

2003 Senate Bill 113

Date of enactment: **April 16, 2004**  
Date of publication\*: **April 30, 2004**

## 2003 WISCONSIN ACT 277

AN ACT *to amend* 227.19 (3) (intro.); and *to create* 13.0975, 227.117, 227.19 (3) (f) and 227.19 (4) (b) 2m. of the statutes; **relating to:** review of legislative proposals and proposed state agency rules that impact the cost or reliability of energy.

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

**SECTION 1.** 13.0975 of the statutes is created to read:

**13.0975 Review of legislative proposals impacting energy availability.** (1) **DEFINITION.** In this section, “commission” means the public service commission.

(1m) **REQUEST BY LEGISLATOR.** When any proposal that will probably impact the cost or reliability of electricity generation, transmission, or distribution or of fuels used in generating electricity is introduced or offered in the legislature and referred to a standing committee of the house in which it is introduced, the chairperson or ranking minority member may request that the commission prepare an energy impact report. If the proposal is not referred to a standing committee, the speaker of the assembly, if the proposal is introduced or offered in the assembly, or the presiding officer of the senate, if the proposal is introduced or offered in the senate, may request that the commission prepare an energy impact report.

(2) **REPORT BY THE COMMISSION.** (a) When the commission is requested to prepare an energy impact report under sub. (1m), the commission shall submit the energy impact report on the proposal within 30 days after the written request is submitted to the commission.

(b) If the proposal impacts the cost or reliability of electricity generation, transmission, or distribution or of

fuels used in generating electricity, the commission shall describe the impact contained in the proposal. The energy impact report shall include the commission’s findings under sub. (3) and its conclusions under sub. (4).

(c) An energy impact report shall be printed as an appendix to the proposal and shall be distributed in the same manner as amendments.

(3) **FINDINGS OF THE COMMISSION ENERGY IMPACT REPORT.** The commission’s energy impact report shall evaluate the probable impact of the proposal on the cost or reliability of electricity generation, transmission, or distribution or of fuels used in generating electricity.

(4) **CONCLUSION OF THE COMMISSION REPORT.** Based on its findings under sub. (3), the commission shall include in its energy impact report its conclusion on whether the proposal adversely impacts the cost or reliability of electricity generation, transmission, or distribution or of fuels used in generating electricity.

**SECTION 2.** 227.117 of the statutes is created to read:

**227.117 Review of rules impacting energy availability.** (1) The public service commission shall prepare an energy impact report on any proposed rule if, not later than 30 days after the public hearing under s. 227.18, the chairperson or ranking minority member of a standing committee, the speaker of the assembly, or the presiding officer of the senate requests in writing that the commission determine the rule’s impact on the cost or reliability

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\* Section 991.11, WISCONSIN STATUTES 2001–02 : Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated” by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

of electricity generation, transmission, or distribution or of fuels used in generating electricity. The energy impact report shall include an evaluation and related findings and conclusions on the probable impact of the proposed rule on the cost or reliability of electricity generation, transmission, or distribution or of fuels used in generating electricity.

(2) Within 30 days after the written request is submitted to the public service commission, the commission shall submit a copy of any energy impact report prepared under sub. (1) to the agency that proposed the rule that resulted in the report.

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

**SECTION 3.** 227.19 (3) (intro.) of the statutes, as affected by 2003 Wisconsin Act 118, is amended to read:

227.19 (3) FORM OF REPORT. (intro.) The report required under sub. (2) shall be in writing and shall include the proposed rule in the form specified in s. 227.14 (1), the material specified in s. 227.14 (2) to (4), a copy of any economic impact report prepared by the agency under s. 227.137, a copy of any report prepared by the department of administration under s. 227.138, a copy of any energy impact report received from the pub-

lic service commission under s. 227.117 (2), a copy of any recommendations of the legislative council staff, and an analysis. The analysis shall include:

**SECTION 4.** 227.19 (3) (f) of the statutes is created to read:

227.19 (3) (f) If an energy impact report regarding the proposed rule was submitted with the report required under sub. (2), an explanation of the changes, if any, that were made in the proposed rule in response to that report.

**SECTION 5.** 227.19 (4) (b) 2m. of the statutes is created to read:

227.19 (4) (b) 2m. If a committee requests in writing that the public service commission determine the rule's impact on the cost or reliability of electricity generation, transmission, or distribution or of fuels used in generating electricity, the commission shall prepare an energy impact report in the manner provided under s. 227.117 (1). The commission shall submit a copy of the report to the committee and to the agency that proposed the rule within 30 days after the written request is submitted to the commission. The review period for both committees is extended to the 10th working day following receipt by the committees of the report, to the expiration of the review period under subd. 1., or to the expiration of the review period under subd. 2., whichever is later.

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