

2009 DRAFTING REQUEST

Bill

Received: **02/18/2010**

Received By: **csundber**

Wanted: **As time permits**

Companion to LRB: **-4566**

For: **Cory Mason (608) 266-0634**

By/Representing: **Vicky Selkove**

May Contact:

Drafter: **csundber**

Subject: **Econ. Development - bus. dev.**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Mason@legis.wisconsin.gov**

Carbon copy (CC:) to: **christopher.sundberg@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Revolving loan fund for energy improvements

Instructions:

See attached

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>
/?	csundber 03/01/2010	bkraft 03/02/2010		_____			
/P1	csundber 03/04/2010	bkraft 03/04/2010	rschluet 03/02/2010	_____	sbasford 03/02/2010		State
/1	csundber 03/18/2010	bkraft 03/18/2010	jfrantze 03/05/2010	_____	cduerst 03/05/2010		State
/2			jfrantze 03/18/2010	_____	lparisi 03/18/2010	cduerst 03/23/2010	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For: "1/2" @ intro. 3/20/10

<END>

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/P1	csundber 03/04/2010	bkraft 03/04/2010	rschluet 03/02/2010	_____	sbasford 03/02/2010		State
/1			jfrantze 03/05/2010	_____	cduerst 03/05/2010		

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/P1		1/bj k 3/4	rschluet 03/02/2010	<i>[Handwritten initials]</i>	sbasford 03/02/2010		
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FE Sent For:

[Handwritten signature]
03/5

<END>

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Topic:

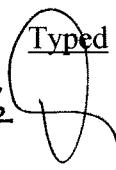
Revolving loan fund for energy improvements

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/?	csundber	/PI bjk 2/2					
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FE Sent For:

<END>

82/10

Sundberg, Christopher

From: Kunkel, Mark
Sent: Thursday, February 18, 2010 8:12 AM
To: Sundberg, Christopher; Kuczenski, Tracy
Subject: FW: Rep. Mason bill to be drafted

I think this request is mostly a Dept. of Commerce draft. A small bit is PSC, as one of the funding sources is in the PSC's area. (Other than the reference to funds administered by the PSC through Focus on Energy, I'm not quite sure what the other funding sources are.)

Can one of you take the lead and tell Vicky that you are on the case?

Thanks,

-- Mark

From: Selkove, Vicky
Sent: Wednesday, February 17, 2010 6:48 PM
To: Kunkel, Mark
Cc: Brandon, Zach - COMMERCE
Subject: Rep. Mason bill to be drafted

Hi Mark -

We need a bill drafted per the instructions below. I assume you would be the drafter, but please forward as necessary if another attorney will be taking the lead.

If you are indeed the appropriate drafter, I'll give you a call tomorrow afternoon to see if you have preliminary questions and then, if you'd like, we can sit down with Commerce to ensure that you've got everything you need to proceed quickly.

Thanks much!
Vicky

The bill should do the following:

1. Establish the Green to Gold Revolving Loan Fund in the Department of Commerce.
2. The fund will be utilized to give non-forgivable loans to Wisconsin manufacturers to implement energy efficiency or renewable energy measures in their facilities to enhance their competitiveness, create or retain jobs, retool existing facilities to manufacture products that support the green economy, and/or expand or establish domestic clean energy manufacturing operations.
3. The loans will be low or no-interest loans and upon repayment to Commerce, will be utilized again for the same purposes. (1)(n)✓ (1)(m)✓
4. The funding source for the loans will be the state's existing and future State Energy Program funding (including amounts to be repaid through already-distributed SEP-ARRA funds currently used by Commerce for the Clean Energy Business Loan program), future funding for the Wisconsin Energy Independence Fund (WEIF), funds administered by the PSC through Focus on Energy that are currently being used for similar purposes, and, federal funds that might become available

02/18/2010

through energy efficiency initiatives such as, but not limited to, the IMPACT (Investments for Manufacturing Progress and Clean Technology) Act which is making its way through Congress. The language needs to make clear that all federal funds that Wisconsin receives that are aimed at or that could be utilized to assist manufacturers in retooling or expanding production of clean energy products should be placed into the Green to Gold Fund and subject to its terms and to Commerce's administration. *

5. The Green to Gold fund should also incorporate the \$1.75 million 12-month pilot program already underway (administered by Commerce), funded from the Wisconsin Development Fund and existing State Energy Program dollars.
6. Commerce should be given emergency rule-making authority to determine the criteria for loan distribution, application, and eligible manufacturers (i.e. size of eligible firm). Its criteria for eligible loan applicants must ensure that the loans will be distributed throughout the state (ensure geographic diversity in distribution), set clear job-creation standards for loan recipients, establish minimum energy savings that an eligible manufacturer must expect will result from the loan's utilization, stipulate that for any retooling or retrofit work paid for with loan funds must be done utilizing contractors who comply with Wisconsin's prevailing wage law, and prioritize existing Wisconsin manufacturers for receipt of the loans.
7. All manufacturers receiving loans from the Green to Gold fund must provide documentation to Commerce consistent with Commerce's existing contracts and Act 125 that documents the number of jobs created as a result of the funds and the energy savings that resulted.
8. Commerce should provide a passive review report to Joint Finance annually on loan disbursement, loan recipients, and measurable results of the loan fund's utilization.

