

2019 DRAFTING REQUEST

Bill

For: **Administration-Budget** Drafter: **mkunkel**
 By: **Sherwin** Secondary Drafters:
 Date: **2/13/2019** May Contact:

Same as LRB:

Submit via email: **YES**
 Requester's email:
 Carbon copy (CC) to: **derek.sherwin@wisconsin.gov**
DOASBOStatLanguage@wisconsin.gov
michael.gallagher@legis.wisconsin.gov

Pre Topic:

DOA:.....Sherwin, BB0347 -

Topic:

State office of sustainability and clean energy

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mkunkel 2/13/2019	wjackson 2/15/2019			
/P1	mkunkel 2/16/2019	wjackson 2/18/2019	dwalker 2/15/2019		State
/P2	chanaman 2/20/2019	anienaja 2/20/2019	lparisi 2/18/2019		State
/P3	mkunkel 2/20/2019	anienaja 2/20/2019	lparisi 2/20/2019		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P4	mkunkel 2/21/2019	anienaja 2/21/2019	lparisi 2/20/2019		State
/P5			jmurphy 2/21/2019		State

FE Sent For:

<END>

Kunkel, Mark

From: Hanaman, Cathlene
Sent: Tuesday, February 12, 2019 3:17 PM
To: Kunkel, Mark
Subject: FW: Statutory Language Drafting Request - 2019-21

From: Sherwin, Derek - DOA <Derek.Sherwin@wisconsin.gov>
Sent: Tuesday, February 12, 2019 3:11 PM
To: Hanaman, Cathlene <Cathlene.Hanaman@legis.wisconsin.gov>
Cc: Kraus, Jennifer - DOA <Jennifer.Kraus@wisconsin.gov>; Sherwin, Derek - DOA <Derek.Sherwin@wisconsin.gov>
Subject: Statutory Language Drafting Request - 2019-21

Biennial Budget: 2019-21

Topic: State Office of Clean Energy

Tracking Code: BB0347

SBO Team: GGCF

SBO Analyst: Derek Sherwin
Phone: 608-266-3382
E-mail: derek.sherwin@wisconsin.gov

Agency Acronym: 155

Agency Number: 155

Priority: High

Intent:

Transfer functions, duties, 5.0 FTE PR-FED positions and incumbents within the PSC state energy office to the Department of Administration, effective Jan. 1, 2020. The office, which will be formally renamed as the State Office of Clean Energy, will be funded through a PR-FED appropriation under Program 4 in the Chapter 20 schedule. Additionally, create 1.0 FTE PR-FED unclassified position to oversee this office. This position will be appointed by the Governor, in consultation with the Lt. Governor.

Attachments: False

Please send completed drafts to SBOSatlanguage@spmail.enterprise.wistate.us

Kunkel, Mark

From: Sherwin, Derek - DOA
Sent: Wednesday, February 13, 2019 11:22 AM
To: Kunkel, Mark
Subject: RE: State Office of Clean Energy Director

I'm sorry – could we actually go with ESG 3 – I think that makes more sense.

From: Kunkel, Mark - LEGIS <mark.kunkel@legis.wisconsin.gov>
Sent: Wednesday, February 13, 2019 10:55 AM
To: Sherwin, Derek - DOA <Derek.Sherwin@wisconsin.gov>
Subject: RE: State Office of Clean Energy Director

Okay, will do.

From: Sherwin, Derek - DOA <Derek.Sherwin@wisconsin.gov>
Sent: Wednesday, February 13, 2019 10:52 AM
To: Kunkel, Mark <Mark.Kunkel@legis.wisconsin.gov>
Subject: State Office of Clean Energy Director

Hi Mark –

Let's go with ESG 2 for that position.

Thanks,

Derek Sherwin
Wisconsin Department of Administration
Division of Executive Finance & Budget
State Budget Office
Executive Policy & Budget Analyst
(608) 266-3382

Gallagher, Michael

From: Hanaman, Cathlene
Sent: Wednesday, February 13, 2019 5:12 PM
To: Gallagher, Michael; Paczuski, Konrad
Subject: FW: Statutory Language Drafting Request - 2019-21

From: Sherwin, Derek - DOA <Derek.Sherwin@wisconsin.gov>
Sent: Wednesday, February 13, 2019 5:11 PM
To: Hanaman, Cathlene <Cathlene.Hanaman@legis.wisconsin.gov>
Cc: Kraus, Jennifer - DOA <Jennifer.Kraus@wisconsin.gov>; Sherwin, Derek - DOA <Derek.Sherwin@wisconsin.gov>
Subject: Statutory Language Drafting Request - 2019-21

Biennial Budget: 2019-21

Topic: Renewable Energy Grant Program

Tracking Code: BB0370

SBO Team: GGCF

SBO Analyst: Derek Sherwin
Phone: 608-266-3382
E-mail: derek.sherwin@wisconsin.gov

Agency Acronym: 505

Agency Number: 505

Priority: High

Intent:

Create a renewable energy grant program, which will be administered by the newly created State Office of Clean Energy. The grant will fund research in support of clean energy production -- the grant will be funded with \$4 million annually from the environmental improvement fund (annual, amounts in the schedule appropriation).

Attachments: False

Please send completed drafts to SBOSatlanguage@spmail.enterprise.wistate.us

Kunkel, Mark

From: Sherwin, Derek - DOA
Sent: Thursday, February 14, 2019 2:20 PM
To: Kunkel, Mark
Subject: RE: BB0370 and BB0347

Yes -- absolutely

From: Kunkel, Mark - LEGIS <mark.kunkel@legis.wisconsin.gov>
Sent: Thursday, February 14, 2019 2:14 PM
To: Sherwin, Derek - DOA <Derek.Sherwin@wisconsin.gov>
Subject: BB0370 and BB0347

Derek:

Would it be okay to combine the 2 requests into one? We could add the grants under BB0370 to the creation of the state office of clean energy in BB0347.

Let me know what you think,

--Mark

Kunkel, Mark

From: Sherwin, Derek - DOA
Sent: Thursday, February 14, 2019 3:40 PM
To: Kunkel, Mark
Subject: RE: BB0370 and BB0347

Hi Mark –

Can we change the transfer date of the office to DOA to October 1, 2019? ✓

Thanks,
Derek

From: Kunkel, Mark - LEGIS <mark.kunkel@legis.wisconsin.gov>
Sent: Thursday, February 14, 2019 2:14 PM
To: Sherwin, Derek - DOA <Derek.Sherwin@wisconsin.gov>
Subject: BB0370 and BB0347

Derek:

Would it be okay to combine the 2 requests into one? We could add the grants under BB0370 to the creation of the state office of clean energy in BB0347.

Let me know what you think,

--Mark



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1992/20

MDK...

WLJ P1

DOA:.....Sherwin, BB0347 - State office of clean energy

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

State office of clean energy

OTHER STATE GOVERNMENT

of administration

This bill creates an office to be known as the state office of clean energy in DOA to perform functions as directed by the DOA secretary. The office is headed by a director outside the classified service who is appointed by the governor, in consultation with the lieutenant governor, to serve at the governor's pleasure. Under current law, the PSC has established an office of energy innovation to administer various energy-related programs, including utility-funded statewide energy efficiency and renewable resources programs that are commonly referred to as Focus on Energy programs. Except for Focus on Energy programs, the bill transfers the administration of those programs to DOA. The bill also transfers to DOA certain duties of the PSC regarding state agency energy planning, administering federal energy grants, contingency planning for critical energy shortages, and providing technical assistance to governmental units. ~~The bill allows DOA to direct the state office of clean energy to perform the transferred duties.~~

energy-Related

that office

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:

INSERT 1A

the office created in the bill

1 SECTION 1. 15.105 (34) of the statutes is created to read:

2 15.105 (34) STATE OFFICE OF CLEAN ENERGY. There is created in the department
3 of administration an office to be known as the state office of clean energy. The office
4 shall be under the direction and supervision of a director who shall be appointed by
5 the governor, in consultation with the lieutenant governor, to serve at the governor's
6 pleasure.

