



State of Wisconsin
2015 - 2016 LEGISLATURE



LRB-0867/P1
MDK:kjfrs

B-NOTE

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2/22

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

FOR 2015-2017 BUDGET -- NOT READY FOR INTRODUCTION

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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
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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.

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
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21 commission, if the person is a tenant-occupant of a dwelling, business or farm
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1 **SECTION 5.** 32.19 (3) (b) 1. of the statutes is amended to read:

2 32.19 (3) (b) 1. ‘Dwellings.’ Any displaced person who moves from a dwelling
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7 **SECTION 6.** 32.19 (3) (b) 2. of the statutes is amended to read:

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11 and elects to accept payment authorized under this paragraph in lieu of the payment
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14 commission by rule, except that such payment shall not be less than \$1,000 nor more
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8 in a bona fide land contract, and such mortgage or land contract had been executed
9 in good faith not less than 180 days prior to the initiation of negotiations for the
10 acquisition of such property. The computation of the increased interest costs shall
11 be determined according to rules promulgated by the ~~department of administration~~
12 public service commission.

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

14 32.19 (4) (b) *Tenants and certain others.* (intro.) In addition to amounts
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16 any individual or family displaced from any dwelling which was actually and
17 lawfully occupied by such individual or family for not less than 90 days prior to the
18 initiation of negotiations for the acquisition of such property or, if displacement is not
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23 to the limitations under par. (bm), such payment shall be either:

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1 32.19 (4m) (a) 2. The amount, if any, which will compensate such owner
2 displaced person for any increased interest and other debt service costs which such
3 person is required to pay for financing the acquisition of any replacement property,
4 if the property acquired was encumbered by a bona fide mortgage or land contract
5 which was a valid lien on the property for at least one year prior to the initiation of
6 negotiations for its acquisition. The amount under this subdivision shall be
7 determined according to rules promulgated by the ~~department of administration~~
8 public service commission.

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

10 32.19 (4m) (b) *Tenant-occupied business or farm operation*. (intro.) In addition
11 to amounts otherwise authorized by this subchapter, the condemnor shall make a
12 payment to any tenant displaced person who has owned and occupied the business
13 operation, or owned the farm operation, for not less than one year prior to initiation
14 of negotiations for the acquisition of the real property on which the business or farm
15 operation lies or, if displacement is not a direct result of acquisition, such other event
16 as determined by the ~~department of administration~~ public service commission, and
17 who actually rents or purchases a comparable replacement business or farm
18 operation for the displaced business or farm operation within 2 years after the date
19 the person vacates the acquired property. At the option of the tenant displaced
20 person, such payment shall be either: ✓

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

22 32.19 (4m) (b) 1. The amount, not to exceed \$30,000, which is necessary to lease
23 or rent a comparable replacement business or farm operation for a period of 4 years.
24 The payment shall be computed by determining the average monthly rent paid for
25 the property from which the person was displaced for the 12 months prior to the

1 initiation of negotiations or, if displacement is not a direct result of acquisition, such
2 other event as determined by the ~~department of administration~~ public service
3 commission and the monthly rent of a comparable replacement business or farm
4 operation, and multiplying the difference by 48; or

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

6 **32.197 Waiver of relocation assistance.** An owner-occupant of property
7 being acquired may waive his or her right to receive any relocation payments or
8 services under this subchapter if the property being acquired is not contiguous to any
9 property which may be acquired by the condemnor and is not part of a previously
10 identified or proposed project where it is reasonable to conclude that acquisition by
11 the condemnor may occur in the foreseeable future. Prior to the execution of any
12 waiver under this section, the condemnor shall provide to the owner-occupant, in
13 writing, full information about the specific payments and services being waived by
14 the owner-occupant. The ~~department of administration~~ public service commission
15 shall by rule establish procedures for relocation assistance waivers under this
16 section to ensure that the waivers are voluntarily and knowledgeably executed.