Vicky Selkove

Office of State Representative Cory Mason

62nd Assembly District

Room 321 East, State Capitol PO Box 8953, Madison, WI 53708

Phone: (608) 266-0634

Toll-free: (888) 534-0062

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lu: 3/1/10 Wanted Wednesday, if possible

State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-4373

CTS: LJC RMNR
PI

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SA
X-ref

d-note

gen.

1 AN ACT ...; relating to: loans to manufacturing businesses for energy
 2 improvements, job creation, retooling, or clean energy production, providing an
 3 exemption from emergency rule procedures, requiring the exercise of
 4 emergency rule-making procedures, and making appropriations.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

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

5 SECTION 1. 16.54 (14) of the statutes is created to read:
 6 16.54 (14) Subsections (1) to (8) do not apply to federal moneys made available
 7 to the state that could be utilized to assist manufacturing businesses in the state
 8 retool for, or expand, production of clean energy. The governor shall deposit federal
 9 moneys made available to the state that could be utilized to assist manufacturing
 10 businesses in the state retool for, or expand, production of clean energy in the
 11 appropriation account under s. 20.143 (1) (mr).

1 **SECTION 2.** 20.143 (1) (hr) of the statutes is created to read:

2 20.143 (1) (hr) *Loans to manufacturing businesses; repayments.* All moneys
3 received from repayments of loans to manufacturing businesses under s. 560.128, to
4 be used for loans to manufacturing businesses under s. 560.128.

5 **SECTION 3.** 20.143 (1) (m) of the statutes is amended to read:

6 20.143 (1) (m) *Federal aid, state operations.* All moneys received from the
7 federal government as authorized by the governor under s. 16.54, for state operations
8 and for loans to manufacturing businesses under s. 560.128.

History: 1979 c. 361; 1981 c. 20, 21, 349; 1983 a. 27, 83, 192, 381; 1985 a. 29 ss. 169 to 204, 3202 (14); 1985 a. 120, 332, 334; 1987 a. 27, 109, 317, 318, 399, 403; 1989 a. 31, 185, 237, 317, 325, 335, 336, 342, 359; 1991 a. 39, 259, 261, 269, 315; 1993 a. 5, 16, 75, 110, 232, 437; 1995 a. 27 ss. 483, 505 to 517, 608s, 609g, 609j, 964, 965, 977, 987, 988, 990 to 993, 1080b, 1085b, 1086b, 9116 (5); 1995 a. 116, 119, 216, 227; 1997 a. 9, 27, 35, 215, 237, 252, 310; 1999 a. 9, 84, 106, 185, 186; 2001 a. 16, 109; 2003 a. 33 ss. 292c to 297m, 593 to 600, 602 to 604; 2003 a. 255, 256; 2005 a. 25 ss. 150m to 156t, 331; 2005 a. 45, 358; 2007 a. 20, 125, 225; 2009 a. 2, 16, 28; s. 13.92 (2) (i).

9 **SECTION 4.** 20.143 (1) (n) of the statutes is amended to read:

10 20.143 (1) (n) *Federal aid, local assistance.* All moneys received from the
11 federal government, as authorized by the governor under s. 16.54, for local assistance
12 and for loans to manufacturing businesses under s. 560.128.

History: 1979 c. 361; 1981 c. 20, 21, 349; 1983 a. 27, 83, 192, 381; 1985 a. 29 ss. 169 to 204, 3202 (14); 1985 a. 120, 332, 334; 1987 a. 27, 109, 317, 318, 399, 403; 1989 a. 31, 185, 237, 317, 325, 335, 336, 342, 359; 1991 a. 39, 259, 261, 269, 315; 1993 a. 5, 16, 75, 110, 232, 437; 1995 a. 27 ss. 483, 505 to 517, 608s, 609g, 609j, 964, 965, 977, 987, 988, 990 to 993, 1080b, 1085b, 1086b, 9116 (5); 1995 a. 116, 119, 216, 227; 1997 a. 9, 27, 35, 215, 237, 252, 310; 1999 a. 9, 84, 106, 185, 186; 2001 a. 16, 109; 2003 a. 33 ss. 292c to 297m, 593 to 600, 602 to 604; 2003 a. 255, 256; 2005 a. 25 ss. 150m to 156t, 331; 2005 a. 45, 358; 2007 a. 20, 125, 225; 2009 a. 2, 16, 28; s. 13.92 (2) (i).

13 **SECTION 5.** 20.143 (1) (mr) of the statutes is created to read:

14 20.143 (1) (mr) *Loans to manufacturing businesses.* All moneys received from
15 the federal government for assisting manufacturing businesses in retooling for, or
16 expanding, production of clean energy and deposited by the governor under s. 16.54
17 (14), to be used for loans to manufacturing businesses under s. 560.128.

18 **SECTION 6.** 560.128 of the statutes is created to read:

19 **560.128 Loans to manufacturing businesses. (1)** From the appropriations
20 under s. 20.143 (1) (hr), (m), (mr), and (n), the department may make a loan to a
21 manufacturing business in this state to do any of the following:

1 (a) Implement energy efficiency or renewable energy measures in their
2 facilities to enhance their competitiveness.

3 (b) Retool existing facilities to manufacture products that support the green
4 economy.

5 (c) Expand or establish domestic clean energy manufacturing operations.