7 SECTION 2. 16.954 of the statutes is created to read:

INSERT 2-8

8 16.954 State office of clean energy. (4) The state office of clean energy shall
9 perform functions, including duties under this section, as directed by the secretary.

****NOTE: The draft rennumbers s. 196.025 (7) (a) to (c) as s. 16.954 (3). See the treatments below.

to

(2) and

10 SECTION 3. 20.505 (4) (g) of the statutes is created to read:

11 20.505 (4) (g) Technical assistance; state office of clean energy. All moneys
12 received from units of government for technical assistance provided under s. 16.954

13 (12) (3) (a)

14 SECTION 4. 20.505 (4) (m) of the statutes is created to read:

15 20.505 (4) (m) Federal aid; state office of clean energy. All moneys received from
16 the federal government as authorized by the governor under s. 16.54 for the purposes
17 of funding programs administered under s. 16.954.

18 SECTION 5. 20.923 (4) (c) 2m. of the statutes is created to read:

19 20.923 (4) (c) 2m. Administration, department of; state office of clean energy:
20 director.

INSERT 2-80

21 SECTION 6. 196.025 (7) (title) of the statutes is repealed.

22 SECTION 7. 196.025 (7) (a) of the statutes is renumbered 16.954 (1), and 16.954
23 (1) (intro.), as renumbered, is amended to read:

INSERT 2-17

DUTIES.

office

1 16.954 (1) (intro.) The ~~commission department~~ shall do all of the following:

Cross-reference: See also ch. PSC 172, Wis. adm. code.
History: 1993 a. 414; 1999 a. 9; 2001 a. 38; 2003 a. 89; 2005 a. 141; 2009 a. 28; 2017 a. 17; 2017 a. 136 ss. 1, 36 to 38.

(3) (a)

2 SECTION 8. 196.025 (7) (b) of the statutes is renumbered 16.954 (2) and
3 amended to read: TECHNICAL ASSISTANCE, (a)

office

4 16.954 (2) The ~~commission department~~ may provide technical assistance to
5 units of government other than the state to assist in the planning and
6 implementation of energy efficiency and renewable resources and may charge for
7 those services. The ~~commission department~~ office may request technical and staff
8 assistance from other state agencies in providing technical assistance to those units
9 of government.

Cross-reference: See also ch. PSC 172, Wis. adm. code.
History: 1993 a. 414; 1999 a. 9; 2001 a. 38; 2003 a. 89; 2005 a. 141; 2009 a. 28; 2017 a. 17; 2017 a. 136 ss. 1, 36 to 38.

NOTE: 1993 Wis. Act 414, which creates this section, contains extensive explanatory notes.

Cross-reference: See also PSC, Wis. adm. code.

(b)

10 SECTION 9. 196.025 (7) (c) of the statutes is renumbered 16.954 (3) and
11 amended to read: (b)

office

12 16.954 (3) The ~~commission department~~ may require a public utility, as defined
13 ~~in s. 196.01 (5)~~ to provide energy billing and use data regarding public schools, if the
14 ~~commission department~~ office determines that the data is necessary to provide technical
15 ~~assistance in the planning and implementation of energy efficiency and renewable~~
16 ~~resources~~ under par. (a) in public schools, including those with the highest energy costs.

Cross-reference: See also ch. PSC 172, Wis. adm. code.
History: 1993 a. 414; 1999 a. 9; 2001 a. 38; 2003 a. 89; 2005 a. 141; 2009 a. 28; 2017 a. 17; 2017 a. 136 ss. 1, 36 to 38.

NOTE: 1993 Wis. Act 414, which creates this section, contains extensive explanatory notes.

Cross-reference: See also PSC, Wis. adm. code.

17 SECTION 10. 230.08 (2) (ya) of the statutes is created to read:

18 230.08 (2) (ya) The director of the state office of clean energy in the department
19 of administration.

