

**ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO 2003 SENATE BILL 113**

February 16, 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) and 227.19 (4) (b) 2m. of the statutes; **relating to:** review of legislative
3 proposals and proposed state agency rules that impact the cost or reliability of
4 energy.

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 availability.**

7 **(1) DEFINITION.** In this section, “commission” means the public service commission.

8 **(1m) REQUEST BY LEGISLATOR.** When any proposal that will probably impact the
9 cost or reliability of electricity generation, transmission, or distribution or of fuels
10 used in generating electricity is introduced or offered in the legislature and referred
11 to a standing committee of the house in which it is introduced, the chairperson or
12 ranking minority member may request that the commission prepare an energy

1 impact report. If the proposal is not referred to a standing committee, the speaker
2 of the assembly, if the proposal is introduced or offered in the assembly, or the
3 presiding officer of the senate, if the proposal is introduced or offered in the senate,
4 may request that the commission prepare an energy impact report.

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

9 (b) If the proposal impacts the cost or reliability of electricity generation,
10 transmission, or distribution or of fuels used in generating electricity, the
11 commission shall describe the impact contained in the proposal. The energy impact
12 report shall include the commission's findings under sub. (3) and its conclusions
13 under sub. (4).

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

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

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

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

1 **227.117 Review of rules impacting energy availability.** (1) The public
2 service commission shall prepare an energy impact report on any proposed rule if,
3 not later than 30 days after the public hearing under s. 227.18, the chairperson or
4 ranking minority member of a standing committee, the speaker of the assembly, or
5 the presiding officer of the senate requests in writing that the commission determine
6 the rule's impact on the cost or reliability of electricity generation, transmission, or
7 distribution or of fuels used in generating electricity. The energy impact report shall
8 include an evaluation and related findings and conclusions on the probable impact
9 of the proposed rule on the cost or reliability of electricity generation, transmission,
10 or distribution or of fuels used in generating electricity.

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

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

18 **SECTION 3.** 227.19 (3) (intro.) of the statutes, as affected by 2003 Wisconsin Act
19 118, is amended to read:

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

1 recommendations of the legislative council staff, and an analysis. The analysis shall
2 include:

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

4 227.19 (3) (f) If an energy impact report regarding the proposed rule was
5 submitted with the report required under sub. (2), an explanation of the changes, if
6 any, that were made in the proposed rule in response to that report.

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

8 227.19 (4) (b) 2m. If a committee requests in writing that the public service
9 commission determine the rule's impact on the cost or reliability of electricity
10 generation, transmission, or distribution or of fuels used in generating electricity, the
11 commission shall prepare an energy impact report in the manner provided under s.
12 227.117 (1). The commission shall submit a copy of the report to the committee and
13 to the agency that proposed the rule within 30 days after the written request is
14 submitted to the commission. The review period for both committees is extended to
15 the 10th working day following receipt by the committees of the report, to the
16 expiration of the review period under subd. 1., or to the expiration of the review
17 period under subd. 2., whichever is later.

18 (END)