

2015 DRAFTING REQUEST

Bill

Received: **12/10/2014** Received By: **mkunkel**
Wanted: **As time permits** Same as LRB:
For: **Administration-Budget** By/Representing: **Bong**
May Contact: Drafter: **mkunkel**
Subject: **Public Util. - energy** Addl. Drafters:
Extra Copies: **EVM**

Submit via email: **YES**
Requester's email:
Carbon copy (CC) to: **sbostatlanguage@webapps.wi.gov**

Pre Topic:

DOA:.....Bong, BB0282 -

Topic:

Transfer of State Energy Office

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>
/?	mkunkel 1/12/2015			_____			
/P1	mkunkel 1/22/2015	kfollett 1/16/2015	rschluet 1/16/2015	_____	sbasford 1/16/2015		State
/P2		kfollett 1/22/2015	rschluet 1/22/2015	_____	srose 1/22/2015		State

FE Sent For:

<END>

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FE Sent For:

1/21/15
1/22
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/?	mkunkel	1/15/16 1/16	 1/15/16	==			

FE Sent For:

<END>

Kunkel, Mark

From: Bong, Sasha E - DOA <SashaE.Bong@wisconsin.gov>
Sent: Sunday, January 11, 2015 1:51 PM
To: Kunkel, Mark
Cc: Mueller, Eric; Kraus, Jennifer - DOA
Subject: RE: Statutory Language Drafting Request - BB0282

Hi Mark,

It is my understanding that the office would transfer to PSC, but whether it actually remains the 'State Energy Office' is more of an organizational decision for the PSC. The office could continue to exist as a distinct office within the overall organization of the commission or it may be absorbed within the commission's Gas and Energy Division. I think it would be up to the commission as to whether it would reorganize around the transfer of the office after the budget is effective. The SEO has other energy duties involving energy statistics compilation, alternative transportation fuels, a clean energy revolving loan fund and biomass that would still be energy-related once the office transfers to PSC, but to my knowledge, none of those are statutorily required. I see this as very similar to the current organization - the office exists as a unit within DOA's Division of Energy Services, but if there would be a desire to move the office within the department, the department could reorganize without any statutory language changes (other than appropriation clean-up if desired after the fact). I have an issue paper outlining the duties of SEO that might be helpful but don't have it with me at the moment - I will send you a copy later this afternoon.

As far as ss. 32.19 to 32.27 are concerned, references should be to the Public Service Commission. The former SEO may continue to have responsibility for relocation assistance after the office is transferred or the commission may opt to move program administration to another division or office - as with the previous paragraph, who performs the duties for relocation would be a decision for PSC leadership.

The appropriation under s. 20.505(1)(cg) should be repealed, as it is our assumption at this time that relocation assistance and any other non-federally funded operations of the former State Energy Office would become PR-funded by the commission's indirect assessment.

Please let me know if you have any questions or would like to discuss.

Thanks!

From: Kunkel, Mark <Mark.Kunkel@legis.wisconsin.gov>
Sent: Saturday, January 10, 2015 1:45 PM
To: Bong, Sasha E - DOA
Cc: Mueller, Eric - LEGIS
Subject: RE: Statutory Language Drafting Request - BB0282

Sasha:

Do you want to retain the name, State Energy Office? I'm asking because it looks like the only remaining statutory duties of the office will pertain to relocation assistance for persons displaced by public improvement projects, and those

projects aren't limited to energy projects. Also, because the office won't have any energy or utility-related duties, I want to confirm that you want to transfer the office to the PSC.

In addition, I want to clarify that I should substitute the office for all references to DOA in ss. 32.19 to 32.27 (see the list at the end of this email). Because those duties include rule-making, I need to create an office that has rule-making powers. I assume you want to create the office in the PSC. Do you want to specify that the office has a director appointed by the governor? Also, I should renumber DOA's appropriation under s. 20.505 (1) (cg) so that it is an appropriation to the office that is created in the PSC.

--Mark

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Section 32.25 (1): DOA to approve relocation payment plans and relocation assistance service plans.

Section 32.26: DOA to promulgate various rules, investigate violations of ss. 32.19 to 32.27, informally review complaints, prepare pamphlets, and provide technical assistance.

From: Bong, Sasha E - DOA [mailto:SashaE.Bong@wisconsin.gov]

Sent: Friday, January 09, 2015 4:35 PM

To: Kunkel, Mark

Subject: RE: Statutory Language Drafting Request - BB0282

Hi Mark,

At this time, I think only changes we would need to transfer SEO from DOA to PSC would be changes to Chapter 32 as it relates to DOA's current administration of the state's relocation assistance program, as well as more general language referenced in the initial request that would transfer assets, liabilities, contracts, etc. of the office to PSC on the effective date of the budget bill. Language related to positions of the office would remain the same as in my initial request.

I looked at Subchapter VI of Chapter 16 (specifically ss. 16.95 to 16.959), and as far as I know, none of those plans or functions are performed exclusively by SEO – in the event of a transfer, they would likely all need to remain at DOA, especially where low-income energy assistance and the utility public benefits fund are concerned. The diesel truck idling reduction grant program is currently a part of SEO, but the Governor's decision was to keep the program at DOA.

The basis for my analysis was the former s. 16.956 from the 2009-10 session, which would have reflected creation of the Office of Energy Independence in 2007 Act 20 and changes from 2009 Act 401. To me, based on the language repealed in 2011 Act 20, no provisions that directly relate to OEI as an office or its responsibilities were kept in the statutes. This seems to further be reflected on pages 19-20 of LFB's Information Paper on DOA's Division of Energy Services (http://legis.wisconsin.gov/lfb/publications/Informational-Papers/Documents/2015/88_DOA%20Energy%20Services.pdf).

If you have any other questions about this draft or would like to discuss, please let me know (I will be checking email over the weekend).

Thanks for your patience!

Sasha Bong
Executive Policy and Budget Analyst
Department of Administration, State Budget Office
(608) 266-5468
SashaE.Bong@wisconsin.gov

From: Kunkel, Mark [<mailto:Mark.Kunkel@legis.wisconsin.gov>]
Sent: Thursday, December 18, 2014 3:10 PM
To: Bong, Sasha E - DOA
Subject: RE: Statutory Language Drafting Request - BB0282

Thanks, I'm in the office Monday but out the rest of the week for holiday travel (Toledo, Ohio, so don't be jealous).

From: Bong, Sasha E - DOA [<mailto:SashaE.Bong@wisconsin.gov>]
Sent: Thursday, December 18, 2014 2:29 PM
To: Kunkel, Mark
Subject: RE: Statutory Language Drafting Request - BB0282

Hi Mark,

Sorry about that – this didn't even cross my mind when submitting the request.