6 (d) Create or retain jobs for workers engaged in activities under par⁵(a) to (c)⁶

7 (2) The department shall promulgate rules establishing eligibility criteria that
8 do all of the following:

9 (a) Set clear job-creation standards for loan recipients.

10 (b) Establish minimum energy savings that an eligible manufacturer must
11 expect will result from the loan's utilization.

12 (c) Give priority to existing manufacturing businesses.

13 (d) Ensure that loans under this section will be distributed to manufacturing
14 businesses throughout the state.

15 (e) Requires all work paid for with the proceeds of a loan under this section be
16 performed by a contractor or subcontractor that agrees to pay all employees
17 performing work paid for with the proceeds of a loan under this section who would
18 be entitled to receive the prevailing wage rate under s. 66.0903, if the improvement
19 or application were a project of public works under s. 66.0903, not less than the
20 prevailing wage rate determined under s. 66.0903 (3) or (6).

21 **SECTION 7. Nonstatutory provisions.**

22 (1) Using the procedure under section 227.24 of the statutes, the department
23 of commerce shall promulgate rules required under section 560.128 ²(~~1~~)^e of the
24 statutes, as created by this act, for the period before the effective date of the
25 permanent rules promulgated under that section, but not to exceed the period

1 authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding
2 section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department of commerce is
3 not required to provide evidence that promulgating a rule under this subsection as
4 an emergency rule is necessary for the preservation of public peace, health, safety,
5 or welfare and is not required to provide a finding of an emergency for a rule
6 promulgated under this subsection.

7 (END)

D-note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4373/P1dn

CTS:.....

Lbjk

Date

Representative Mason:

This is a preliminary draft. Please review it carefully to ensure it is consistent with your intent, and note the following:

1. Under s. 16.54, the governor accepts federal funding on behalf of the state, with the exception of federal block grants. This draft directs the governor to deposit all federal funds "that could be utilized to assist manufacturing businesses in the state retool for, or expand, production of clean energy" into an appropriation used to fund loans to manufacturing businesses under the program created in the draft.
2. In order to get a preliminary draft out as soon as possible, I have not included language to allocate funds administered through the PSC's Focus on Energy program to fund loans to manufacturing businesses under the program created in the draft. These funds and others can be easily inserted into the draft as sources for loans in a subsequent version.

Christopher T. Sundberg
Legislative Attorney
Phone: (608) 266-9739
E-mail:
christopher.sundberg@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4373/P1dn
CTS:bjk:rs

March 2, 2010

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Christopher T. Sundberg
Legislative Attorney
Phone: (608) 266-9739
E-mail:
christopher.sundberg@legis.wisconsin.gov

Sundberg, Christopher

From: Selkowe, Vicky
Sent: Thursday, March 04, 2010 11:55 AM
To: Sundberg, Christopher
Subject: RE: Rep. Mason bill to be drafted

If Commerce can't identify the PSC funds they're talking about, then let's forget about it. Go with what you've got and let's use the alternative language you sent me for the language directing the Gov - for the descriptor, use the same language you have originally about 'could be utilized to assist manufacturing businesses in the state retool for, or expand, production of clean energy...'

Thanks, Chris.

Vicky

Vicky Selkowe
Office of State Representative Cory Mason 62nd Assembly District Room 321 East, State Capitol PO Box 8953, Madison, WI 53708
Phone: (608) 266-0634
Toll-free: (888) 534-0062

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From: Sundberg, Christopher
Sent: Thursday, March 04, 2010 11:47 AM
To: Selkowe, Vicky
Subject: RE: Rep. Mason bill to be drafted

I just spoke for a while with Tarna Gahan-Hunter at Commerce (I think she's Zach'd "budget guru")--she was very helpful in identifying the Commerce approps for G2G, but she couldn't really help me with the PSC question. Aside from figuring out where the mystery PSC money is, I think I've got enough to get a redraft out. Have you made any further decisions about the language in the /P1 that directs the governor to identify federal money for deposit into G2G?

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

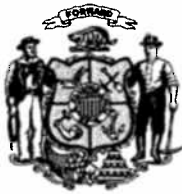
From: Selkowe, Vicky
Sent: Wednesday, March 03, 2010 4:45 PM
To: Sundberg, Christopher
Subject: RE: Rep. Mason bill to be drafted

Please also ask her about what funds, specifically, within the PSC's control, were they envisioning being part of G2G?

I guess I was thinking of language that allowed Commerce to designate existing funds or programs as part of G2G and subject to its provisions, with some kind of legislative (JFC?) approval?

Vicky Selkowe
Office of State Representative Cory Mason 62nd Assembly District Room 321 East, State Capitol PO Box 8953, Madison, WI 53708
Phone: (608) 266-0634
Toll-free: (888) 534-0062

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~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

2009 BILL

SA
X-ref

Inserts

regen

1 AN ACT *to amend* 20.143 (1) (m) and 20.143 (1) (n); and *to create* 16.54 (14),
2 20.143 (1) (hr), 20.143 (1) (mr) and 560.128 of the statutes; **relating to:** loans
3 to manufacturing businesses for energy improvements, job creation, retooling,
4 or clean energy production; providing an exemption from emergency rule
5 procedures; requiring the exercise of emergency rule-making procedures; and
6 making appropriations.

