



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2009 ASSEMBLY BILL 904**

April 7, 2010 – Offered by JOINT COMMITTEE ON FINANCE.

1 **AN ACT** *to amend* 20.143 (1) (c), 20.143 (1) (gm), 20.143 (1) (ie), 20.143 (1) (m),
2 20.143 (1) (n) and 196.374 (3) (a); and *to create* 16.54 (14), 20.143 (1) (hr),
3 20.143 (1) (mr), 196.374 (2) (a) 2. e., 196.374 (2) (a) 4. and 560.128 of the
4 statutes; **relating to:** loans to manufacturing businesses for energy
5 improvements, job creation, retooling, or clean energy production; the
6 administration of energy utility programs; providing an exemption from
7 emergency rule procedures; requiring the exercise of emergency rule-making
8 procedures; and making appropriations.

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

9 **SECTION 1.** 16.54 (14) of the statutes is created to read:
10 16.54 (14) Subsections (1) to (8) do not apply to federal moneys made available
11 to the state that could be utilized to assist manufacturing businesses in the state
12 retool for, or expand, production of clean energy. Unless otherwise appropriated by

1 law, and subject to any applicable restrictions under federal law, the governor shall
2 deposit such federal moneys in the appropriation account under s. 20.143 (1) (mr).

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

5 20.143 (1) (c) *Wisconsin development fund; grants, loans, reimbursements, and*
6 *assistance.* Biennially, the amounts in the schedule for grants under s. 560.145; for
7 loans under s. 560.128; for grants and loans under s. 560.275 (2) and subch. V of ch.
8 560; for reimbursements under s. 560.167; for the costs specified in s. 560.607; for the
9 loan under 1999 Wisconsin Act 9, section 9110 (4); and for the grants under 1995
10 Wisconsin Act 27, section 9116 (7gg), 1995 Wisconsin Act 119, section 2 (1), 1997
11 Wisconsin Act 27, section 9110 (6g), 2003 Wisconsin Act 33, section 9109 (1d) and
12 (2q), 2007 Wisconsin Act 20, section 9108 (4u), (6c), (7c), (7f), (8c), (8i), (9i), and (10q),
13 2009 Wisconsin Act 2, section 9110 (2) and (3), and 2009 Wisconsin Act 28, section
14 9110 (17q).

15 **SECTION 3.** 20.143 (1) (gm) of the statutes, as affected by 2009 Wisconsin Act
16 28, is amended to read:

17 20.143 (1) (gm) *Administration of grants and loans.* All moneys received from
18 origination fees under ss. 560.138 (7), 560.139 (4), 560.305 (2), and 560.68 (3), and
19 from transfer fees under s. 560.205 (3) (e), for administering the programs under ss.
20 560.138, 560.139, and 560.304 and under subch. V of ch. 560 ~~and~~, for the costs of
21 underwriting grants and loans awarded under ss. 560.138, 560.139, and 560.304 and
22 under subch. V of ch. 560, and for loans under s. 560.128.

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

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

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

6 20.143 (1) (ie) *Wisconsin development fund, repayments.* All moneys received
7 in repayment of grants or loans under s. 560.085 (4) (b), 1985 stats., s. 560.10, 2005
8 stats., s. 560.147, 2005 stats., s. 560.16, 1995 stats., s. 560.165, 1993 stats., s. 560.275
9 (2), s. 560.62, 2005 stats., s. 560.63, 2005 stats., s. 560.66, 2005 stats., ss. 560.145,
10 560.157, and 560.45, subch. V of ch. 560, 1989 Wisconsin Act 336, section 3015 (1m),
11 1989 Wisconsin Act 336, section 3015 (2m), 1989 Wisconsin Act 336, section 3015
12 (3gx), 1997 Wisconsin Act 27, section 9110 (7f), 1997 Wisconsin Act 310, section 2
13 (2d), 1999 Wisconsin Act 9, section 9110 (4), and 2007 Wisconsin Act 20, section 9108
14 (5x), not appropriated under par. (gv) to be used for grants and loans under s. 560.275
15 (2), s. 560.45, and subch. V of ch. 560, for loans under s. 560.128, for the loan under
16 1999 Wisconsin Act 9, section 9110 (4), for the grant under 2001 Wisconsin Act 16,
17 section 9110 (7g), for the grants under 2003 Wisconsin Act 33, section 9109 (1d) and
18 (2q), for the study under 2009 Wisconsin Act 28, section 9110 (15u), and for
19 reimbursements under s. 560.167.

