

2003 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-SB113)

Received: 02/13/2004

Received By: rnelson2

Wanted: Today

Identical to LRB:

For: Robert Cowles (608) 266-0484

By/Representing: Todd

This file may be shown to any legislator: NO

Drafter: rnelson2

May Contact:

Addl. Drafters:

Subject: Administrative Law

Extra Copies: Dan Rossmiller, St Bar

Submit via email: YES

Requester's email: Sen.Cowles@legis.state.wi.us

Carbon copy (CC:) to: drossmiler@wisbar.org

Pre Topic:

No specific pre topic given

Topic:

Energy impact reports of rules and legislation

Instructions:

See LRBA2187

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rnelson2 02/13/2004	kfollett 02/13/2004		_____			
/1			chaugen 02/13/2004	_____	sbasford 02/13/2004	sbasford 02/13/2004	
				_____	sbasford 02/13/2004		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/2	rnelson2 02/16/2004	wjackson 02/16/2004	jfrantze 02/16/2004	_____	sbasford 02/16/2004	sbasford 02/16/2004	

FE Sent For:

<END>

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/1		1/2 WJ 2/16	chaugen 02/13/2004	_____	sbasford 02/13/2004	sbasford 02/13/2004	

J 2/16 *J/ch 2/16*

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/?	rnelson2	1/18/04 2/13	Ch 2-13	W 2-13 pt			

FE Sent For:

<END>

1/13 2 pm

2003 - 2004 LEGISLATURE

0352/1
LRBs0342/2
RPN:jld:wlj:ag
↓
[Signature]

ASSEMBLY SUBSTITUTE AMENDMENT
TO 2003 SENATE BILL 113

~~February 10, 2004 - Offered by Representative JENSEN.~~

repeal

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4

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

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

5
6
7
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9
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11

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

13.0975 Review of legislative proposals impacting energy ~~policy~~ ^{availability} (1)

DEFINITION. In this section, "commission" means the public service commission.

(1m) REQUEST BY LEGISLATOR. When any proposal that ~~impacts energy policies~~ ^(insert 1-p)

is introduced or offered in the legislature and referred to a standing committee of the house in which it is introduced, the chairperson ^(insert 1-10) may request that the commission 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 ^{submit} ~~prepare~~ the energy impact
7 report on the proposal ^{under sub. (1)(a)} ~~within 30 days after the request~~ ^(insert 2-7) is submitted to the
8 commission. ^(insert 2-9)

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 ^{probable} ~~potential~~ impact of the proposal on the
16 ~~energy policies of the state related to the cost~~ ^{or} ~~and~~ ^{of} reliability of electricity generation,
17 transmission, or distribution ~~or~~ ^{of} 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~~ ^(insert 2-20).

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

22 **227.117 Review of rules impacting energy ~~policies~~** ^{availability} (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~~ ^(insert 3-10) 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 ^{from} by the public service commission under s. 227.117 (2), a copy of any
24 recommendations of the legislative council staff, and an analysis. The analysis shall
25 include:

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

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

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

6 227.19 (3p) ENERGY IMPACT REPORT NOT REQUIRED. The energy impact report
7 specified under sub. (3) (f) is not required for a rule if the agency, after complying with
8 s. 227.117, determines that the rule will not have a significant impact on energy
9 policies.

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

11 227.19 (4) (b) 2m. If a committee, by a majority vote of a quorum of the
12 committee, requests an energy impact report under s. 227.117, the review period for
13 both committees is extended to the 10th working day following receipt by the
14 committees of the report, to the expiration of the review period under subd. 1., or to
15 the expiration of the review period under subd. 2., whichever is later.

16

(END)

insert
4-12

Inserts

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

1 At the locations indicated, amend the substitute amendment as follows:

2 ✓ 1. Page 1, line 6: delete "policies" and substitute "availability".

3 ✓ 2. Page 1, line 8: delete "impacts energy policies" and substitute "will probably

insert 1-8
4 impact the cost or reliability of electricity generation, transmission, or distribution

5 or of fuels used in generating electricity"

6 ✓ 3. Page 1, line 10: after "chairperson" insert "or ranking minority member".

insert 1-10

7 ✓ 4. Page 2, line 4: delete the material beginning with "a proposal" and ending
8 with "and" on line 5.

9 ✓ 5. Page 2, line 6: after "report" insert "under sub. (1m)".

10 ✓ 6. Page 2, line 6: delete "prepare" and substitute "submit".

1 **7.** Page 2, line 7: delete "within 30 days after the request" and substitute "to
2 the committee within 30 days after the written request".

3 **8.** Page 2, line 9: delete "energy policies" and substitute "the cost or reliability
4 of electricity generation, transmission, or distribution or of fuels used in generating
5 electricity".

6 ✓ **9.** Page 2, line 15: delete "potential" and substitute "probable".

7 ✓ **10.** Page 2, line 16: delete "energy policies of the state related to the cost and"
8 and substitute "cost or".

9 ✓ **11.** Page 2, line 17: delete "to" and substitute "of".

10 ✓ **12.** Page 2, line 20: delete "is consistent with existing energy policies." and
11 substitute "adversely impacts the cost or reliability of electricity generation,
12 transmission, or distribution or of fuels used in generating electricity".