INSA

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

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

7 SECTION 1. 16.54 (14) of the statutes is created to read:

8 16.54 (14) Subsections (1) to (8) do not apply to federal moneys made available
9 to the state that could be utilized to assist manufacturing businesses in the state
10 retool for, or expand, production of clean energy. The governor shall deposit federal

such

Unless otherwise appropriated by
Town and subject to any applicable restrictions
under federal laws

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moneys made available to the state that could be utilized to assist manufacturing businesses in the state retool for, or expand, production of clean energy in the appropriation account under s. 20.143 (1) (mr).

SECTION 2. 20.143 (1) (hr) of the statutes is created to read:

20.143 (1) (hr) *Loans to manufacturing businesses; repayments.* All moneys received from repayments of loans to manufacturing businesses under s. 560.128, to be used for loans to manufacturing businesses under s. 560.128.

SECTION 3. 20.143 (1) (m) of the statutes is amended to read:

20.143 (1) (m) *Federal aid, state operations.* All moneys received from the federal government as authorized by the governor under s. 16.54, for state operations and for loans to manufacturing businesses under s. 560.128.

SECTION 4. 20.143 (1) (mr) of the statutes is created to read:

20.143 (1) (mr) *Loans to manufacturing businesses.* All moneys received from the federal government for assisting manufacturing businesses in retooling for, or expanding, production of clean energy and deposited by the governor under s. 16.54 (14), to be used for loans to manufacturing businesses under s. 560.128.

SECTION 5. 20.143 (1) (n) of the statutes is amended to read:

20.143 (1) (n) *Federal aid, local assistance.* All moneys received from the federal government, as authorized by the governor under s. 16.54, for local assistance and for loans to manufacturing businesses under s. 560.128.

SECTION 6. 560.128 of the statutes is created to read:

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(c) (g) (m) (a)

INS
2-7

1 (a) Implement energy efficiency or renewable energy measures in their
2 facilities to enhance their competitiveness.

3 (b) Retool existing facilities to manufacture products that support the green
4 economy.

5 (c) Expand or establish domestic clean energy manufacturing operations.

6 (d) Create or retain jobs for workers engaged in activities under pars. (a) to (c).

7 (2) The department shall promulgate rules establishing eligibility criteria that
8 do all of the following:

9 (a) Set clear job-creation standards for loan recipients.

10 (b) Establish minimum energy savings that an eligible manufacturer must
11 expect will result from the loan's utilization.

12 (c) Give priority to existing manufacturing businesses.

13 (d) Ensure that loans under this section will be distributed to manufacturing
14 businesses throughout the state.

15 (e) Requires all work paid for with the proceeds of a loan under this section be
16 performed by a contractor or subcontractor that agrees to pay all employees
17 performing work paid for with the proceeds of a loan under this section who would
18 be entitled to receive the prevailing wage rate under s. 66.0903, if the improvement
19 or application were a project of public works under s. 66.0903, not less than the
20 prevailing wage rate determined under s. 66.0903 (3) or (6).

21 **SECTION 7. Nonstatutory provisions.**

22 (1) Using the procedure under section 227.24 of the statutes, the department
23 of commerce shall promulgate rules required under section 560.128 (2) of the
24 statutes, as created by this act, for the period before the effective date of the
25 permanent rules promulgated under that section, but not to exceed the period

1 authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding
2 section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department of commerce is
3 not required to provide evidence that promulgating a rule under this subsection as
4 an emergency rule is necessary for the preservation of public peace, health, safety,
5 or welfare and is not required to provide a finding of an emergency for a rule
6 promulgated under this subsection.

7 (END)

Insert A:

This bill authorizes the Department of Commerce (department) to make loans to manufacturing businesses for any of the following activities: (1) implementing energy efficiency measures in their facilities, (2) retooling to manufacture products that support the green economy, (3) expanding or establishing domestic clean energy manufacturing, or (4) creating or retaining workers engaged in the preceding activities.

The bill requires the department to promulgate rules that set clear job-creation standards for loan recipients, establish minimum energy savings requirements, give priority to existing manufacturing businesses, and ensure that loans will be distributed throughout the state. Under the bill, work paid for with loan proceeds must be performed by contractors and subcontractors who agree to pay employees who perform the work not less than the prevailing wage, as defined under current law applicable to certain municipal public works projects.

Funding for loans under the bill comes from current appropriations that fund a variety of economic development programs, including appropriations that receive repayments of loans made by the department under other economic development programs and under the program created in the bill, and from certain federal moneys received by the state. Under the bill, the governor must deposit federal moneys that could be used to assist manufacturing businesses in the state retool for, or expand, production of clean energy in an appropriation account that funds loans under the program created by the bill, unless the moneys are otherwise appropriated and subject to applicable federal restrictions.

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

Insert 2-3:

SECTION 1. 20.143 (1) (c) of the statutes, as affected by 2009 Wisconsin Acts 2^h and 28, is amended to read:

20.143 (1) (c) *Wisconsin development fund; grants, loans, reimbursements, and assistance.* Biennially, the amounts in the schedule for grants under s. 560.145; for loans under s. 560.128; for grants and loans under s. 560.275 (2) and subch. V of ch. 560; for reimbursements under s. 560.167; for the costs specified in s. 560.607; for the loan under 1999 Wisconsin Act 9, section 9110 (4); and for the grants under 1995 Wisconsin Act 27, section 9116 (7gg), 1995 Wisconsin Act 119, section 2 (1), 1997

Wisconsin Act 27, section 9110 (6g), 2003 Wisconsin Act 33, section 9109 (1d) and (2q), 2007 Wisconsin Act 20, section 9108 (4u), (6c), (7c), (7f), (8c), (8i), (9i), and (10q), 2009 Wisconsin Act 2, section 9110 (2) and (3), and 2009 Wisconsin Act 28, section 9110 (17q).