20 SECTION 9101. Nonstatutory provisions; Administration.

1 (1) STATE CLEAN ENERGY OFFICE DIRECTOR. The authorized FTE positions for the
 2 department of administration are increased by 1.0 FED positions, to be funded from
 3 the appropriation under s. 20.505 (4) (m), for the purpose of creating a director of the
 4 state clean energy office.

5 **SECTION 9136. Nonstatutory provisions; Public Service Commission.**

6 (1) OFFICE OF ENERGY INNOVATION.

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

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

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

10 3. "Focus on energy programs" means the statewide energy efficiency and
 11 renewable resource programs established under s. 196.374 (2) (a) 1.

12 4. "Office" means the office of energy innovation in the commission.

****NOTE: Based on the PSC's website, it looks like the PSC refers to its state energy
 office as the office of energy innovation. Also, that office administers the Focus on Energy
 programs, which are required under s. 196.374. I exempted Focus on Energy programs
 from the transfers set forth below. Is that okay?

13 (b) *Assets and liabilities.* On the effective date of this paragraph, the assets and
 14 liabilities of the commission primarily relating to the office, except for assets and
 15 liabilities primarily relating to focus on energy programs, as determined by the
 16 secretary of administration, become the assets and liabilities of the department.

17 *A.R.* (c) *Employee transfers.* On the effective date of this paragraph, 5.0 FTE FED
 18 positions, and the incumbent employees holding those positions, in the commission
 19 who perform duties primarily related to the office, except for duties primarily
 20 relating to focus on energy programs, as determined by the secretary of
 21 administration, are transferred to the department.

22 (d) *Employee status.* Employees transferred under paragraph (c) have all the
 23 rights and the same status under subchapter V of chapter 111 and chapter 230 of the

1 statutes in the department that they enjoyed in the commission immediately before
2 the transfer. Notwithstanding section^{s.} 230.28 (4) of the statutes, no employee so
3 transferred who has attained permanent status in class is required to serve a
4 probationary period.

5 (e) *Tangible personal property.* On the effective date of this paragraph, all
6 tangible personal property, including records, of the commission primarily relating
7 to the office, except for property primarily relating to focus on energy programs, as
8 determined by the secretary of administration, becomes the personal property of the
9 department.

10 (f) *Pending matters.* Any matter pending with the commission primarily
11 relating to the office, except for matters primarily relating to focus on energy
12 programs, as determined by the secretary of administration, on the effective date of
13 this paragraph is transferred to the department. All materials submitted to or
14 actions taken by the commission are considered as having been submitted to or taken
15 by the department.

16 (g) *Contracts.* All contracts entered into by the commission primarily relating
17 to the office, except for contracts primarily relating to focus on energy programs, as
18 determined by the secretary of administration, in effect on the effective date of this
19 paragraph remain in effect and are transferred to the department. The department
20 shall carry out any obligations under those contracts unless modified or rescinded
21 to the extent allowed under the contract.

22 (h) *Rules and orders.* All rules promulgated by the commission under s.
23 196.025 (7), 2017 stats., in effect on the effective date of this paragraph remain in
24 effect until their specified expiration dates or until amended or are repealed by the
25 department. All orders issued by the commission under s. 196.025 (7), 2017 stats.,

1 in effect on the effective date of this paragraph remain in effect until their specified
2 expiration dates or until modified or rescinded by the department.

3 **SECTION 9401. Effective dates; Administration.**

4 (1) STATE CLEAN ENERGY OFFICE. The treatment of ss. 15.105 (34), 16.954, 20.505
5 (4) (g) and (m), 20.923 (4) (c) 2m, and 196.025 (7) (title), (a), (b) and (c), 230.08 (2) (ya)
6 and SECTION 9101 (1) of this act take effect on ~~January 1, 2020.~~ *October 1, 2019*

7 **SECTION 9436. Effective dates; Public Service Commission.**

8 (1) OFFICE OF ENERGY INNOVATION. SECTION 9136 (1) of this act takes effect on
9 ~~January 1, 2020.~~ *October 1, 2019*

10 (END)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19

INSERT 1A:

In addition, the bill requires that office to establish a program for making grants from the environmental improvement fund for clean energy production research.