Right now, it seems that most of subchapter VI will remain at DOA – bits and pieces of the planning and reporting requirements may move, but I need to find out what, if any, of those requirements are done by the office currently. The diesel truck idling reduction grant program would move to the PSC, but we have a pending decision item on whether to extend the program's sunset dates, as grants will expire by the end of fiscal year 2014-15 and administration will sunset by the end of calendar year 2016. Another program we are assuming will be transferred is the relocation assistance program (ss. 32.19 to 32.27), as an SEO position is currently administering it.

I am hoping to have decisions on this item Monday, so I will keep looking at this and update you early next week.

Thanks,

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From: Kunkel, Mark [<mailto:Mark.Kunkel@legis.wisconsin.gov>]
Sent: Thursday, December 11, 2014 2:45 PM
To: Bong, Sasha E - DOA
Cc: Hanaman, Cathlene - LEGIS
Subject: FW: Statutory Language Drafting Request - BB0282

Sasha,

The State Energy Office is not a statutorily created entity, so I need some help in determining which of DOA's energy-related duties should be transferred to the PSC.

DOA's energy-related duties are set forth in subch. VI of ch. 16 (i.e., ss. 16.95 to 16.969), which includes both energy and unrelated planning duties. Can you identify which of those statutes should become the responsibility of the PSC, and therefore moved to ch. 196 of the statutes?

Also, are there any DOA energy-related duties set forth elsewhere (i.e., not in subch. VI of ch. 16) that you want to transfer to the PSC?

Thanks,

--Mark

From: Hanaman, Cathlene
Sent: Tuesday, December 09, 2014 1:35 PM
To: Mueller, Eric; Kunkel, Mark
Subject: FW: Statutory Language Drafting Request - BB0282

From: SashaE.Bong@wisconsin.gov [<mailto:SashaE.Bong@wisconsin.gov>]
Sent: Tuesday, December 09, 2014 1:26 PM
To: Hanaman, Cathlene
Cc: Kraus, Jennifer - DOA; Bong, Sasha E - DOA; Connor, Christopher B - DOA
Subject: Statutory Language Drafting Request - BB0282

Biennial Budget: 2015-17
DOA Tracking Code: BB0282
Topic: State Energy Office
SBO Team: GGCF
SBO Analyst: Bong, Sasha - DOA
Phone: (608) 266-5468
E-mail: SashaE.Bong@wisconsin.gov
Agency Acronym: DOA
Agency Number: 505

Priority: High

Intent:

Transfer the duties assets, liabilities, personal property, contracts, rules, and pending matters of the State Energy Office from DOA to PSC.

It is assumed at this time that the diesel truck idling reduction grant program and relocation assistance program would transfer with the office. A decision on whether to extend the diesel idling program has not yet been reached.

Of the office's 9 FTE positions, 6 FTE would be transferred to PSC. The six incumbent employees performing duties relating to the office, as determined by the DOA Secretary, would be transferred to PSC on the effective date of the bill.

Attachments: False

Please send completed drafts to SBOStatlanguage@webapps.wi.gov

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From: Bong, Sasha E - DOA <SashaE.Bong@wisconsin.gov>
Sent: Sunday, January 11, 2015 4:49 PM
To: Kunkel, Mark
Cc: Mueller, Eric
Subject: RE: Statutory Language Drafting Request - BB0282
Attachments: SEO issue paper.docx

Here is DOA's SEO issue paper. This was submitted before any decisions on the budget, so it will still reference the diesel idling program. Designation for federal grant programs is something I understand to be administrative, so unless DOA tells me differently, that doesn't need to be a statutory designation.

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Biennial Budget: 2015-17
DOA Tracking Code: BB0282
Topic: State Energy Office
SBO Team: GGCF
SBO Analyst: Bong, Sasha - DOA
Phone: (608) 266-5468
E-mail: SashaE.Bong@wisconsin.gov

Agency Acronym: DOA

Agency Number: 505

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Attachments: False

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WISCONSIN DEPARTMENT OF ADMINISTRATION
2015-17 Biennial Budget Development
Concept Paper
State Energy Office

1. Issue

In the FY11-13 budget, the Office of Energy Independence (OEI) was transferred to the Division of Energy Services within the Department of Administration (where it has been contained prior to making it an independent office under the prior administration). Renamed as the State Energy Office (SEO), this group administers a number of programs that are almost exclusively funded by grants from the US Department of Energy.

There are synergies that were realized by integrating the SEO with the Division of Energy Services. In addition to administrative efficiencies gained in financial management and reporting due to federal funding, efforts like the propane crisis were able to be addressed from an overall policy, industry outreach and low-income perspective. Over the past three years, we have also found that often the work of the State Energy Office intersects with the efforts of the Public Service Commission of Wisconsin (PSCW) and additional synergies may be achieved by merging the SEO with the PSCW.

Functions of the State Energy Office

In order to be eligible for DOE funding, each state must designate an organization within state government as its state energy office. States vary in where this function is located between its state PUC, its department of energy or department of human services. In Wisconsin, aside from the brief time it was an independent office, the designated state energy office has historically been attached to the Department of Administration.

The main functions of the State Energy Office are:

1. Publication of energy statistics

This publication covers heating, industrial use and transportation from a multitude of fuel sources. We have considered augmenting this report to replace the current statutorily required Strategic Energy Assessment (SEA) produced by the PSCW.

2. Alternative Transportation Fuels

The SEO helps promote the use of alternative transportation fuels (primarily compressed natural gas and compressed biogas) and the implementation of the diesel idling reduction program.

3. Clean Energy Revolving Loan Fund

The SEO partners with WEDC in the administration of the Clean Energy Revolving Loan Fund. Much like the Community Development Block Grants where the funding comes from HUD, DOE provided the original funds under ARRA for the loan funds and requires the SEO to be the reporting agency. OEI originated most of the initial revolving loans, has been

active in the monitoring process and is expected to help identify viable projects for new loans as the prior loans are paid off.

4. Biomass Development

Through the successful procurement of a number of federal grants, the SEO has been active in helping identify barriers and promoting greater use of biomass. Unlike wind and solar where the resource in Wisconsin is limited, Wisconsin has a potential competitive advantage in the use of biomass. SEO has completed a biomass feedstock assessment, worked with the paper industry to find ways to utilize woody biomass in a way that does not negatively impact the industry and focused on helping the dairy industry utilize bio-digesters.

5. Energy Efficiency

The SEO has partnered with the PSCW in securing federal, MGA and NGA grants to further industrial and commercial energy efficiency efforts that either compliment or add to the efforts of the Focus on Energy statewide program administered by the PSCW.