History: 1979 c. 361; 1981 c. 20, 21, 349; 1983 a. 27, 83, 192, 381; 1985 a. 29 ss. 169 to 204, 3202 (14); 1985 a. 120, 332, 334; 1987 a. 27, 109, 317, 318, 399, 403; 1989 a. 31, 185, 237, 317, 325, 335, 336, 342, 359; 1991 a. 39, 259, 261, 269, 315; 1993 a. 5, 16, 75, 110, 232, 437; 1995 a. 27 ss. 483, 505 to 517, 608s, 609g, 609j, 964, 965, 977, 987, 988, 990 to 993, 1080b, 1085b, 1086b, 9116 (5); 1995 a. 116, 119, 216, 227; 1997 a. 9, 27, 35, 215, 237, 252, 310; 1999 a. 9, 84, 106, 185, 186; 2001 a. 16, 109; 2003 a. 33 ss. 292c to 297m, 593 to 600, 602 to 604; 2003 a. 255, 256; 2005 a. 25 ss. 150m to 156t, 331; 2005 a. 45, 358; 2007 a. 20, 125, 225; 2009 a. 2, 16, 28; s. 13.92 (2) (i).

Insert 2-7:

SECTION 2. 20.143 (1) (gm) of the statutes, as affected by 2009 Wisconsin Act 2 and 28, is amended to read:

20.143 (1) (gm) *Administration of grants and loans.* All moneys received from origination fees under ss. 560.138 (7), 560.139 (4), 560.305 (2), and 560.68 (3), and from transfer fees under s. 560.205 (3) (e), for administering the programs under ss. 560.138, 560.139, and 560.304 and under subch. V of ch. 560 and, for the costs of underwriting grants and loans awarded under ss. 560.138, 560.139, and 560.304 and under subch. V of ch. 560, and for loans under s. 560.128.

History: 1979 c. 361; 1981 c. 20, 21, 349; 1983 a. 27, 83, 192, 381; 1985 a. 29 ss. 169 to 204, 3202 (14); 1985 a. 120, 332, 334; 1987 a. 27, 109, 317, 318, 399, 403; 1989 a. 31, 185, 237, 317, 325, 335, 336, 342, 359; 1991 a. 39, 259, 261, 269, 315; 1993 a. 5, 16, 75, 110, 232, 437; 1995 a. 27 ss. 483, 505 to 517, 608s, 609g, 609j, 964, 965, 977, 987, 988, 990 to 993, 1080b, 1085b, 1086b, 9116 (5); 1995 a. 116, 119, 216, 227; 1997 a. 9, 27, 35, 215, 237, 252, 310; 1999 a. 9, 84, 106, 185, 186; 2001 a. 16, 109; 2003 a. 33 ss. 292c to 297m, 593 to 600, 602 to 604; 2003 a. 255, 256; 2005 a. 25 ss. 150m to 156t, 331; 2005 a. 45, 358; 2007 a. 20, 125, 225; 2009 a. 2, 16, 28; s. 13.92 (2) (i).

SECTION 3. 20.143 (1) (ie) of the statutes, as affected by 2009 Wisconsin Act 28, is amended to read:

20.143 (1) (ie) *Wisconsin development fund, repayments.* All moneys received in repayment of grants or loans under s. 560.085 (4) (b), 1985 stats., s. 560.10, 2005 stats., s. 560.147, 2005 stats., s. 560.16, 1995 stats., s. 560.165, 1993 stats., s. 560.275 (2), s. 560.62, 2005 stats., s. 560.63, 2005 stats., s. 560.66, 2005 stats., ss. 560.145, 560.157, and 560.45, subch. V of ch. 560, 1989 Wisconsin Act 336, section 3015 (1m), 1989 Wisconsin Act 336, section 3015 (2m), 1989 Wisconsin Act 336, section 3015 (3gx), 1997 Wisconsin Act 27, section 9110 (7f), 1997 Wisconsin Act 310, section 2

(2d), 1999 Wisconsin Act 9, section 9110 (4), and 2007 Wisconsin Act 20, section 9108 (5x), not appropriated under par. (gv) to be used for grants and loans under s. 560.275 (2), s. 560.45, and subch. V of ch. 560, for loans under s. 560.128, for the loan under 1999 Wisconsin Act 9, section 9110 (4), for the grant under 2001 Wisconsin Act 16, section 9110 (7g), for the grants under 2003 Wisconsin Act 33, section 9109 (1d) and (2q), for the study under 2009 Wisconsin Act 28, section 9110 (15u), and for reimbursements under s. 560.167.