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

21 20.143 (1) (m) *Federal aid, state operations.* All moneys received from the
22 federal government as authorized by the governor under s. 16.54, for state operations
23 and for loans under s. 560.128.

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

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

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

6 20.143 (1) (n) *Federal aid, local assistance.* All moneys received from the
7 federal government, as authorized by the governor under s. 16.54, for local assistance
8 and for loans under s. 560.128.

9 **SECTION 9.** 196.374 (2) (a) 2. e. of the statutes is created to read:

10 196.374 (2) (a) 2. e. Components to implement energy efficiency or renewable
11 energy measures in facilities of manufacturing businesses in this state that are
12 consistent with the objectives under s. 560.128 (1) (a).

13 **SECTION 10.** 196.374 (2) (a) 4. of the statutes is created to read:

14 196.374 (2) (a) 4. A person contracted to administer the programs under subd.
15 1. shall ensure coordination between the programs directed towards industrial and
16 manufacturing customers under subd. 1. and the program under s. 560.128.
17 Annually, a person contracted to administer the programs under subd. 1. shall
18 submit a report to the commission and to the department of commerce regarding the
19 programs directed towards industrial and manufacturing customers under subd. 1.

20 **SECTION 11.** 196.374 (3) (a) of the statutes is amended to read:

21 196.374 (3) (a) *In general.* The commission shall have oversight of programs
22 under sub. (2). The commission shall maximize coordination of program delivery,
23 including coordination between programs under subs. (2) (a) 1., (b) 1. and 2., and (c)
24 and (7), ordered programs, low-income weatherization programs under s. 16.957,
25 renewable resource programs under s. 196.378, and other energy efficiency or

1 renewable resource programs. The commission shall cooperate with the department
2 of natural resources to ensure coordination of energy efficiency and renewable
3 resource programs with air quality programs and to maximize and document the air
4 quality improvement benefits that can be realized from energy efficiency and
5 renewable resource programs. The commission shall cooperate with the department
6 of commerce to ensure coordination of energy efficiency and renewable resource
7 programs under sub. (2) (a) 2. e. with the loan program under s. 560.128 (1) (a).

8 **SECTION 12.** 560.128 of the statutes is created to read:

9 **560.128 Loans to manufacturing businesses. (1)** From the appropriations
10 under s. 20.143 (1) (c), (gm), (hr), (ie), (m), (mr), and (n), the department may make
11 a loan to a manufacturing business in this state to do any of the following:

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

14 (b) Retool existing facilities to manufacture products that support the green
15 economy.

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

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

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

20 (a) Set clear job–creation or job–retention standards for loan recipients.

21 (b) Establish minimum energy savings that an eligible manufacturer must
22 expect will result from the loan’s utilization.

23 (c) Give priority to existing manufacturing businesses and idle manufacturing
24 facilities.

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

3 (e) Require all work paid for with the proceeds of a loan under this section be
4 performed by one of the following:

5 1. Employees who are paid an hourly wage that is not less than 150 percent of
6 the federal minimum wage.

7 2. A contractor or subcontractor that agrees to pay all employees who perform
8 work paid for with the proceeds of a loan under this section an hourly wage that is
9 not less than 150 percent of the federal minimum wage.

10 **SECTION 13. Nonstatutory provisions.**

11 (1) Using the procedure under section 227.24 of the statutes, the department
12 of commerce shall promulgate rules required under section 560.128 (2) of the
13 statutes, as created by this act, for the period before the effective date of the
14 permanent rules promulgated under that section, but not to exceed the period
15 authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding
16 section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department of commerce is
17 not required to provide evidence that promulgating a rule under this subsection as
18 an emergency rule is necessary for the preservation of public peace, health, safety,
19 or welfare and is not required to provide a finding of an emergency for a rule
20 promulgated under this subsection.

21 (END)