

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2003 SENATE BILL 113**

February 10, 2004 – Offered by Representative JENSEN.

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.

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

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

6 **13.0975 Review of legislative proposals impacting energy policies. (1)**

7 DEFINITION. In this section, “commission” means the public service commission.

8 **(1m) REQUEST BY LEGISLATOR.** When any proposal that impacts energy policies
9 is introduced or offered in the legislature and referred to a standing committee of the
10 house in which it is introduced, the chairperson may request that the commission
11 prepare an energy impact report. If the proposal is not referred to a standing

1 committee, the speaker of the assembly, if the proposal is introduced or offered in the
2 assembly, or the presiding officer of the senate, if the proposal is introduced or offered
3 in the senate, may request that the commission prepare an energy impact report.

4 **(2) REPORT BY THE COMMISSION.** (a) When a proposal that impacts energy
5 policies is introduced or offered in the legislature and the commission is requested
6 to prepare an energy impact report, the commission shall prepare the energy impact
7 report on the proposal within 30 days after the request is submitted to the
8 commission.

9 (b) If the proposal impacts energy policies, the commission shall describe the
10 impact contained in the proposal. The energy impact report shall include the
11 commission's findings under sub. (3) and its conclusions under sub. (4).

12 (c) 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 COMMISSION ENERGY IMPACT REPORT.** The commission's
15 energy impact report shall evaluate the potential impact of the proposal on the
16 energy policies of the state related to the cost and reliability of electricity generation,
17 transmission, or distribution or to fuels used in generating electricity.

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

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

22 **227.117 Review of rules impacting energy policies.** (1) The public service
23 commission may conduct an energy assessment of any proposed rule submitted to the
24 legislative council staff for review under s. 227.15 (1) if the legislative council staff
25 determines that the rule will impact energy policy. The energy assessment shall

1 evaluate the potential impact of the proposed rule on the energy policies of the state
2 related to the cost and reliability of electricity generation, transmission, or
3 distribution or to fuels used in generating electricity. If, after making such an
4 assessment, the public service commission concludes that the proposed rule may
5 have a significant impact on those policies, the public service commission may
6 prepare an energy impact report. An energy impact report prepared under this
7 subsection shall evaluate the probable impacts of the proposed rule on the state's
8 energy policies and describe appropriate alternatives to the proposed rule that will
9 reduce any negative impacts on those policies.

10 **(2)** The public service commission shall submit a copy of any energy impact
11 report prepared under sub. (1) to the legislative council staff and to the agency that
12 proposed the rule that resulted in the report.

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

16 **SECTION 3.** 227.19 (3) (intro.) of the statutes, as affected by 2003 Wisconsin Act
17 118, is amended to read:

18 227.19 **(3)** FORM OF REPORT. (intro.) The report required under sub. (2) shall be
19 in writing and shall include the proposed rule in the form specified in s. 227.14 (1),
20 the material specified in s. 227.14 (2) to (4), a copy of any economic impact report
21 prepared by the agency under s. 227.137, a copy of any report prepared by the
22 department of administration under s. 227.138, a copy of any energy impact report
23 received by the public service commission under s. 227.117 (3), a copy of any
24 recommendations of the legislative council staff, and an analysis. The analysis shall
25 include:

