1

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.

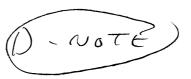
Note:

This motion would prohibit the PSC from requiring a public utility to operate public benefits programs or making an additional assessment on pubic 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
Fitzgrld 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
Hhoades X N
Meyer X N
Coggs X N
Schooff X N



### State of Misconsin 2003 - 2004 LEGISLATURE





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

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

LRBb0384/1dn MDK:



#### 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

LRBb0384/1dn MDK:kjf:jf

June 6, 2003

#### 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

#### **2003 - 2004 LEGISLATURE**

LRBb0384/1 MDK:kjf:jf

D-NOTE

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

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

SENATE AMENDMENT,

**TO 2003 SENATE BILL 44** 

At the locations indicated, amend the bill as follows:

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

"Section 2317m. 196.374 (5) of the statutes is created to read:

196.374 (5) The commission may not require any public utility to operate or otherwise provide for, or impose any assessment on public utility customers for, any program established by the department of administration under s. 16.957 (2) (b) 1. This subsection does not apply to contributions that are required under sub. (3)."

(END)

9

LRBb0384/2dn MDK:

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

LRBb0384/2dn MDK:kjf:cph

June 6, 2003

#### 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



### State of Misconsin 2003 - 2004 LEGISLATURE

LRBb0384/2 MDK:kjf:cph

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

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) (b) 1.
7	This subsection does not apply to contributions that are required under sub. (3).".
8	(END)