6. Operation of the state's relocation assistance program for citizens and businesses displaced by certain projects involving eminent domain law

This is the sole program funded by GPR operated by the SEO. In general, it provides another avenue for citizens that are displaced primarily by utility projects. This function was contained within the old Department of Commerce.

2. Costs in 2015-17

The SEO has 9 FTE and currently has 1 LTE (intern) position. The total FY15 budget for the SEO is \$11.1 million, with 89.4% being comprised of federal funds. Less than 1% of the SEO is funded with GPR, which is provided to operate the state relocation assistance program. The balance of the SEO budget reflects the Diesel Idling Program, which receives about \$1.1 million in SEG funds from the Petroleum Inspection Fund (PIF).

3. Reallocation Opportunities

Moving the SEO to the PSCW would centralize more energy policy-related activities within a single agency. There are a number of non-rate regulated activities currently administered by the PSCW (Focus on Energy, Broadband grants) that could be combined with the SEO into a single new Division at the PSCW.

The rationale for moving the SEO to the PSCW related to the specific program areas currently covered by the SEO:

1. Publication of energy statistics

Both organizations compile energy-related statistics and coordinate their activities already. The potential to replace the burdensome and increasingly less useful SEA with an expanded energy statistical report could benefit both the industry and state operations.

2. Alternative Transportation Fuels

Natural gas infrastructure plays an important role in the utilization of compressed natural gas for transportation so there are potential synergies in combining efforts.

3. Clean Energy Revolving Loan Fund

The PSCW is considering changing the Focus on Energy renewable energy program to a standalone revolving loan fund. Since the SEO is already familiar with the operations of clean energy revolving loan funds potential synergies exist.

4. Biomass Development

Under the current PSCW, biomass has become a greater focus of the Focus on Energy renewable program. Notwithstanding the move to a revolving loan program, the PSCW continues to have significant interest in how biomass development can impact the industry and ratepayers.

5. Energy Efficiency

There is already significant cooperation between the SEO and PSCW on this front.

6. Operation of the state's relocation assistance program for citizens and businesses displaced by certain projects involving eminent domain law

The PSCW is directly involved in the impacts of eminent domain and having the program administered within the PSCW provides additional resources and expertise.

4. Long-Term Costs

It is anticipated that there may be some opportunities for savings as the identified synergies and efficiencies are realized.

5. Positions

The SEO has 9 FTE and currently has 1 LTE (intern) position. These would be unaffected by this proposal.

6. Statutory Language

Some changes to the state statutes and administrative code will be required. The Diesel Idling program is currently included in Chapter 16, Wis. Stats. (Department of Administration), and may need to be moved to the relevant sections under the Public Service Commission.

The administrative rules for this program are included in ADM 94, and would also need to be moved under the Public Service Commission rules (PSC). Similarly, the administrative rules for the Relocation Program are included in ADM 92. These would also need to be moved to PSC>

Additional changes may be required to fully incorporate the SEO programs under the Public Service Commission and potentially to clarify language regarding receipt of federal funds (such as designation as Wisconsin's energy office). Many of these changes would be

technical in nature, and not substantive revisions to the programs, statutes or administrative rules.

7. Impact of Denial

The potential synergies outlined above will be somewhat more difficult to achieve.

DRAFT



State of Wisconsin
2015 - 2016 LEGISLATURE



LRB-0867/P1

MDK:...

Handwritten initials 'kf'

Handwritten circled note: 'bc-note'

DOA:.....Bong, BB0282 – Transfer of State Energy Office

FOR 2015-2017 BUDGET – NOT READY FOR INTRODUCTION

Handwritten circled note: 'IN 1-18'

Handwritten circled note: 'Due 1/19'

Handwritten circled note: 'Don't Gen'

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT ✓

OTHER STATE GOVERNMENT ✓

Under current law, DOA administers requirements for providing relocation assistance to persons displaced when their property is condemned for public improvements. This bill requires the PSC, instead of DOA, to administer those requirements. Also under current law, DOA has established a state energy office to administer certain programs funded by the federal Department of Energy. The bill transfers the administration of those programs to the PSC.

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:

2 **SECTION 1.** 20.155 (1) (g) of the statutes is amended to read:

3 20.155 (1) (g) *Utility regulation; relocation assistance.* The amounts in the
4 schedule for the regulation of utilities and general program operations under ss.

1 32.19 to 32.27. Ninety percent of all moneys received by the commission under s.
2 196.85, 196.855, or 201.10 (3) shall be credited to this appropriation. Ninety percent
3 of all receipts from the sale of miscellaneous printed reports and other copied
4 material, the cost of which was originally paid under this paragraph, shall be
5 credited to this appropriation.

History: 1971 c. 125; 1973 c. 90; 1975 c. 39; 1977 c. 29; 1979 c. 34; 1981 c. 20; 1985 a. 79, 296, 297, 332; 1987 a. 27, 399; 1991 a. 39, 269; 1993 a. 16, 123; 1995 a. 27; 1997 a. 27, 140, 229; 1999 a. 9, 32, 84, 150, 196; 2001 a. 16, 30; 2003 a. 48; 2005 a. 179; 2007 a. 20, 130; 2009 a. 28, 180, 383; 2011 a. 22; 2013 a. 20.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

6 **SECTION 2.** 20.505 (1) (cg) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

7 **SECTION 3.** 32.19 (2) (b) of the statutes is amended to read:

8 32.19 (2) (b) "Comparable dwelling" means one which, when compared with the
9 dwelling being taken, is substantially equal concerning all major characteristics and
10 functionally equivalent with respect to: the number and size of rooms and closets,
11 area of living space, type of construction, age, state of repair, size and utility of any
12 garage or other outbuilding, type of neighborhood and accessibility to public services
13 and places of employment. "Comparable dwelling" shall meet all of the standard
14 building requirements and other code requirements of the local governmental body
15 and shall also be decent, safe and sanitary and within the financial means of the
16 displaced person, as defined by the ~~department of administration~~ public service
17 commission.

History: 1971 c. 99, 103, 244, 287; 1973 c. 192; 1975 c. 224, 273; 1977 c. 418, 438, 440; 1979 c. 32, 221, 358, 361; 1981 c. 390 s. 252; 1983 a. 27 ss. 881 to 888; 1983 a. 186, 189; 1983 a. 236 ss. 12, 13; 1983 a. 538; 1987 a. 399; 1993 a. 112; 1995 a. 27 ss. 1713 to 1722, 9116 (5); 1995 a. 225; 1997 a. 79; 2011 a. 32.

18 **SECTION 4.** 32.19 (2) (e) 1. b. of the statutes is amended to read:

19 32.19 (2) (e) 1. b. As a result of rehabilitation, demolition or other displacing
20 activity, as determined by the ~~department of administration~~ public service

1 commission, if the person is a tenant-occupant of a dwelling, business or farm
2 operation and the displacement is permanent.

History: 1971 c. 99, 103, 244, 287; 1973 c. 192; 1975 c. 224, 273; 1977 c. 418, 438, 440; 1979 c. 32, 221, 358, 361; 1981 c. 390 s. 252; 1983 a. 27 ss. 881 to 888; 1983 a. 186, 189; 1983 a. 236 ss. 12, 13; 1983 a. 538; 1987 a. 399; 1993 a. 112; 1995 a. 27 ss. 1713 to 1722, 9116 (5); 1995 a. 225; 1997 a. 79; 2011 a. 32.

3 **SECTION 5.** 32.19 (3) (b) 1. of the statutes is amended to read:

4 32.19 (3) (b) 1. 'Dwellings.' Any displaced person who moves from a dwelling
5 and who elects to accept the payments authorized by this paragraph in lieu of the
6 payments authorized by par. (a) may receive an expense and dislocation allowance,
7 determined according to a schedule established by the ~~department of administration~~
8 public service commission.

History: 1971 c. 99, 103, 244, 287; 1973 c. 192; 1975 c. 224, 273; 1977 c. 418, 438, 440; 1979 c. 32, 221, 358, 361; 1981 c. 390 s. 252; 1983 a. 27 ss. 881 to 888; 1983 a. 186, 189; 1983 a. 236 ss. 12, 13; 1983 a. 538; 1987 a. 399; 1993 a. 112; 1995 a. 27 ss. 1713 to 1722, 9116 (5); 1995 a. 225; 1997 a. 79; 2011 a. 32.

9 **SECTION 6.** 32.19 (3) (b) 2. of the statutes is amended to read:

10 32.19 (3) (b) 2. 'Business and farm operations.' Any displaced person who
11 moves or discontinues his or her business or farm operation, is eligible under criteria
12 established by the ~~department of administration~~ public service commission by rule
13 and elects to accept payment authorized under this paragraph in lieu of the payment
14 authorized under par. (a), may receive a fixed payment in an amount determined
15 according to criteria established by the ~~department of administration~~ public service
16 commission by rule, except that such payment shall not be less than \$1,000 nor more
17 than \$20,000. A person whose sole business at the displacement dwelling is the
18 rental of such property to others is not eligible for a payment under this subdivision.

History: 1971 c. 99, 103, 244, 287; 1973 c. 192; 1975 c. 224, 273; 1977 c. 418, 438, 440; 1979 c. 32, 221, 358, 361; 1981 c. 390 s. 252; 1983 a. 27 ss. 881 to 888; 1983 a. 186, 189; 1983 a. 236 ss. 12, 13; 1983 a. 538; 1987 a. 399; 1993 a. 112; 1995 a. 27 ss. 1713 to 1722, 9116 (5); 1995 a. 225; 1997 a. 79; 2011 a. 32.

19 **SECTION 7.** 32.19 (3) (c) of the statutes is amended to read:

20 32.19 (3) (c) *Optional payment for businesses.* Any displaced person who moves
21 his or her business, and elects to accept the payment authorized in par. (a), may, if
22 otherwise qualified under par. (b) 2., elect to receive the payment authorized under
23 par. (b) 2., minus whatever payment the displaced person received under par. (a), if

1 the displaced person discontinues the business within 2 years of the date of receipt
2 of payment under par. (a), provided that the displaced person meets eligibility
3 criteria established by the ~~department of administration~~ public service commission
4 by rule. In no event may the total combined payment be less than \$1,000 nor more
5 than \$20,000.

History: 1971 c. 99, 103, 244, 287; 1973 c. 192; 1975 c. 224, 273; 1977 c. 418, 438, 440; 1979 c. 32, 221, 358, 361; 1981 c. 390 s. 252; 1983 a. 27 ss. 881 to 888; 1983 a. 186, 189; 1983 a. 236 ss. 12, 13; 1983 a. 538; 1987 a. 399; 1993 a. 112; 1995 a. 27 ss. 1713 to 1722, 9116 (5); 1995 a. 225; 1997 a. 79; 2011 a. 32.

6 **SECTION 8.** 32.19 (4) (a) 2. of the statutes is amended to read:

7 32.19 (4) (a) 2. The amount of increased interest expenses and other debt
8 service costs incurred by the owner to finance the purchase of another property
9 substantially similar to the property taken, if at the time of the taking the land
10 acquired was subject to a bona fide mortgage or was held under a vendee's interest
11 in a bona fide land contract, and such mortgage or land contract had been executed
12 in good faith not less than 180 days prior to the initiation of negotiations for the
13 acquisition of such property. The computation of the increased interest costs shall
14 be determined according to rules promulgated by the ~~department of administration~~
15 public service commission.

History: 1971 c. 99, 103, 244, 287; 1973 c. 192; 1975 c. 224, 273; 1977 c. 418, 438, 440; 1979 c. 32, 221, 358, 361; 1981 c. 390 s. 252; 1983 a. 27 ss. 881 to 888; 1983 a. 186, 189; 1983 a. 236 ss. 12, 13; 1983 a. 538; 1987 a. 399; 1993 a. 112; 1995 a. 27 ss. 1713 to 1722, 9116 (5); 1995 a. 225; 1997 a. 79; 2011 a. 32.

16 **SECTION 9.** 32.19 (4) (b) (intro.) of the statutes is amended to read:

17 32.19 (4) (b) *Tenants and certain others.* (intro.) In addition to amounts
18 otherwise authorized by this subchapter, the condemnor shall make a payment to
19 any individual or family displaced from any dwelling which was actually and
20 lawfully occupied by such individual or family for not less than 90 days prior to the
21 initiation of negotiations for the acquisition of such property or, if displacement is not
22 a direct result of acquisition, such other event as determined by the ~~department of~~
23 administration public service commission by rule. For purposes of this paragraph,

1 a corporation organized under ch. 181 that is a nonprofit corporation, as defined in
2 s. 181.0103 (17), may, if otherwise eligible, be considered a displaced tenant. Subject
3 to the limitations under par. (bm), such payment shall be either:

History: 1971 c. 99, 103, 244, 287; 1973 c. 192; 1975 c. 224, 273; 1977 c. 418, 438, 440; 1979 c. 32, 221, 358, 361; 1981 c. 390 s. 252; 1983 a. 27 ss. 881 to 888; 1983 a. 186, 189; 1983 a. 236 ss. 12, 13; 1983 a. 538; 1987 a. 399; 1993 a. 112; 1995 a. 27 ss. 1713 to 1722, 9116 (5); 1995 a. 225; 1997 a. 79; 2011 a. 32.

4 **SECTION 10.** 32.19 (4m) (a) 2. of the statutes is amended to read:

5 32.19 (4m) (a) 2. The amount, if any, which will compensate such owner
6 displaced person for any increased interest and other debt service costs which such
7 person is required to pay for financing the acquisition of any replacement property,
8 if the property acquired was encumbered by a bona fide mortgage or land contract
9 which was a valid lien on the property for at least one year prior to the initiation of
10 negotiations for its acquisition. The amount under this subdivision shall be
11 determined according to rules promulgated by the ~~department of administration~~
12 public service commission.

History: 1971 c. 99, 103, 244, 287; 1973 c. 192; 1975 c. 224, 273; 1977 c. 418, 438, 440; 1979 c. 32, 221, 358, 361; 1981 c. 390 s. 252; 1983 a. 27 ss. 881 to 888; 1983 a. 186, 189; 1983 a. 236 ss. 12, 13; 1983 a. 538; 1987 a. 399; 1993 a. 112; 1995 a. 27 ss. 1713 to 1722, 9116 (5); 1995 a. 225; 1997 a. 79; 2011 a. 32.

13 **SECTION 11.** 32.19 (4m) (b) (intro.) of the statutes is amended to read:

14 32.19 (4m) (b) *Tenant-occupied business or farm operation.* (intro.) In addition
15 to amounts otherwise authorized by this subchapter, the condemnor shall make a
16 payment to any tenant displaced person who has owned and occupied the business
17 operation, or owned the farm operation, for not less than one year prior to initiation
18 of negotiations for the acquisition of the real property on which the business or farm
19 operation lies or, if displacement is not a direct result of acquisition, such other event
20 as determined by the ~~department of administration~~ public service commission, and
21 who actually rents or purchases a comparable replacement business or farm
22 operation for the displaced business or farm operation within 2 years after the date

1 the person vacates the acquired property. At the option of the tenant displaced
2 person, such payment shall be either:

History: 1971 c. 99, 103, 244, 287; 1973 c. 192; 1975 c. 224, 273; 1977 c. 418, 438, 440; 1979 c. 32, 221, 358, 361; 1981 c. 390 s. 252; 1983 a. 27 ss. 881 to 888; 1983 a. 186, 189; 1983 a. 236 ss. 12, 13; 1983 a. 538; 1987 a. 399; 1993 a. 112; 1995 a. 27 ss. 1713 to 1722, 9116 (5); 1995 a. 2251, 1997 a. 79; 2011 a. 32.

3 **SECTION 12.** 32.19 (4m) (b) 1. of the statutes is amended to read:

4 32.19 (4m) (b) 1. The amount, not to exceed \$30,000, which is necessary to lease
5 or rent a comparable replacement business or farm operation for a period of 4 years.
6 The payment shall be computed by determining the average monthly rent paid for
7 the property from which the person was displaced for the 12 months prior to the
8 initiation of negotiations or, if displacement is not a direct result of acquisition, such
9 other event as determined by the ~~department of administration~~ public service
10 commission and the monthly rent of a comparable replacement business or farm
11 operation, and multiplying the difference by 48; or

History: 1971 c. 99, 103, 244, 287; 1973 c. 192; 1975 c. 224, 273; 1977 c. 418, 438, 440; 1979 c. 32, 221, 358, 361; 1981 c. 390 s. 252; 1983 a. 27 ss. 881 to 888; 1983 a. 186, 189; 1983 a. 236 ss. 12, 13; 1983 a. 538; 1987 a. 399; 1993 a. 112; 1995 a. 27 ss. 1713 to 1722, 9116 (5); 1995 a. 225, 1997 a. 79; 2011 a. 32.

12 **SECTION 13.** 32.197 of the statutes is amended to read:

13 **32.197 Waiver of relocation assistance.** An owner-occupant of property
14 being acquired may waive his or her right to receive any relocation payments or
15 services under this subchapter if the property being acquired is not contiguous to any
16 property which may be acquired by the condemnor and is not part of a previously
17 identified or proposed project where it is reasonable to conclude that acquisition by
18 the condemnor may occur in the foreseeable future. Prior to the execution of any
19 waiver under this section, the condemnor shall provide to the owner-occupant, in
20 writing, full information about the specific payments and services being waived by
21 the owner-occupant. The ~~department of administration~~ public service commission
22 shall by rule establish procedures for relocation assistance waivers under this
23 section to ensure that the waivers are voluntarily and knowledgeably executed.

History: 1983 a. 27; 1983 a. 236 s. 12; 1995 a. 27 ss. 1723, 9116 (5); 2011 a. 32.

1 **SECTION 14.** 32.20 of the statutes is amended to read:

2 **32.20 Procedure for collection of itemized items of compensation.**

3 Claims for damages itemized in ss. 32.19 and 32.195 shall be filed with the
4 condemnor carrying on the project through which condemnee's or claimant's claims
5 arise. All such claims must be filed after the damages upon which they are based
6 have fully materialized but not later than 2 years after the condemnor takes physical
7 possession of the entire property acquired or such other event as determined by the
8 ~~department of administration~~ public service commission by rule. If such claim is not
9 allowed within 90 days after the filing thereof, the claimant has a right of action
10 against the condemnor carrying on the project through which the claim arises. Such
11 action shall be commenced in a court of record in the county wherein the damages
12 occurred. In causes of action, involving any state commission, board or other agency,
13 excluding counties, the sum recovered by the claimant shall be paid out of any funds
14 appropriated to such condemning agency. Any judgment shall be appealable by
15 either party and any amount recovered by the body against which the claim was filed,
16 arising from costs, counterclaims, punitive damages or otherwise may be used as an
17 offset to any amount owed by it to the claimant, or may be collected in the same
18 manner and form as any other judgment.

19 History: 1977 c. 29 s. 1654 (8) (c); 1981 c. 249; 1987 a. 399; 1995 a. 27 ss. 1724, 9116 (5); 2011 a. 32.

19 **SECTION 15.** 32.25 (1) of the statutes is amended to read:

20 **32.25 (1)** Except as provided under sub. (3) and s. 85.09 (4m), no condemnor
21 may proceed with any activity that may involve the displacement of persons,
22 business concerns or farm operations until the condemnor has filed in writing a
23 relocation payment plan and relocation assistance service plan and has had both

1 plans approved in writing by the ~~department of administration~~ public service
2 commission.

3 History: 1971 c. 99, 103; 1979 c. 361; 1983 a. 27, 236; 1987 a. 5, 399; 1991 a. 269; 1995 a. 27 ss. 1725, 1726, 9116 (5); 2011 a. 32.

SECTION 16. 32.25 (2) (h) of the statutes is amended to read:

4 32.25 (2) (h) Assure that, within a reasonable time prior to displacement, there
5 will be available, to the extent that may reasonably be accomplished, housing
6 meeting the standards established by the ~~department of administration~~ public
7 service commission for decent, safe and sanitary dwellings. The housing, so far as
8 practicable, shall be in areas not generally less desirable in regard to public utilities,
9 public and commercial facilities and at rents or prices within the financial means of
10 the families and individuals displaced and equal in number to the number of such
11 displaced families or individuals and reasonably accessible to their places of
12 employment.

13 History: 1971 c. 99, 103; 1979 c. 361; 1983 a. 27, 236; 1987 a. 5, 399; 1991 a. 269; 1995 a. 27 ss. 1725, 1726, 9116 (5); 2011 a. 32.

SECTION 17. 32.26 (title) of the statutes is amended to read:

14 32.26 (title) **Authority of the ~~department of administration~~ public**
15 **service commission.**

16 History: 1971 c. 103; 1971 c. 211 s. 126; 1977 c. 438, 449; 1979 c. 361; 1983 a. 236 s. 12; 1985 a. 332 s. 251 (5); 1987 a. 399; 1995 a. 27 ss. 1727 to 1735, 9116 (5); 2011 a. 32.

SECTION 18. 32.26 (1) of the statutes is amended to read:

17 32.26 (1) In addition to all other powers granted in this subchapter, the
18 ~~department of administration~~ public service commission shall formulate local
19 standards for decent, safe and sanitary dwelling accommodations.

20 History: 1971 c. 103; 1971 c. 211 s. 126; 1977 c. 438, 449; 1979 c. 361; 1983 a. 236 s. 12; 1985 a. 332 s. 251 (5); 1987 a. 399; 1995 a. 27 ss. 1727 to 1735, 9116 (5); 2011 a. 32.

SECTION 19. 32.26 (2) (a) of the statutes is amended to read:

21 32.26 (2) (a) The ~~department of administration~~ public service commission shall
22 promulgate rules to implement and administer ss. 32.19 to 32.27.

History: 1971 c. 103; 1971 c. 211 s. 126; 1977 c. 438, 449; 1979 c. 361; 1983 a. 236 s. 12; 1985 a. 332 s. 251 (5); 1987 a. 399; 1995 a. 27 ss. 1727 to 1735, 9116 (5); 2011 a. 32.

1 **SECTION 20.** 32.26 (2) (b) of the statutes is amended to read:

2 32.26 (2) (b) The ~~department of administration~~ public service commission and
3 the department of transportation shall establish ~~interdepartmental~~ interagency
4 liaison procedures for the purpose of cooperating and exchanging information to
5 assist the ~~department of administration~~ public service commission in promulgating
6 rules under par. (a).

History: 1971 c. 103; 1971 c. 211 s. 126; 1977 c. 438, 449; 1979 c. 361; 1983 a. 236 s. 12; 1985 a. 332 s. 251 (5); 1987 a. 399; 1995 a. 27 ss. 1727 to 1735, 9116 (5); 2011 a. 32.

7 **SECTION 21.** 32.26 (3) of the statutes is amended to read:

8 32.26 (3) The ~~department of administration~~ public service commission may
9 make investigations to determine if the condemnor is complying with ss. 32.19 to
10 32.27. The ~~department~~ commission may seek an order from the circuit court
11 requiring a condemnor to comply with ss. 32.19 to 32.27 or to discontinue work on
12 that part of the project which is not in substantial compliance with ss. 32.19 to 32.27.
13 The court shall give hearings on these actions precedence on the court's calendar.

History: 1971 c. 103; 1971 c. 211 s. 126; 1977 c. 438, 449; 1979 c. 361; 1983 a. 236 s. 12; 1985 a. 332 s. 251 (5); 1987 a. 399; 1995 a. 27 ss. 1727 to 1735, 9116 (5); 2011 a. 32.

14 **SECTION 22.** 32.26 (4) of the statutes is amended to read:

15 32.26 (4) Upon the request of the ~~department of administration~~ public service
16 commission, the attorney general shall aid and prosecute all necessary actions or
17 proceedings for the enforcement of this subchapter and for the punishment of all
18 violations of this subchapter.

History: 1971 c. 103; 1971 c. 211 s. 126; 1977 c. 438, 449; 1979 c. 361; 1983 a. 236 s. 12; 1985 a. 332 s. 251 (5); 1987 a. 399; 1995 a. 27 ss. 1727 to 1735, 9116 (5); 2011 a. 32.

19 **SECTION 23.** 32.26 (5) of the statutes is amended to read:

20 32.26 (5) Any displaced person may, prior to commencing court action against
21 the condemnor under s. 32.20, petition the ~~department of administration~~ public
22 service commission for review of his or her complaint, setting forth in the petition the
23 reasons for his or her dissatisfaction. The ~~department~~ commission may conduct an

1 informal review of the situation and attempt to negotiate an acceptable solution. If
2 an acceptable solution cannot be negotiated within 90 days, the department
3 commission shall notify all parties, and the petitioner may then proceed under s.
4 32.20. The informal review procedure provided by this subsection is not a condition
5 precedent to the filing of a claim and commencement of legal action pursuant to s.
6 32.20. In supplying information required by s. 32.25 (2) (d), the condemnor shall
7 clearly indicate to each displaced person his or her right to proceed under this
8 paragraph and under s. 32.20, and shall supply full information on how the displaced
9 person may contact the ~~department of administration~~ public service commission.

History: 1971 c. 103; 1971 c. 211 s. 126; 1977 c. 438, 449; 1979 c. 361; 1983 a. 236 s. 12; 1985 a. 332 s. 251 (5); 1987 a. 399; 1995 a. 27 ss. 1727 to 1735, 9116 (5); 2011 a. 32.

10 **SECTION 24.** 32.26 (6) of the statutes is amended to read:

11 32.26 (6) The ~~department of administration~~ public service commission, with
12 the cooperation of the attorney general, shall prepare pamphlets in simple language
13 and in readable format describing the eminent domain laws of this state, including
14 the reasons for condemnation, the procedures followed by condemnors, how citizens
15 may influence the condemnation process and the rights of property owners and
16 citizens affected by condemnation. The ~~department~~ commission shall make copies
17 of the pamphlets available to all condemnors, who may be charged a price for the
18 pamphlets sufficient to recover the costs of production.