13 ✓ **13.** Page 2, line 22: delete "**policies**" and substitute "**availability**".

14 ✓ **14.** Page 2, line 23: delete the material beginning with that line and ending
15 with page 3, line 9, and substitute "commission shall prepare an energy impact
16 report on any proposed rule if, not later than 30 days after the public hearing under
17 s. 227.18, the chairperson or ranking minority member of a standing committee, the
18 speaker of the assembly, or the presiding officer of the senate requests in writing that
19 the commission determine the rule's impact on the cost or reliability of electricity
20 generation, transmission, or distribution or of fuels used in generating electricity.
21 The energy impact report shall include an evaluation and related findings and
22 conclusions on the probable impact of the proposed rule on the cost or reliability of

insert
2-7

insert
2-9

insert
2-20

insert
3-9

↓

Insert
3-9

1 electricity generation, transmission, or distribution or of fuels used in generating
2 electricity.

3 **15.** Page 3, line 10: delete "The public service" and substitute "Within 30 days
4 after the written request is submitted to the public service commission, the".

Insert
3-10

5 ✓ **16.** Page 3, line 23: delete that line and substitute "received from the public
6 service commission under s. 227.117 (2), a copy of any".

7 ✓ **17.** Page 4, line 5: delete lines 5 to 9.

8 **18.** Page 4, line 11: delete lines 11 and 12 and substitute:

Insert
4-12

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

16

(END)

Nelson, Robert P.

From: Stuart, Todd
Sent: Friday, February 13, 2004 3:26 PM
To: Nelson, Robert P.
Subject: FW: Draft review: LRB 03s0352/1 Topic: Energy impact reports of rules and legislation

Has this been finished yet?

-----Original Message-----

From: Lovell, David
Sent: Friday, February 13, 2004 3:23 PM
To: Stuart, Todd
Cc: Stolzenberg, John
Subject: RE: Draft review: LRB 03s0352/1 Topic: Energy impact reports of rules and legislation

Todd,

I have had a chance to review this more carefully now, so here are a few comments. I just read it as new text--I did not compare it to earlier versions. My comments are technical, not related to the policy.

Page 2, lines 4-7: If the request is made by the Speaker or by the presiding officer of the Senate, to whom does the PSC submit the report? (Same comment I made earlier.)

Page 3, line 11: Why should the report be sent to the Legislative Council Staff? What would we do with it? The subject of the report is not related to the subject of the report that we prepare on proposed rules, so it would not be useful to us for that, and in many cases it would not be prepared until after our report is completed. We would get the report eventually, when the rule is sent to the Legislature for final review, since it becomes an appendix.

Page 4, line 4: I assume that the "statement" referred to on that line is the "energy impact report" referred to on line 2. If that is the case, it would appear that the word "statement" should be replaced by "report," or if there is concern about confusion about what report is meant (since that sentence also refers to another report), then by "energy impact report." (How's that for picking nits?)

that's all I have--

David

David L. Lovell, Senior Analyst
 Wisconsin Legislative Council Staff
 608/266-1537

-----Original Message-----

From: Stuart, Todd
Sent: Friday, February 13, 2004 1:53 PM
To: Stolzenberg, John; Lovell, David
Subject: FW: Draft review: LRB 03s0352/1 Topic: Energy impact reports of rules and legislation

This puts the bill into another sub to try to make it easier to follow. David spotted a small error already. John, do you see anything?

-----Original Message-----

From: Basford, Sarah
Sent: Friday, February 13, 2004 1:31 PM
To: Sen.Cowles

02/16/2004



ASSEMBLY SUBSTITUTE AMENDMENT,
TO 2003 SENATE BILL 113

Regen

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* ~~impacting~~ energy ~~policy~~

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

4 SECTION 1. 13.0975 of the statutes is created to read:
5 **13.0975 Review of legislative proposals impacting energy availability.**
6 (1) DEFINITION. In this section, "commission" means the public service commission.
7 (1m) REQUEST BY LEGISLATOR. When any proposal that will probably impact the
8 cost or reliability of electricity generation, transmission, or distribution or of fuels
9 used in generating electricity is introduced or offered in the legislature and referred
10 to a standing committee of the house in which it is introduced, the chairperson or
11 ranking minority member may request that the commission prepare an energy
12 impact report. If the proposal is not referred to a standing committee, the speaker

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

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

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

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

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

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

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

24 **227.117 Review of rules impacting energy availability.** (1) The public
25 service commission shall prepare an energy impact report on any proposed rule if,

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

9 (2) Within 30 days after the written request is submitted to the public service
10 commission, the commission shall submit a copy of any energy impact report
11 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
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25 include:

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

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

6 227.19 (4) (b) 2m. If a committee requests in writing that the public service
7 commission determine the rule's impact on the cost or reliability of electricity
8 generation, transmission, or distribution or of fuels used in generating electricity, the
9 commission shall prepare an energy impact report in the manner provided under s.
10 227.117 (1). The commission shall submit a copy of the report to the committee and
11 to the agency that proposed the rule within 30 days after the written request is
12 submitted to the commission. The review period for both committees is extended to
13 the 10th working day following receipt by the committees of the report, to the
14 expiration of the review period under subd. 1., or to the expiration of the review
15 period under subd. 2., whichever is later.

16 (END)