INSERT 2-8:

(1) DEFINITIONS. In this section:

(a) "Office" means the state office of clean energy.

(b) "Public utility" has the meaning given in s. 196.01 (5).

(4) CLEAN ENERGY GRANTS. The office shall establish a program for making grants from the appropriation account under s. 20.505 (4) (q) to fund research in support of clean energy production.

INSERT 2-17:

SECTION 1. 20.505 (4) (q) of the statutes is created to read:

20.505 (4) (q) *Clean energy grants.* From the environmental improvement fund, the amounts in the schedule for grants under s. 16.954 (4).

INSERT 2-20:

SECTION 2. 25.43 (3) of the statutes is amended to read:

25.43 (3) Except for the purpose of investment as provided in s. 25.17 (2) (d), the environmental improvement fund may be used only for the purposes authorized under ss. 20.320 (1) (r), (s), (sm), (t), and (x) and (2) (s) and (x), 20.370 (4) (mt), (mx) and (nz), (8) (mr) and (9) (mt), (mx) and (ny), 20.505 (1) (v), (x) and (y) and (4) (q), 281.58, 281.59, 281.60, 281.61, 281.62, and 283.31.

Kunkel, Mark

From: Sherwin, Derek - DOA
Sent: Saturday, February 16, 2019 12:24 PM
To: Kunkel, Mark
Subject: RE: LRB 19-1992/P1

Hi Mark –

I also just wanted to address one additional item in this draft: on page 3, you ask whether Focus on Energy should be exempted from the transfer – this is correct – FOE will remain at PSC.

Thanks,
Derek

From: Sherwin, Derek - DOA
Sent: Saturday, February 16, 2019 10:50 AM
To: 'Kunkel, Mark - LEGIS' <mark.kunkel@legis.wisconsin.gov>
Subject: RE: LRB 19-1992/P1

Thanks

From: Kunkel, Mark - LEGIS <mark.kunkel@legis.wisconsin.gov>
Sent: Saturday, February 16, 2019 7:04 AM
To: Sherwin, Derek - DOA <Derek.Sherwin@wisconsin.gov>
Subject: Re: LRB 19-1992/P1

Yes - will take care of that later this am.

On Feb 15, 2019, at 5:37 PM, Sherwin, Derek - DOA <Derek.Sherwin@wisconsin.gov> wrote:

Hi Mark –

Can you adjust this draft to delete Section 3, which is the creation of the technical assistance appropriation.

Thanks!

Derek Sherwin
Wisconsin Department of Administration
Division of Executive Finance & Budget
State Budget Office
Executive Policy & Budget Analyst
(608) 266-3382

Kunkel, Mark

From: Sherwin, Derek - DOA
Sent: Saturday, February 16, 2019 3:56 PM
To: Kunkel, Mark
Subject: RE: LRB 19-1992/P1

Hi Mark –

So sorry for the barrage of emails today (I am going home soon!) – in Section 1 of 19-1992, could you remove the phrase that mentions “in consultation with the Lt. Gov.”?

Thank you,
Derek

From: Sherwin, Derek - DOA
Sent: Friday, February 15, 2019 5:38 PM
To: Kunkel, Mark - LEGIS <mark.kunkel@legis.wisconsin.gov>
Subject: LRB 19-1992/P1

Hi Mark –

Can you adjust this draft to delete Section 3, which is the creation of the technical assistance appropriation.

Thanks!

Derek Sherwin
Wisconsin Department of Administration
Division of Executive Finance & Budget
State Budget Office
Executive Policy & Budget Analyst
(608) 266-3382



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1992/P
MDK:wlj

pp 2

DOA:.....Sherwin, BB0347 - State office of clean energy

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

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

administer certain energy programs.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

1. State office of clean energy

This bill creates the state office of clean energy in DOA to perform functions as directed by the secretary of administration. The office is headed by a director outside the classified service who is appointed by the governor, in consultation with the lieutenant governor, to serve at the governor's pleasure. Under current law, the PSC has established an office of energy innovation to administer various energy-related programs, including utility-funded statewide energy efficiency and renewable resources programs that are commonly referred to as Focus on Energy programs. The bill transfers the administration of those energy-related programs, except for Focus on Energy programs, to the office created in the bill. The bill also transfers to that office certain duties of the PSC regarding state agency energy planning, administering federal energy grants, contingency planning for critical energy shortages, and providing technical assistance to governmental units. In addition, the bill requires that office to establish a program for making grants from the environmental improvement fund for clean energy production research.