History: 1971 c. 103; 1971 c. 211 s. 126; 1977 c. 438, 449; 1979 c. 361; 1983 a. 236 s. 12; 1985 a. 332 s. 251 (5); 1987 a. 399; 1995 a. 27 ss. 1727 to 1735, 9116 (5); 2011 a. 32.

19 **SECTION 25.** 32.26 (7) of the statutes is amended to read:

20 32.26 (7) The ~~department of administration~~ public service commission shall
21 provide technical assistance on relocation plan development and implementation to

1 any condemnor carrying out a project which may result in the displacement of any
2 person.

History: 1971 c. 103; 1971 c. 211 s. 126; 1977 c. 438, 449; 1979 c. 361; 1983 a. 236 s. 12; 1985 a. 332 s. 251 (5); 1987 a. 399; 1995 a. 27 ss. 1727 to 1735, 9116 (5); 2011 a. 32.

3 **SECTION 26.** 85.09 (4m) of the statutes is amended to read:

4 85.09 (4m) RELOCATION PLAN. The department is exempt from s. 32.25 (1) if the
5 department determines that acquiring rail property under this section will not result
6 in any displaced persons as defined in s. 32.19 (2) (e). The department shall file a
7 statement of its determinations with the ~~department of administration~~ public
8 service commission.

History: 1977 c. 29, 418; 1979 c. 34 s. 1018; Stats. 1979 s. 85.09; 1981 c. 20; 1983 a. 27, 192; 1985 a. 29 ss. 1583 to 1586, 3200 (51); 1985 a. 332 s. 253; 1987 a. 5; 1989 a. 31; 1991 a. 39; 1993 a. 16; 1995 a. 27 ss. 3525, 9116 (5); 2003 a. 33; 2005 a. 179; 2007 a. 20; 2011 a. 32; 2013 a. 20.

9 **SECTION 27.** 196.85 (1m) (e) of the statutes is created to read:

10 196.85 (1m) (e) For the purpose of direct assessment under sub. (1) of expenses
11 incurred by the commission in connection with its activities under ss. 32.19 to 32.27,
12 the term “public utility” includes a condemnor, as defined in s. 32.185.

13 **SECTION 28.** 196.85 (2) of the statutes is amended to read:

14 196.85 (2) The commission shall annually, within 90 days of the
15 commencement of each fiscal year, calculate the total of its expenditures during the
16 prior fiscal year which are reasonably attributable to the performance of its duties
17 relating to ss. 32.19 to 39.27 and to public utilities, sewerage systems and power
18 districts under this chapter and chs. 66, 198 and 201 and expenditures of the state
19 for state government operations to support the performance of such duties. For
20 purposes of such calculation, 90% of the expenditures so determined shall be
21 expenditures of the commission and 10% of the expenditures so determined shall be
22 expenditures for state government operations. The commission shall deduct from
23 this total all amounts chargeable to public utilities, sewerage systems and power

1 districts under sub. (1) and s. 201.10 (3). The commission shall assess a sum equal
 2 to the remainder plus 10% of the remainder to the public utilities and power districts
 3 in proportion to their respective gross operating revenues during the last calendar
 4 year, derived from intrastate operations. If, at the time of payment, the prior year's
 5 expenditures made under this section exceeded the payment made under this section
 6 in the prior year, the commission shall charge the remainder to the public utilities
 7 and power districts in proportion to their gross operating revenues during the last
 8 calendar year. If, at the time of payment it is determined that the prior year's
 9 expenditures made under this section were less than the payment made under this
 10 section in the prior year, the commission shall credit the difference to the current
 11 year's payment. The assessment shall be paid within 30 days after the bill has been
 12 mailed to the public utilities and power districts. The bill constitutes notice of the
 13 assessment and demand of payment. Ninety percent of the payment shall be credited
 14 to the appropriation account under s. 20.155 (1) (g).

History: 1971 c. 40 s. 93; 1971 c. 125; 1973 c. 243 s. 82; 1975 c. 68; 1977 c. 29 ss. 1359, 1360, 1654 (10) (f); 1977 c. 203, 418; 1979 c. 171; 1981 c. 390; 1987 a. 378; 1991 a. 269; 1993 a. 496; 1997 a. 27, 140, 184, 229, 254; 1999 a. 32, 53; 1999 a. 150 ss. 648, 649, 672; 1999 a. 186; 2001 a. 16, 30; 2003 a. 33; 2005 a. 347; 2007 a. 42; 2013 a. 151.

15 **SECTION 9101. Nonstatutory provisions; Administration.** ✓

16 (1) STATE ENERGY OFFICE AND RELOCATION ADMINISTRATION.

17 (a) *Definitions.* In this subsection: ✓

18 1. "Commission" means the public service commission. ✓

19 2. "Department" means the department of administration. ✓

20 3. "Office" means the state energy office in the division of energy services of the
 21 department. ✓ ✓

22 4. "Relocation administration" means the powers and duties of the department
 23 under sections 32.19 to 32.27, 2013 stats. ✓ ✓

1 (b) *Assets and liabilities.* On the effective date of this paragraph, the assets and
2 liabilities of the department primarily relating to the office or relocation
3 administration, as determined by the secretary of administration, become the assets
4 and liabilities of the commission.

5 (c) *Employee transfers.* On the effective date of this paragraph, 4.0 FTE FED
6 positions, and the incumbent employees holding those positions, in the department
7 who perform duties primarily related to the office, as determined by the secretary of
8 administration, are transferred to the commission. On the effective date of this
9 paragraph, 1.0 FTE GPR position, and the incumbent employee holding that
10 position, in the department who performs duties primarily related to relocation
11 administration, as determined by the secretary of administration, is transferred to
12 the commission to be funded under section 20.155 (1) (g) of the statutes, as affected
13 by this act.

14 (d) *Employee status.* Employees transferred under paragraph (c) have all the
15 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
16 statutes in the commission that they enjoyed in the department immediately before
17 the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so
18 transferred who has attained permanent status in class is required to serve a
19 probationary period.

20 (e) *Tangible personal property.* On the effective date of this paragraph, all
21 tangible personal property, including records, of the department primarily relating
22 to the office or relocation administration, as determined by the secretary of
23 administration, becomes the personal property of the commission.

24 (f) *Pending matters.* Any matter pending with the department primarily
25 relating to the office or relocation administration, as determined by the department,

SECTION 9101

1 on the effective date of this paragraph is transferred to the commission. All materials
2 submitted to or actions taken by the department are considered as having been
3 submitted to or taken by the commission.