History: 1979 c. 361; 1981 c. 20, 21, 349; 1983 a. 27, 83, 192, 381; 1985 a. 29 ss. 169 to 204, 3202 (14); 1985 a. 120, 332, 334; 1987 a. 27, 109, 317, 318, 399, 403; 1989 a. 31, 185, 237, 317, 325, 335, 336, 342, 359; 1991 a. 39, 259, 261, 269, 315; 1993 a. 5, 16, 75, 110, 232, 437; 1995 a. 27 ss. 483, 505 to 517, 608s, 609g, 609j, 964, 965, 977, 987, 988, 990 to 993, 1080b, 1085b, 1086b, 9116 (5); 1995 a. 116, 119, 216, 227; 1997 a. 9, 27, 35, 215, 237, 252, 310; 1999 a. 9, 84, 106, 185, 186; 2001 a. 16, 109; 2003 a. 33 ss. 292c to 297m, 593 to 600, 602 to 604; 2003 a. 255, 256; 2005 a. 25 ss. 150m to 156t, 331; 2005 a. 45, 358; 2007 a. 20, 125, 225; 2009 a. 2, 16, 28; s. 13.92 (2) (i).

Kunkel, Mark

From: Zolik, Nate - PSC [Nate.Zolik@wisconsin.gov]
Sent: Thursday, March 18, 2010 8:24 AM
To: Selkove, Vicky; Kunkel, Mark
Cc: Templeton, Carrie E - GOV; Lorence, John - PSC
Subject: PSC - GTG, once more

Importance: High

Attachments: PSC provisions relating to the Green to Gold Fund 3_17_10.doc

Updated language on Green to Gold, attached.

Mark – If you have any questions, please let me know. Thanks.



PSC provisions
relating to the...

PSC provisions relating to the "Wisconsin Green to Gold Fund"

March 17, 2010

*Chris looks
this OK to
me.
-MDK
But see*

This draft is to be read with the Department of Commerce bill draft, 2009 LRB-4373/1.

Intent of draft: This draft directs the Public Service Commission to ensure coordination between the "Green and Gold Fund" and the utility-funded statewide energy efficiency and renewable resource programs under Wis. Stat. § 196.374. The draft coordinates statewide industrial and manufacturing energy efficiency and renewable energy programs with the programs established for the Department of Commerce and set out in proposed Wis. Stat. § 560.128 in LRB-4373/1. It also requires the person who is the program administrator of the statewide programs to ensure coordination between the utility-funded programs and the proposed Department of Commerce program and to annually report to the Commission and the Department of Commerce on industrial and manufacturing energy efficiency and renewable resource projects.

SECTION 1. Section 196.374(2)(a)2.e. of the statutes is created to read:

196.374(2)(a)2.e. Components to implement energy efficiency or renewable energy measures in facilities of manufacturing businesses in this state that are consistent with the objectives under s. 560.128(1)(a).

SECTION 2. Section 196.374(2)(a)4. of the statutes is created to read:

196.374(2)(a)4. ~~The~~ ^A person contracted to administer the programs under subd. 1. shall ensure coordination between the programs directed towards industrial and manufacturing customers under subd. 1. and the program under s. 560.128. Annually, ~~the~~ ^a person contracted to administer the programs under subd. 1. shall submit a report to the commission and to the department of commerce regarding the programs directed towards industrial and manufacturing customers under subd. 1.

SECTION 3. Section 196.374(3)(a) of the statutes is amended to read:

196.374(3)(a) In general. The commission shall have oversight of programs under sub. (2). The commission shall maximize coordination of program delivery, including coordination between programs under subs. (2) (a) 1., (b) 1. and 2., and (c) and (7), ordered programs, low-income

weatherization programs under s. 16.957, renewable resource programs under s. 196.378, and other energy efficiency or renewable resource programs. The commission shall cooperate with the department of natural resources to ensure coordination of energy efficiency and renewable resource programs with air quality programs and to maximize and document the air quality improvement benefits that can be realized from energy efficiency and renewable resource programs. The commission shall cooperate with the department of commerce to ensure coordination of energy efficiency and renewable resource programs under sub. (2)(a)2.e. with the loans to manufacturing business program under s. 560.128(1)(a).

(end)

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LRB-4373/10
CTS:bjk:jf
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E MDK

2009 BILL

SA
X-ref

the administration of
energy
energy utility programs;

reger

1 AN ACT *to amend* 20.143 (1) (c), 20.143 (1) (gm), 20.143 (1) (ie), 20.143 (1) (m) and
2 20.143 (1) (n); and *to create* 16.54 (14), 20.143 (1) (hr), 20.143 (1) (mr) and
3 560.128 of the statutes; **relating to:** loans to manufacturing businesses for
4 energy improvements, job creation, retooling, or clean energy production;
5 providing an exemption from emergency rule procedures; requiring the
6 exercise of emergency rule-making procedures; and making appropriations.

Analysis by the Legislative Reference Bureau

This bill authorizes the Department of Commerce (department) to make loans to manufacturing businesses for any of the following activities: (1) implementing energy efficiency measures in their facilities, (2) retooling to manufacture products that support the green economy, (3) expanding or establishing domestic clean energy manufacturing, or (4) creating or retaining workers engaged in the preceding activities.

The bill requires the department to promulgate rules that set clear job-creation standards for loan recipients, establish minimum energy savings requirements, give priority to existing manufacturing businesses, and ensure that loans will be distributed throughout the state. Under the bill, work paid for with loan proceeds must be performed by contractors and subcontractors who agree to pay employees who perform the work not less than the prevailing wage, as defined under current law applicable to certain municipal public works projects.