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

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

1 **SECTION 1.** 15.105 (34) of the statutes is created to read:

2 15.105 (34) STATE OFFICE OF CLEAN ENERGY. There is created in the department
3 of administration an office to be known as the state office of clean energy. The office
4 shall be under the direction and supervision of a director who shall be appointed by
5 the governor, *in consultation with the lieutenant governor* to serve at the governor's
6 pleasure.

7 **SECTION 2.** 16.954 of the statutes is created to read:

8 **16.954 State office of clean energy. (1) DEFINITIONS.** In this section:

9 (a) "Office" means the state office of clean energy.

10 (b) "Public utility" has the meaning given in s. 196.01 (5).

11 **(4) CLEAN ENERGY GRANTS.** The office shall establish a program for making
12 grants from the appropriation under s. 20.505 (4) (q) to fund research in support of
13 clean energy production.

*****NOTE: The draft renumbers s. 196.025 (7) (a) to (c) to s. 16.954 (2) and (3). See the treatments below.*

14 **SECTION 3.** 20.505 (4) (g) of the statutes is created to read:

15 20.505 (4) (g) *Technical assistance; state office of clean energy.* All moneys
16 received from units of government for technical assistance provided under s. 16.954
17 (3) (a).

18 **SECTION 4.** 20.505 (4) (m) of the statutes is created to read:

Budget Note

1 20.505 (4) (m) *Federal aid; state office of clean energy.* All moneys received from
2 the federal government as authorized by the governor under s. 16.54 for the purposes
3 of funding programs administered under s. 16.954.

4 **SECTION 5.** 20.505 (4) (q) of the statutes is created to read:

5 20.505 (4) (q) *Clean energy grants.* From the environmental improvement
6 fund, the amounts in the schedule for grants under s. 16.954 (4).

7 **SECTION 6.** 20.923 (4) (c) 2m. of the statutes is created to read:

8 20.923 (4) (c) 2m. Administration, department of; state office of clean energy:
9 director.

10 **SECTION 7.** 25.43 (3) of the statutes is amended to read:

11 25.43 (3) Except for the purpose of investment as provided in s. 25.17 (2) (d),
12 the environmental improvement fund may be used only for the purposes authorized
13 under ss. 20.320 (1) (r), (s), (sm), (t), and (x) and (2) (s) and (x), 20.370 (4) (mt), (mx)
14 and (nz), (8) (mr) and (9) (mt), (mx) and (ny), 20.505 (1) (v), (x) and (y) and (4) (q),
15 281.58, 281.59, 281.60, 281.61, 281.62, and 283.31.

16 **SECTION 8.** 196.025 (7) (title) of the statutes is repealed.

17 **SECTION 9.** 196.025 (7) (a) of the statutes is renumbered 16.954 (2), and 16.954
18 (2) (intro.), as renumbered, is amended to read:

19 16.954 (2) DUTIES. (intro.) The commission office shall do all of the following:

20 **SECTION 10.** 196.025 (7) (b) of the statutes is renumbered 16.954 (3) (a) and
21 amended to read:

22 16.954 (3) TECHNICAL ASSISTANCE. (a) The commission office may provide
23 technical assistance to units of government other than the state to assist in the
24 planning and implementation of energy efficiency and renewable resources and may
25 charge for those services. The commission office may request technical and staff

1 assistance from other state agencies in providing technical assistance to those units
2 of government.