4 (g) *Contracts*. All contracts entered into by the department primarily relating
5 to the office or relocation administration, as determined by the department, in effect
6 on the effective date of this paragraph remain in effect and are transferred to the
7 commission. The commission shall carry out any obligations under those contracts
8 unless modified or rescinded to the extent allowed under the contract.

9 (h) *Rules and orders*. All rules promulgated by the department under sections
10 32.19 to 32.27 of the statutes in effect on the effective date of this paragraph remain
11 in effect until their specified expiration dates or until amended or are repealed by the
12 commission. All orders issued by the department under sections 32.19 to 32.27 of the
13 statutes in effect on the effective date of this paragraph remain in effect until their
14 specified expiration dates or until modified or rescinded by the commission.

15

(END)

D-Note

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

LRB-0867/P1dn

MDK: *gf*

Date

Sasha Bong:

I amended s. 20.155 (1) (g) to allow the PSC to use that appropriation for its expenses in administering relocation assistance. Also, I created s. 196.85 (1m) (e) to allow the PSC to make direct assessments against condemners whom the PSC investigates under s. 32.26 and I amended s. 196.85 (2) to ensure that the remainder assessments cover the PSC's expenses for relocation assistance. Is that okay?

Mark D. Kunkel
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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0867/P1dn
MDK:kjf:rs

January 16, 2015

Sasha Bong:

I amended s. 20.155 (1) (g) to allow the PSC to use that appropriation for its expenses in administering relocation assistance. Also, I created s. 196.85 (1m) (e) to allow the PSC to make direct assessments against condemners whom the PSC investigates under s. 32.26 and I amended s. 196.85 (2) to ensure that the remainder assessments cover the PSC's expenses for relocation assistance. Is that okay?

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Kunkel, Mark

From: Kunkel, Mark
Sent: Tuesday, January 20, 2015 9:42 AM
To: 'Bong, Sasha E - DOA'
Subject: RE: Changes for LRB-1077 and 0867

See my italicized responses below.

From: Bong, Sasha E - DOA [mailto:SashaE.Bong@wisconsin.gov]
Sent: Monday, January 19, 2015 8:15 PM
To: Kunkel, Mark
Subject: Changes for LRB-1077 and 0867

Hi Mark,

I have a few questions/changes for you for the Wind study and State Energy Office drafts:

1) For the wind study draft, I want to clarify lines 2-3 which state "The commission shall ensure that the study is conducted independently from any survey made by the wind siting council." I remember writing in the request that the study was separate from that already statutorily required of the wind siting council, but would like to know if the statement would prohibit the commission using information from the council study as part of this health effects study.

The instructions said the intent was not to replicate the surveys done by the wind siting council. I didn't think "replicate" was the right word to use, so I came up with the above language, which probably could be phrased better, depending on what you want to do. What should be the relationship, if any, between the PSC's study and the surveys?

2) For the SEO transfer draft, it was not the intent for costs associated with relocation assistance to be funded by the PSC's direct assessment (as created under Section 27 of the draft). It was the intent for such costs to only be funded by the PSC's indirect assessment under s. 196.85(2). Please let me know if there are any issues with this.

So you want to make no changes to the indirect assessment, and allow the PSC to use that money (which comes only from utilities) to administer the PSC's duties regarding relocation assistance? If so, I think all I need to do is amend the appropriation under s. 20.155 (1) (g) as I did in the draft. Under current law, it appropriates the amounts in the schedule for the PSC's regulation of utilities. Because the relocation assistance may involve entities other than utilities, I would treat s. 20.155 (1) (g) as I did in the draft. If you disagree, let me know. Also, note that if the PSC takes any investigative action under s. 32.26 (3) against a non-utility, it won't be able to assess to make a direct assessment against the non-utility. However, if the PSC's costs are minimal, that may not matter to you.

3) With regard to the employee transfers, does the specific number of employees need to be included in the nonstatutory language? We will already have an entry in the biennial budget system reflecting the number of positions to be created at the PSC as a result of the transfer.

*We need to specify the number of employees, and the changing funding sources, **only if you are protecting the incumbents.** In order to protect incumbents, we need to refer to the transferred positions. So, I included par. (c) on page 12, only because of par. (d). If you don't want to protect employees, then we don't need to say anything about the transfers in the nonstats, as you are correct, you will have taken care of that in the budget system.*

Secondly, I am not sure at this time that transferring positions will necessarily mean the corresponding incumbent goes with it. The decision item will transfer fewer positions to PSC than are currently at DOA, and at this time, I need to confirm with PSC that it would intend to hire for the transferred positions, not to transfer incumbents. The way that PSC determined its staffing need was based on portions of positions - it may have assumed 1.0 FTE to perform biomass work and relocation assistance, but the SEO may have two different people performing this work (e.g., 0.6 FTE for biomass from one, 0.4 FTE for relocation from another).

I apologize for the lengthy email, but if you have any questions, please feel free to call.

Thanks!

Kunkel, Mark

From: Bong, Sasha E - DOA <SashaE.Bong@wisconsin.gov>
Sent: Thursday, January 22, 2015 9:45 AM
To: Kunkel, Mark
Subject: RE: BB0385 wind study (LRB-1077)

Hi Mark,

The italicized sentence works for me.

For the SEO draft, 5.0 FTE FED positions and 1.0 GPR position will be transferred from DOA to PSC. I think I mentioned in my voicemail that it was positions and incumbents, but in case I didn't, FYI.

I think that doesn't leave anything else outstanding for either draft, but please let me know if you need anything else.

Thanks!

Sasha Bong
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From: Kunkel, Mark [mailto:Mark.Kunkel@legis.wisconsin.gov]
Sent: Thursday, January 22, 2015 9:29 AM
To: Bong, Sasha E - DOA
Subject: BB0385 wind study (LRB-1077)

Sasha:

After listening to your voice mail, I think I should use the word you originally suggested, "replicate." I originally didn't want to use that word because it means to copy or duplicate exactly, and I thought commanding the PSC to do a study implied that the PSC would have to do its own study, and not copy what the wind council does. However, I can't think of a better word to express what you want to do, so what do you think of the following italicized sentence?

Wind energy health study. From the appropriation account under section 20.155 (1) (g) of the statutes for the 2015-16 fiscal year, the public service commission shall allocate no more than \$250,000 to study health issues related to wind energy systems, as defined in section 66.0403 (1) (m) of the statutes. ***The study may consider, but not replicate, the surveys made by the wind siting council under section 196.378 (4g) (e) of the statutes.*** No later than the first day of the 13th month beginning after the effective date of this subsection, the commission shall submit a report on the study to the governor and to the legislature in the manner provided under section 13.172 (3) of the statutes.

--Mark