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A

Funding for loans under the bill comes from current appropriations that fund a variety of economic development programs, including appropriations that receive repayments of loans made by the department under other economic development programs and under the program created in the bill, and from certain federal moneys received by the state. Under the bill, the governor must deposit federal moneys that could be used to assist manufacturing businesses in the state retool for, or expand, production of clean energy in an appropriation account that funds loans under the program created by the bill, unless the moneys are otherwise appropriated and subject to applicable federal restrictions.

➔ 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.** 16.54 (14) of the statutes is created to read:

2 16.54 (14) Subsections (1) to (8) do not apply to federal moneys made available
3 to the state that could be utilized to assist manufacturing businesses in the state
4 retool for, or expand, production of clean energy. Unless otherwise appropriated by
5 law, and subject to any applicable restrictions under federal law, the governor shall
6 deposit such federal moneys in the appropriation account under s. 20.143 (1) (mr).

7 **SECTION 2.** 20.143 (1) (c) of the statutes, as affected by 2009 Wisconsin Act 28,
8 is amended to read:

9 20.143 (1) (c) *Wisconsin development fund; grants, loans, reimbursements, and*
10 *assistance.* Biennially, the amounts in the schedule for grants under s. 560.145; for
11 loans under s. 560.128; for grants and loans under s. 560.275 (2) and subch. V of ch.
12 560; for reimbursements under s. 560.167; for the costs specified in s. 560.607; for the
13 loan under 1999 Wisconsin Act 9, section 9110 (4); and for the grants under 1995
14 Wisconsin Act 27, section 9116 (7gg), 1995 Wisconsin Act 119, section 2 (1), 1997
15 Wisconsin Act 27, section 9110 (6g), 2003 Wisconsin Act 33, section 9109 (1d) and
16 (2q), 2007 Wisconsin Act 20, section 9108 (4u), (6c), (7c), (7f), (8c), (8i), (9i), and (10q),

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1 2009 Wisconsin Act 2, section 9110 (2) and (3), and 2009 Wisconsin Act 28, section
2 9110 (17q).

3 **SECTION 3.** 20.143 (1) (gm) of the statutes, as affected by 2009 Wisconsin Act
4 28, is amended to read:

5 20.143 (1) (gm) *Administration of grants and loans.* All moneys received from
6 origination fees under ss. 560.138 (7), 560.139 (4), 560.305 (2), and 560.68 (3), and
7 from transfer fees under s. 560.205 (3) (e), for administering the programs under ss.
8 560.138, 560.139, and 560.304 and under subch. V of ch. 560 and, for the costs of
9 underwriting grants and loans awarded under ss. 560.138, 560.139, and 560.304 and
10 under subch. V of ch. 560, and for loans under s. 560.128.

11 **SECTION 4.** 20.143 (1) (hr) of the statutes is created to read:

12 20.143 (1) (hr) *Loans to manufacturing businesses; repayments.* All moneys
13 received from repayments of loans under s. 560.128, to be used for loans to
14 manufacturing businesses under s. 560.128.

15 **SECTION 5.** 20.143 (1) (ie) of the statutes, as affected by 2009 Wisconsin Act 28,
16 is amended to read:

17 20.143 (1) (ie) *Wisconsin development fund, repayments.* All moneys received
18 in repayment of grants or loans under s. 560.085 (4) (b), 1985 stats., s. 560.10, 2005
19 stats., s. 560.147, 2005 stats., s. 560.16, 1995 stats., s. 560.165, 1993 stats., s. 560.275
20 (2), s. 560.62, 2005 stats., s. 560.63, 2005 stats., s. 560.66, 2005 stats., ss. 560.145,
21 560.157, and 560.45, subch. V of ch. 560, 1989 Wisconsin Act 336, section 3015 (1m),
22 1989 Wisconsin Act 336, section 3015 (2m), 1989 Wisconsin Act 336, section 3015
23 (3gx), 1997 Wisconsin Act 27, section 9110 (7f), 1997 Wisconsin Act 310, section 2
24 (2d), 1999 Wisconsin Act 9, section 9110 (4), and 2007 Wisconsin Act 20, section 9108
25 (5x), not appropriated under par. (gv) to be used for grants and loans under s. 560.275

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1 (2), s. 560.45, and subch. V of ch. 560, for loans under s. 560.128, for the loan under
 2 1999 Wisconsin Act 9, section 9110 (4), for the grant under 2001 Wisconsin Act 16,
 3 section 9110 (7g), for the grants under 2003 Wisconsin Act 33, section 9109 (1d) and
 4 (2q), for the study under 2009 Wisconsin Act 28, section 9110 (15u), and for
 5 reimbursements under s. 560.167.

6 **SECTION 6.** 20.143 (1) (m) of the statutes is amended to read:

7 20.143 (1) (m) *Federal aid, state operations.* All moneys received from the
 8 federal government as authorized by the governor under s. 16.54, for state operations
 9 and for loans under s. 560.128.

10 **SECTION 7.** 20.143 (1) (mr) of the statutes is created to read:

11 20.143 (1) (mr) *Loans to manufacturing businesses.* All moneys received from
 12 the federal government for assisting manufacturing businesses in retooling for, or
 13 expanding, production of clean energy and deposited by the governor under s. 16.54
 14 (14), to be used for loans under s. 560.128.

15 **SECTION 8.** 20.143 (1) (n) of the statutes is amended to read:

16 20.143 (1) (n) *Federal aid, local assistance.* All moneys received from the
 17 federal government, as authorized by the governor under s. 16.54, for local assistance
 18 and for loans under s. 560.128.

19 **SECTION 9.** 560.128 of the statutes is created to read:

20 **560.128 Loans to manufacturing businesses.** (1) From the appropriations
 21 under s. 20.143 (1) (c), (gm), (hr), (ie), (m), (mr), and (n), the department may make
 22 a loan to a manufacturing business in this state to do any of the following:

23 (a) Implement energy efficiency or renewable energy measures in their
 24 facilities to enhance their competitiveness.

81-18

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1 (b) Retool existing facilities to manufacture products that support the green
2 economy.

3 (c) Expand or establish domestic clean energy manufacturing operations.

4 (d) Create or retain jobs for workers engaged in activities under pars. (a) to (c).

5 **(2)** The department shall promulgate rules establishing eligibility criteria that
6 do all of the following:

7 (a) Set clear job-creation standards for loan recipients.

8 (b) Establish minimum energy savings that an eligible manufacturer must
9 expect will result from the loan's utilization.

10 (c) Give priority to existing manufacturing businesses.

11 (d) Ensure that loans under this section will be distributed to manufacturing
12 businesses throughout the state.

13 (e) Requires all work paid for with the proceeds of a loan under this section be
14 performed by a contractor or subcontractor that agrees to pay all employees
15 performing work paid for with the proceeds of a loan under this section who would
16 be entitled to receive the prevailing wage rate under s. 66.0903, if the improvement
17 or application were a project of public works under s. 66.0903, not less than the
18 prevailing wage rate determined under s. 66.0903 (3) or (6).

19 **SECTION 10. Nonstatutory provisions.**

20 (1) Using the procedure under section 227.24 of the statutes, the department
21 of commerce shall promulgate rules required under section 560.128 (2) of the
22 statutes, as created by this act, for the period before the effective date of the
23 permanent rules promulgated under that section, but not to exceed the period
24 authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding
25 section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department of commerce is

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SECTION 10

1 not required to provide evidence that promulgating a rule under this subsection as
2 an emergency rule is necessary for the preservation of public peace, health, safety,
3 or welfare and is not required to provide a finding of an emergency for a rule
4 promulgated under this subsection.

5 (END)

1 **Insert A:**

Current law requires investor-owned electric and natural gas utilities (energy utilities) to spend a specified percentage of their operating revenues on certain energy efficiency and renewable resource programs (energy utility programs). Current law also requires the energy utilities to contract with one or more persons to administer the energy utility programs. The Public Service Commission (PSC) has certain oversight duties regarding the energy utility programs, including approving contracts for administration of the energy utility programs. This bill requires the energy utility programs to include components for implementing energy efficiency or renewable resource measures in manufacturing business facilities that are consistent with the objectives under the loan program described above. The bill requires a person with whom the energy utilities contract for administering the energy utility programs to ensure coordination between the loan program and the energy utility programs that are directed towards industrial and manufacturing customers of energy utilities. The bill also requires such a person to submit annual reports to the PSC and the department regarding the energy utility programs that are directed towards such customers. In addition, the bill requires the PSC to cooperate with the department to ensure coordination between the energy utility programs and the loan program.

2 **Insert 4-18:**

3 **SECTION 1.** 196.374 (2) (a) 2. e. of the statutes is created to read:

4 196.374 (2) (a) 2. e. Components to implement energy efficiency or renewable
5 energy measures in facilities of manufacturing businesses in this state that are
6 consistent with the objectives under s. 560.128 (1) (a).

7 **SECTION 2.** 196.374 (2) (a) 4. of the statutes is created to read:

8 196.374 (2) (a) 4. A person contracted to administer the programs under subd.

9 1. shall ensure coordination between between the programs directed towards
10 industrial and manufacturing customers under subd. 1. and the program under s.
11 560.128. Annually, a person contracted to administer the programs under subd. 1.
12 shall submit a report to the commission and to the department of commerce
13 regarding the programs directed towards industrial and manufacturing customers
14 under subd. 1.

1 **SECTION 3.** 196.374 (3) (a) of the statutes is amended to read:

2 196.374 (3) (a) *In general.* The commission shall have oversight of programs
3 under sub. (2). The commission shall maximize coordination of program delivery,
4 including coordination between programs under subs. (2) (a) 1., (b) 1. and 2., and (c)
5 and (7), ordered programs, low-income weatherization programs under s. 16.957,
6 renewable resource programs under s. 196.378, and other energy efficiency or
7 renewable resource programs. The commission shall cooperate with the department
8 of natural resources to ensure coordination of energy efficiency and renewable
9 resource programs with air quality programs and to maximize and document the air
10 quality improvement benefits that can be realized from energy efficiency and
11 renewable resource programs. The commission shall cooperate with the department
12 of commerce to ensure coordination of energy efficiency and renewable resource
13 programs under sub. (2) (a) 2. e. with the loan program under s. 560.128 (1) (a).

History: 1983 a. 27; 1999 a. 9; 2001 a. 30; 2005 a. 141; 2007 a. 17, 20.

Basford, Sarah

From: Selkove, Vicky
Sent: Tuesday, March 23, 2010 1:58 PM
To: LRB.Legal
Subject: Draft Review: LRB 09-4373/2 Topic: Revolving loan fund for energy improvements

Please Jacket LRB 09-4373/2 for the ASSEMBLY.