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

18 **32.20 Procedure for collection of itemized items of compensation.**
19 Claims for damages itemized in ss. 32.19 and 32.195 shall be filed with the
20 condemnor carrying on the project through which condemnee's or claimant's claims
21 arise. All such claims must be filed after the damages upon which they are based
22 have fully materialized but not later than 2 years after the condemnor takes physical
23 possession of the entire property acquired or such other event as determined by the
24 ~~department of administration~~ public service commission by rule. If such claim is not
25 allowed within 90 days after the filing thereof, the claimant has a right of action

1 against the condemnor carrying on the project through which the claim arises. Such
2 action shall be commenced in a court of record in the county wherein the damages
3 occurred. In causes of action, involving any state commission, board or other agency,
4 excluding counties, the sum recovered by the claimant shall be paid out of any funds
5 appropriated to such condemning agency. Any judgment shall be appealable by
6 either party and any amount recovered by the body against which the claim was filed,
7 arising from costs, counterclaims, punitive damages or otherwise may be used as an
8 offset to any amount owed by it to the claimant, or may be collected in the same
9 manner and form as any other judgment.

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

11 32.25 (1) Except as provided under sub. (3) and s. 85.09 (4m), no condemnor
12 may proceed with any activity that may involve the displacement of persons,
13 business concerns or farm operations until the condemnor has filed in writing a
14 relocation payment plan and relocation assistance service plan and has had both
15 plans approved in writing by the ~~department of administration~~ public service
16 commission.

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

18 32.25 (2) (h) Assure that, within a reasonable time prior to displacement, there
19 will be available, to the extent that may reasonably be accomplished, housing
20 meeting the standards established by the ~~department of administration~~ public
21 service commission for decent, safe and sanitary dwellings. The housing, so far as
22 practicable, shall be in areas not generally less desirable in regard to public utilities,
23 public and commercial facilities and at rents or prices within the financial means of
24 the families and individuals displaced and equal in number to the number of such

1 displaced families or individuals and reasonably accessible to their places of
2 employment.

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

4 32.26 (title) **Authority of the ~~department of administration~~ public**
5 **service commission**.

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

7 32.26 (1) In addition to all other powers granted in this subchapter, the
8 ~~department of administration~~ public service commission shall formulate local
9 standards for decent, safe and sanitary dwelling accommodations.

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

11 32.26 (2) (a) The ~~department of administration~~ public service commission shall
12 promulgate rules to implement and administer ss. 32.19 to 32.27.

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

14 32.26 (2) (b) The ~~department of administration~~ public service commission and
15 the department of transportation shall establish ~~interdepartmental~~ interagency
16 liaison procedures for the purpose of cooperating and exchanging information to
17 assist the ~~department of administration~~ public service commission in promulgating
18 rules under par. (a).

19 SECTION 21. 32.26 (3) of the statutes is amended to read: ✓

20 32.26 (3) The ~~department of administration~~ public service commission may
21 make investigations to determine if the condemnor is complying with ss. 32.19 to
22 32.27. The ~~department~~ commission may seek an order from the circuit court
23 requiring a condemnor to comply with ss. 32.19 to 32.27 or to discontinue work on
24 that part of the project which is not in substantial compliance with ss. 32.19 to 32.27.
25 The court shall give hearings on these actions precedence on the court's calendar.

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

2 32.26 (4) Upon the request of the ~~department of administration~~ public service
3 commission, the attorney general shall aid and prosecute all necessary actions or
4 proceedings for the enforcement of this subchapter and for the punishment of all
5 violations of this subchapter. ✓

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

7 32.26 (5) Any displaced person may, prior to commencing court action against
8 the condemnor under s. 32.20, petition the ~~department of administration~~ public
9 service commission for review of his or her complaint, setting forth in the petition the
10 reasons for his or her dissatisfaction. The ~~department~~ commission may conduct an
11 informal review of the situation and attempt to negotiate an acceptable solution. If
12 an acceptable solution cannot be negotiated within 90 days, the ~~department~~
13 commission shall notify all parties, and the petitioner may then proceed under s.
14 32.20. The informal review procedure provided by this subsection is not a condition
15 precedent to the filing of a claim and commencement of legal action pursuant to s.
16 32.20. In supplying information required by s. 32.25 (2) (d), the condemnor shall
17 clearly indicate to each displaced person his or her right to proceed under this
18 paragraph and under s. 32.20, and shall supply full information on how the displaced
19 person may contact the ~~department of administration~~ public service commission. ✓

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

21 32.26 (6) The ~~department of administration~~ public service commission, with
22 the cooperation of the attorney general, shall prepare pamphlets in simple language
23 and in readable format describing the eminent domain laws of this state, including
24 the reasons for condemnation, the procedures followed by condemnors, how citizens
25 may influence the condemnation process and the rights of property owners and

1 citizens affected by condemnation. The ~~department~~ commission shall make copies
2 of the pamphlets available to all condemnors, who may be charged a price for the
3 pamphlets sufficient to recover the costs of production.

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

5 32.26 (7) The ~~department of administration~~ public service commission shall
6 provide technical assistance on relocation plan development and implementation to
7 any condemnor carrying out a project which may result in the displacement of any
8 person.

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

10 85.09 (4m) RELOCATION PLAN. The department is exempt from s. 32.25 (1) if the
11 department determines that acquiring rail property under this section will not result
12 in any displaced persons as defined in s. 32.19 (2) (e). The department shall file a
13 statement of its determinations with the ~~department of administration~~ public
14 service commission.

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

16 196.85 (1m) (e) For the purpose of direct assessment under sub. (1) of expenses
17 incurred by the commission in connection with its activities under ss. 32.19 to 32.27,
18 the term "public utility" includes a condemnor, as defined in s. 32.185.

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

20 196.85 (2) The commission shall annually, within 90 days of the
21 commencement of each fiscal year, calculate the total of its expenditures during the
22 prior fiscal year which are reasonably attributable to the performance of its duties
23 relating to ss. 32.19 to 39.27 and to public utilities, sewerage systems and power
24 districts under this chapter and chs. 66, 198 and 201 and expenditures of the state
25 for state government operations to support the performance of such duties. For

1 purposes of such calculation, 90% of the expenditures so determined shall be
2 expenditures of the commission and 10% of the expenditures so determined shall be
3 expenditures for state government operations. The commission shall deduct from
4 this total all amounts chargeable to public utilities, sewerage systems and power
5 districts under sub. (1) and s. 201.10 (3). The commission shall assess a sum equal
6 to the remainder plus 10% of the remainder to the public utilities and power districts
7 in proportion to their respective gross operating revenues during the last calendar
8 year, derived from intrastate operations. If, at the time of payment, the prior year's
9 expenditures made under this section exceeded the payment made under this section
10 in the prior year, the commission shall charge the remainder to the public utilities
11 and power districts in proportion to their gross operating revenues during the last
12 calendar year. If, at the time of payment it is determined that the prior year's
13 expenditures made under this section were less than the payment made under this
14 section in the prior year, the commission shall credit the difference to the current
15 year's payment. The assessment shall be paid within 30 days after the bill has been
16 mailed to the public utilities and power districts. The bill constitutes notice of the
17 assessment and demand of payment. Ninety percent of the payment shall be credited
18 to the appropriation account under s. 20.155 (1) (g).

19 **SECTION 9101. Nonstatutory provisions; Administration.**

20 (1) STATE ENERGY OFFICE AND RELOCATION ADMINISTRATION.

21 (a) *Definitions.* In this subsection:

22 1. "Commission" means the public service commission.

23 2. "Department" means the department of administration.

24 3. "Office" means the state energy office in the division of energy services of the
25 department.

1 4. “Relocation administration” means the powers and duties of the department
2 under sections 32.19 to 32.27, 2013 stats.

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

7 (c) *Employee transfers.* On the effective date of this paragraph, ^{5.0}4.0 FTE FED
8 positions, and the incumbent employees holding those positions, in the department
9 who perform duties primarily related to the office, as determined by the secretary of
10 administration, are transferred to the commission. On the effective date of this
11 paragraph, 1.0 FTE GPR position, and the incumbent employee holding that
12 position, in the department who performs duties primarily related to relocation
13 administration, as determined by the secretary of administration, is transferred to
14 the commission to be funded under section 20.155 (1) (g) of the statutes, as affected
15 by this act.

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

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

1 (f) *Pending matters.* Any matter pending with the department primarily
2 relating to the office or relocation administration, as determined by the department,
3 on the effective date of this paragraph is transferred to the commission. All materials
4 submitted to or actions taken by the department are considered as having been
5 submitted to or taken by the commission.

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

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

17

(END)

D-Note

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LRB-0867/P2dn

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Date

Sasha Bong:

This version is identical to the previous version, except that I removed the treatments of s. 196.85 (1m) (e) and (2), which dealt with direct and indirect assessments, and 5.0 FTE FED positions, instead of 4.0, are transferred.

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Senior Legislative Attorney
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MDK:kjfrs

January 22, 2015

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2015 - 2016 LEGISLATURE



LRB-0867/P2
MDK:kjf:rs

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

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13 and places of employment. “Comparable dwelling” shall meet all of the standard
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8 in a bona fide land contract, and such mortgage or land contract had been executed
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3 person is required to pay for financing the acquisition of any replacement property,
4 if the property acquired was encumbered by a bona fide mortgage or land contract
5 which was a valid lien on the property for at least one year prior to the initiation of
6 negotiations for its acquisition. The amount under this subdivision shall be
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15 operation lies or, if displacement is not a direct result of acquisition, such other event
16 as determined by the ~~department of administration~~ public service commission, and
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18 operation for the displaced business or farm operation within 2 years after the date
19 the person vacates the acquired property. At the option of the tenant displaced
20 person, such payment shall be either:

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

22 32.19 (4m) (b) 1. The amount, not to exceed \$30,000, which is necessary to lease
23 or rent a comparable replacement business or farm operation for a period of 4 years.
24 The payment shall be computed by determining the average monthly rent paid for
25 the property from which the person was displaced for the 12 months prior to the

1 initiation of negotiations or, if displacement is not a direct result of acquisition, such
2 other event as determined by the ~~department of administration~~ public service
3 commission and the monthly rent of a comparable replacement business or farm
4 operation, and multiplying the difference by 48; or

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

6 **32.197 Waiver of relocation assistance.** An owner-occupant of property
7 being acquired may waive his or her right to receive any relocation payments or
8 services under this subchapter if the property being acquired is not contiguous to any
9 property which may be acquired by the condemnor and is not part of a previously
10 identified or proposed project where it is reasonable to conclude that acquisition by
11 the condemnor may occur in the foreseeable future. Prior to the execution of any
12 waiver under this section, the condemnor shall provide to the owner-occupant, in
13 writing, full information about the specific payments and services being waived by
14 the owner-occupant. The ~~department of administration~~ public service commission
15 shall by rule establish procedures for relocation assistance waivers under this
16 section to ensure that the waivers are voluntarily and knowledgeably executed.

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

18 **32.20 Procedure for collection of itemized items of compensation.**
19 Claims for damages itemized in ss. 32.19 and 32.195 shall be filed with the
20 condemnor carrying on the project through which condemnee's or claimant's claims
21 arise. All such claims must be filed after the damages upon which they are based
22 have fully materialized but not later than 2 years after the condemnor takes physical
23 possession of the entire property acquired or such other event as determined by the
24 ~~department of administration~~ public service commission by rule. If such claim is not
25 allowed within 90 days after the filing thereof, the claimant has a right of action

1 against the condemnor carrying on the project through which the claim arises. Such
2 action shall be commenced in a court of record in the county wherein the damages
3 occurred. In causes of action, involving any state commission, board or other agency,
4 excluding counties, the sum recovered by the claimant shall be paid out of any funds
5 appropriated to such condemning agency. Any judgment shall be appealable by
6 either party and any amount recovered by the body against which the claim was filed,
7 arising from costs, counterclaims, punitive damages or otherwise may be used as an
8 offset to any amount owed by it to the claimant, or may be collected in the same
9 manner and form as any other judgment.

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

11 32.25 (1) Except as provided under sub. (3) and s. 85.09 (4m), no condemnor
12 may proceed with any activity that may involve the displacement of persons,
13 business concerns or farm operations until the condemnor has filed in writing a
14 relocation payment plan and relocation assistance service plan and has had both
15 plans approved in writing by the ~~department of administration~~ public service
16 commission.

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

18 32.25 (2) (h) Assure that, within a reasonable time prior to displacement, there
19 will be available, to the extent that may reasonably be accomplished, housing
20 meeting the standards established by the ~~department of administration~~ public
21 service commission for decent, safe and sanitary dwellings. The housing, so far as
22 practicable, shall be in areas not generally less desirable in regard to public utilities,
23 public and commercial facilities and at rents or prices within the financial means of
24 the families and individuals displaced and equal in number to the number of such

1 displaced families or individuals and reasonably accessible to their places of
2 employment.

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

4 32.26 (title) Authority of the ~~department of administration~~ public
5 service commission.

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

7 32.26 (1) In addition to all other powers granted in this subchapter, the
8 ~~department of administration~~ public service commission shall formulate local
9 standards for decent, safe and sanitary dwelling accommodations.

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

11 32.26 (2) (a) The ~~department of administration~~ public service commission shall
12 promulgate rules to implement and administer ss. 32.19 to 32.27.

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

14 32.26 (2) (b) The ~~department of administration~~ public service commission and
15 the department of transportation shall establish interdepartmental interagency
16 liaison procedures for the purpose of cooperating and exchanging information to
17 assist the ~~department of administration~~ public service commission in promulgating
18 rules under par. (a).

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

20 32.26 (3) The ~~department of administration~~ public service commission may
21 make investigations to determine if the condemnor is complying with ss. 32.19 to
22 32.27. The ~~department~~ commission may seek an order from the circuit court
23 requiring a condemnor to comply with ss. 32.19 to 32.27 or to discontinue work on
24 that part of the project which is not in substantial compliance with ss. 32.19 to 32.27.
25 The court shall give hearings on these actions precedence on the court's calendar.

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

2 32.26 (4) Upon the request of the ~~department of administration~~ public service
3 commission, the attorney general shall aid and prosecute all necessary actions or
4 proceedings for the enforcement of this subchapter and for the punishment of all
5 violations of this subchapter.

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

7 32.26 (5) Any displaced person may, prior to commencing court action against
8 the condemnor under s. 32.20, petition the ~~department of administration~~ public
9 service commission for review of his or her complaint, setting forth in the petition the
10 reasons for his or her dissatisfaction. The ~~department~~ commission may conduct an
11 informal review of the situation and attempt to negotiate an acceptable solution. If
12 an acceptable solution cannot be negotiated within 90 days, the ~~department~~
13 commission shall notify all parties, and the petitioner may then proceed under s.
14 32.20. The informal review procedure provided by this subsection is not a condition
15 precedent to the filing of a claim and commencement of legal action pursuant to s.
16 32.20. In supplying information required by s. 32.25 (2) (d), the condemnor shall
17 clearly indicate to each displaced person his or her right to proceed under this
18 paragraph and under s. 32.20, and shall supply full information on how the displaced
19 person may contact the ~~department of administration~~ public service commission.

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

21 32.26 (6) The ~~department of administration~~ public service commission, with
22 the cooperation of the attorney general, shall prepare pamphlets in simple language
23 and in readable format describing the eminent domain laws of this state, including
24 the reasons for condemnation, the procedures followed by condemnors, how citizens
25 may influence the condemnation process and the rights of property owners and

1 citizens affected by condemnation. The ~~department~~ commission shall make copies
2 of the pamphlets available to all condemnors, who may be charged a price for the
3 pamphlets sufficient to recover the costs of production.

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

5 32.26 (7) The ~~department of administration~~ public service commission shall
6 provide technical assistance on relocation plan development and implementation to
7 any condemnor carrying out a project which may result in the displacement of any
8 person.

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

10 85.09 (4m) RELOCATION PLAN. The department is exempt from s. 32.25 (1) if the
11 department determines that acquiring rail property under this section will not result
12 in any displaced persons as defined in s. 32.19 (2) (e). The department shall file a
13 statement of its determinations with the ~~department of administration~~ public
14 service commission.

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.

24 (b) *Assets and liabilities.* On the effective date of this paragraph, the assets and
25 liabilities of the department primarily relating to the office or relocation

1 administration, as determined by the secretary of administration, become the assets
2 and liabilities of the commission.

3 (c) *Employee transfers.* On the effective date of this paragraph, 5.0 FTE FED
4 positions, and the incumbent employees holding those positions, in the department
5 who perform duties primarily related to the office, as determined by the secretary of
6 administration, are transferred to the commission. On the effective date of this
7 paragraph, 1.0 FTE GPR position, and the incumbent employee holding that
8 position, in the department who performs duties primarily related to relocation
9 administration, as determined by the secretary of administration, is transferred to
10 the commission to be funded under section 20.155 (1) (g) of the statutes, as affected
11 by this act.

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

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

22 (f) *Pending matters.* Any matter pending with the department primarily
23 relating to the office or relocation administration, as determined by the department,
24 on the effective date of this paragraph is transferred to the commission. All materials

1 submitted to or actions taken by the department are considered as having been
2 submitted to or taken by the commission.

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

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

14 (END)