3 **SECTION 11.** 196.025 (7) (c) of the statutes is renumbered 16.954 (3) (b) and
4 amended to read:

5 16.954 (3) (b) The ~~commission~~ office may require a public utility to provide
6 energy billing and use data regarding public schools, if the ~~commission~~ office
7 determines that the data is necessary to provide technical assistance ~~in the planning~~
8 ~~and implementation of energy efficiency and renewable resources~~ under par. (a) in
9 public schools, including those with the highest energy costs.

10 **SECTION 12.** 230.08 (2) (ya) of the statutes is created to read:

11 230.08 (2) (ya) The director of the state office of clean energy in the department
12 of administration.

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

14 (1) STATE CLEAN ENERGY OFFICE DIRECTOR. The authorized FTE positions for the
15 department of administration are increased by 1.0 FED positions, to be funded from
16 the appropriation under s. 20.505 (4) (m), for the purpose of creating a director of the
17 state clean energy office.

18 **SECTION 9136. Nonstatutory provisions; Public Service Commission.**

19 (1) OFFICE OF ENERGY INNOVATION.

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

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

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

23 3. "Focus on energy programs" means the statewide energy efficiency and
24 renewable resource programs established under s. 196.374 (2) (a) 1.

25 4. "Office" means the office of energy innovation in the commission.

****NOTE: Based on the PSC's website, it looks like the PSC refers to its state energy office as the office of energy innovation. Also, that office administers the Focus on Energy programs, which are required under s. 196.374. I exempted Focus on Energy programs from the transfers set forth below. Is that okay?

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

5 (c) *Employee transfers.* On the effective date of this paragraph, 5.0 FTE FED
6 positions, and the incumbent employees holding those positions, in the commission
7 who perform duties primarily related to the office, except for duties primarily
8 relating to focus on energy programs, as determined by the secretary of
9 administration, are transferred to the department.

10 (d) *Employee status.* Employees transferred under par. (c) have all the rights
11 and the same status under subch. V of ch. 111 and ch. 230 in the department that they
12 enjoyed in the commission immediately before the transfer. Notwithstanding s.
13 230.28 (4), no employee so transferred who has attained permanent status in class
14 is required to serve a probationary period.

15 (e) *Tangible personal property.* On the effective date of this paragraph, all
16 tangible personal property, including records, of the commission primarily relating
17 to the office, except for property primarily relating to focus on energy programs, as
18 determined by the secretary of administration, becomes the personal property of the
19 department.

20 (f) *Pending matters.* Any matter pending with the commission primarily
21 relating to the office, except for matters primarily relating to focus on energy
22 programs, as determined by the secretary of administration, on the effective date of
23 this paragraph is transferred to the department. All materials submitted to or

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

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

9 (h) *Rules and orders*. All rules promulgated by the commission under s.
10 196.025 (7), 2017 stats., in effect on the effective date of this paragraph remain in
11 effect until their specified expiration dates or until amended or repealed by the
12 department. All orders issued by the commission under s. 196.025 (7), 2017 stats.,
13 in effect on the effective date of this paragraph remain in effect until their specified
14 expiration dates or until modified or rescinded by the department.

15 **SECTION 9401. Effective dates; Administration.**

16 (1) STATE CLEAN ENERGY OFFICE. The treatment of ss. 15.105 (34), 16.954, 20.505
17 (4) ~~(g)~~ (m) and (q), 20.923 (4) (c) 2m., 25.43 (3), 196.025 (7) (title), (a), (b), and (c),
18 and 230.08 (2) (ya) and SECTION 9101 (1) of this act take effect on October 1, 2019.

19 **SECTION 9436. Effective dates; Public Service Commission.**

20 (1) OFFICE OF ENERGY INNOVATION. SECTION 9136 (1) of this act takes effect on
21 October 1, 2019.

22 (END)

Kunkel, Mark

From: Sherwin, Derek - DOA
Sent: Wednesday, February 20, 2019 10:13 AM
To: Kunkel, Mark
Subject: LRB-1992/P2
Attachments: Energy Office Language Goals Feb20.docx

Hi Mark,

Could you make the following changes to LRB-1992/P2:

- The office will be named the "Office of Sustainability and Clean Energy" and not the "State Office of Clean Energy."
- The clean energy grant administered from this office will be funded from the Environmental Fund and not the Environmental Improvement Fund.
- Please delete Section 9101, which adds a FED position.
- Could you edit the effective date of Section 9436 to be "October 1, 2019 or the effective date of the bill, whichever is later."
- This draft transfers the language under s.196.025(7) to DOA. Several changes have been requested in this area:
 - Please retain s. 196.025(7)(a) 3. at PSC and do not move this language to DOA – can this function be moved somewhere under s. 196.025(1)?
 - Please keep the language s. 196.025(7)(c) at both DOA and PSC (perhaps under s.196.05(1)) – however, could you adjust the language in both places to say "the commission and the office may require..."
 - Additionally, could you add the attached office goals/functions to the DOA language that defines the Office of Sustainability and Clean Energy.

Thank you,

Derek Sherwin
Wisconsin Department of Administration
Division of Executive Finance & Budget
State Budget Office
Executive Policy & Budget Analyst
(608) 266-3382

office provides tech assistance;
not PSC
Per Derek
- apply to (b) &
(c)

Office of Sustainability and Clean Energy

Initiatives
(2) The office shall work on initiatives that have the following goals:

Promote the development and use of clean and renewable energy across the State of Wisconsin.

Advance innovative sustainability solutions in ways that improve Wisconsin's economy and environment, including energy initiatives that reduce carbon emissions, accelerate economic growth, and lower customer energy costs.

Diversify the resources used to reliably meet the energy needs of consumers in the state and generate family supporting jobs through the expansion of Wisconsin's clean energy economy.

Outlets
(3) The office shall do all of the following:

(a) In cooperation with the other state agencies, collect, analyze, interpret, and maintain the comprehensive data needed for effective state agency clean and renewable energy planning and effective review of those plans by the governor and legislature. 196.025(7)(a) 1.

(b) Provide advice and support to state agencies in developing or retrofitting sustainable infrastructure to reduce energy use and lessen negative impacts on Wisconsin's air and water quality.

(c) Study and report on the status of existing clean and renewable energy efforts by the state, including economic development initiatives, and develop future energy policy opportunities for consideration by the Governor and state agencies.

(d) Serve as a single point of contact to assist businesses, local units of government, and nongovernmental organizations that are pursuing clean energy opportunities.

(e) Identify and share information about clean energy funding opportunities for private, and state and local governmental entities.

(f) Perform duties necessary to maintain federal energy funding and any designations required for such funding.

(g) Administer federal energy grants, when so designated by the governor pursuant to s. 16.54.
196.025(7)(a) 2.

(h) Take other steps necessary to facilitate the implementation of the initiatives and goals specified above and to identify and address barriers to the implementation of those initiatives.

196.025(7)

(7) STATE ENERGY OFFICE.

196.025(7)(a)

(a) (intro.) The commission shall do all of the following:

*clean and
renewable*

196.025(7)(a)1.

1. In cooperation with the other state agencies, collect, analyze, interpret, and maintain the comprehensive data needed for effective state agency energy planning and effective review of those plans by the governor and the legislature.

196.025(7)(a)2.

2. Administer federal energy grants, when so designated by the governor pursuant to s. 16.54.

196.025(7)(a)3.

3. Prepare and maintain contingency plans for responding to critical energy shortages so that when the shortages occur they can be dealt with quickly and effectively.

*196.025
(7a)*

Keep with PSC

*Contingency
plans.*

196.38 Title

196.025(7)(b)

(1) (b) The commission may provide technical assistance to units of government other than the state to assist in the planning and implementation of energy efficiency and renewable resources and may charge for those services. The commission may request technical and staff assistance from other state agencies in providing technical assistance to those units of government.

196.025(7)(c)

(2) (c) The commission may require a public utility to provide energy billing and use data regarding public schools, if the commission determines that the data is necessary to provide technical assistance ~~in the planning and implementation of energy efficiency and renewable resources~~ in public schools, including those with the highest energy costs.

~~under section~~
sub(1)

(3) shall
may want at OOA
in report O's cost -