

2003 SENATE BILL 113

April 9, 2003 – Introduced by Senators COWLES, PANZER, SCHULTZ, HANSEN and WIRCH, cosponsored by Representatives VAN ROY, BLACK, BERCEAU and POCAN. Referred to Committee on Energy and Utilities.

1 **AN ACT** *to amend* 227.19 (3) (intro.); and *to create* 13.0975, 227.117, 227.19 (3)
2 (f), 227.19 (3p) and 227.19 (4) (b) 2m. of the statutes; **relating to:** review of
3 legislative proposals and proposed state agency rules impacting energy
4 policies.

Analysis by the Legislative Reference Bureau

Legislative proposals that impact energy policies

This bill requires the Department of Administration (DOA) to prepare an energy impact report on each legislative proposal that impacts energy policies. DOA is required to prepare the report within 30 days after it is introduced or offered in the legislature. If the proposal impacts energy policies, DOA is directed to describe the impact contained in the proposal and include in the report DOA's findings and conclusions. The report must evaluate the potential impact of the proposal on all of the following:

1. The generation, transmission, and distribution of electric power and natural gas and the reliability of the electric power and natural gas supply.
2. The mix of fuels used for the generation of electric power.
3. Energy conservation and the future availability of energy.
4. Environmental impacts of the generation, transmission, distribution, and use of energy.
5. The development and availability of energy produced from renewable resources.

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6. The demand for and use of transportation fuels.
7. The mix of fuels used for transportation.
8. Any other information that DOA considers relevant.

Proposed state agency rules that impact energy policies

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 Rules Clearinghouse of the Legislative Council Staff. In addition, if a proposed rule will affect small business, the agency must prepare a regulatory analysis of how the rule affects small businesses.

This bill authorizes DOA to prepare an energy impact report on any proposed state agency rule that significantly impacts energy policies. The bill requires DOA to prepare an energy impact report of a proposed rule if asked to do so by the agency that submitted the rule or by the standing committee of the legislature to which the rule is referred. The bill requires the state agency that is proposing the rule to consider the DOA energy impact report before final adoption of the rule. Under the bill, the state agency that is proposing the rule must include the energy impact report 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 the report.

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

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

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

2 **13.0975 Review of legislative proposals impacting energy policies. (1)**

3 DEFINITION. In this section, “department” means the department of administration.

4 **(2) REPORT BY THE DEPARTMENT.** (a) When a proposal that impacts energy
5 policies is introduced or offered in the legislature, the department shall prepare an
6 energy impact report on the proposal within 30 days after it is introduced or offered.

7 (b) If the proposal impacts energy policies, the department shall describe the
8 impact contained in the proposal. The energy impact report shall include the
9 department’s findings under sub. (3) and its conclusions under sub. (4).

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1 (c) A proposal that requires an energy impact report by the department under
2 this section shall have that requirement noted on its jacket when the jacket is
3 prepared. When a proposal that requires a report under this section receives a jacket
4 to be introduced or offered, the legislative reference bureau shall submit a copy of the
5 proposal to the department.

6 (d) If a proposal is introduced or offered without the requirement for an energy
7 impact report noted on its jacket, the primary author of the proposal or the
8 chairperson of a committee to which the proposal is referred may require the
9 department to prepare an energy impact report on the proposal, by so notifying the
10 legislative reference bureau. When so notified, the legislative reference bureau shall
11 submit a copy of the proposal to the department.

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

14 **(3) FINDINGS OF THE DEPARTMENT ENERGY IMPACT REPORT.** The department's
15 energy impact report shall evaluate the potential impact of the proposal on all of the
16 following:

17 (a) The generation, transmission, and distribution of electric power and
18 natural gas and the reliability of the electric power and natural gas supply.

19 (b) The mix of fuels used for the generation of electric power.

20 (c) Energy conservation and the future availability of energy.

21 (d) Environmental impacts of the generation, transmission, distribution, and
22 use of energy.

23 (e) The development and availability of energy produced from renewable
24 resources.

25 (f) The demand for and use of transportation fuels.

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1 (g) The mix of fuels used for transportation.

2 (h) Any other information that the department considers relevant.

3 **(4)** CONCLUSION OF THE DEPARTMENT REPORT. Based on its findings under sub.
4 (3), the department shall include in its energy impact report its conclusion on
5 whether the proposal is consistent with existing energy policies.

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

7 **227.117 Review of rules impacting energy policies.** (1) (a) The
8 department of administration may prepare an energy impact report on any proposed
9 rule submitted to the legislative council staff for review under s. 227.15 (1) that
10 impacts energy policies.

11 (b) If the department of administration receives a request for an energy impact
12 report under sub. (2), the department of administration shall prepare the report
13 within 30 days after it receives the request.

14 (c) The energy impact report shall evaluate the potential impact of the proposed
15 rule on all of the factors specified in s. 13.0975 (3) (a) to (h). The department of
16 administration, based on those findings, shall include in its energy impact report its
17 conclusion on whether the proposed rule is consistent with existing energy policies.

18 **(2)** (a) When an agency proposes a rule that may impact energy policies, the
19 agency shall request the department of administration to prepare an energy impact
20 report under sub. (1) of the proposed rule.

21 (b) A standing committee of the legislature to which a rule is referred under s.
22 227.19 (2) may request the department of administration to prepare an energy
23 impact report under sub. (1) of a proposed rule submitted to the legislature in final
24 draft form under s. 227.19 (2).

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1 **(3)** The department of administration shall submit a copy of any energy impact
2 report prepared under sub. (1) to the agency that proposed the rule that resulted in
3 the report.

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

7 **(5)** When an agency, under s. 227.20 (1), files with the revisor a rule that is
8 subject to this section, the agency shall include with the rule a summary of the energy
9 impact report prepared under s. 227.19 (3) (f) and a summary of the comments of the
10 legislative standing committees, if any. If the rule does not require the analysis
11 under s. 227.19 (3) (f), the agency shall include with the rule a statement of the reason
12 for the agency's determination under s. 227.19 (3p). The revisor shall publish the
13 summaries or the statement in the register with the rule.

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

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

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

22 227.19 **(3)** (f) If an energy impact report regarding the proposed rule was
23 submitted with the report required under sub. (2), an explanation of the changes, if
24 any, that were made in the proposed rule in response to that statement.

25 **SECTION 5.** 227.19 (3p) of the statutes is created to read:

