



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-1992/P2  
MDK:wlj  
+ amn P3

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

**FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION**

INSERT 1A

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

*Analysis by the Legislative Reference Bureau*

**STATE GOVERNMENT**

**OTHER STATE GOVERNMENT**

**1. State office of clean energy**

INSERT 1B

This bill creates the state office of clean energy in DOA to administer certain energy programs. The office is headed by a director outside the classified service who is appointed by the 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.

and

the

INSERT 1C

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~~ <sup>INSERT 2-2</sup>. There is created in the department  
3 of administration an office to be known as the ~~state office~~ <sup>of sustainability and</sup> of clean energy. <sup>INSERT 2-3</sup> The office  
4 shall be under the direction and supervision of a director who shall be appointed by  
5 the governor to serve at the governor's pleasure.

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

7 **16.954 State office of clean energy.** (1) DEFINITIONS. In this section:

8 (a) "Office" means the ~~state office~~ <sup>of sustainability and</sup> of clean energy. <sup>INSERT 2-8</sup>

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

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

13 SECTION 3. 20.505 (4) (m) of the statutes is created to read:

14 20.505 (4) (m) *Federal aid; state office of clean energy.* All moneys received from  
15 the federal government as authorized by the governor under s. 16.54 for the purposes  
16 of funding programs administered under s. 16.954.

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

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

18 20.505 (4) (q) *Clean energy grants.* From the environmental ~~improvement~~  
19 fund, the amounts in the schedule for grants under s. 16.954 (4).

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

INSERT 2-12

*Sustainability  
and*

1 SECTION 5. 20.923 (4) (c) 2m. of the statutes is created to read:  
2 20.923 (4) (c) 2m. Administration, department of; ~~state~~ office of clean energy:  
3 director.

4 SECTION 6. 25.43 (3) of the statutes is amended to read:  
5 25.43 (3) Except for the purpose of investment as provided in s. 25.17 (2) (d),  
6 the environmental improvement fund may be used only for the purposes authorized  
7 under ss. 20.320 (1) (r), (s), (sm), (t), and (x) and (2) (s) and (x), 20.370 (4) (mt), (mx)  
8 and (nz), (8) (mr) and (9) (mt), (mx) and (ny), 20.505 (1) (v), (x) and (y) and (4) (q),  
9 281.58, 281.59, 281.60, 281.61, 281.62, and 283.31.

10 SECTION 7. 196.025 (7) (title) ~~is~~ <sup>are</sup> repealed. *and (a) (intro)*

*INSERT  
3-10*

11 SECTION 8. 196.025 (7) (a) of the statutes is renumbered 16.954 (2), and 16.954  
12 (2) (intro.), as renumbered, is amended to read:

13 16.954 (2) ~~DUTIES~~ (intro.) The commission office shall do all of the following:

14 SECTION 9. 196.025 (7) (b) of the statutes is renumbered 16.954 (3) (a) and  
15 amended to read:

16 16.954 (3) TECHNICAL ASSISTANCE. (a) The commission office may provide  
17 technical assistance to units of government other than the state to assist in the  
18 planning and implementation of energy efficiency and renewable resources and may  
19 charge for those services. The commission office may request technical and staff  
20 assistance from other state agencies in providing technical assistance to those units  
21 of government.

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

24 16.954 (3) (b) The commission office may require a public utility to provide  
25 energy billing and use data regarding public schools, if the commission office

1 determines that the data is necessary to provide technical assistance in the planning  
2 and implementation of energy efficiency and renewable resources under par. (a) in  
3 public schools, including those with the highest energy costs.

4 **SECTION 11.** 230.08 (2) (ya) of the statutes is created to read:

5 230.08 (2) (ya) The director of the ~~state~~ <sup>sustainability and</sup> office of clean energy in the department  
6 of administration.

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

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

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

13 (1) OFFICE OF ENERGY INNOVATION.

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

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

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

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

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

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

24 (c) *Employee transfers.* On the effective date of this paragraph, 5.0 FTE FED  
25 positions, and the incumbent employees holding those positions, in the commission

1 who perform duties primarily related to the office, except for duties primarily  
2 relating to focus on energy programs, as determined by the secretary of  
3 administration, are transferred to the department.

4 (d) *Employee status.* Employees transferred under par. (c) have all the rights  
5 and the same status under ch. 230 in the department that they enjoyed in the  
6 commission immediately before the transfer. Notwithstanding s. 230.28 (4), no  
7 employee so transferred who has attained permanent status in class is required to  
8 serve a probationary period.

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

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

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

1 (h) *Rules and orders.* All rules promulgated by the commission under s.  
2 196.025 (7), 2017 stats., in effect on the effective date of this paragraph remain in  
3 effect until their specified expiration dates or until amended or repealed by the  
4 department. All orders issued by the commission under s. 196.025 (7), 2017 stats.,  
5 in effect on the effective date of this paragraph remain in effect until their specified  
6 expiration dates or until modified or rescinded by the department.

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

8 (1) ~~STATE CLEAN ENERGY OFFICE~~. The treatment of ss. 15.105 (34), 16.954, 20.505  
9 (4) (m) and (q), 20.923 (4) (c) 2m., ~~20.43 (3)~~ 196.025 (7) (title) (a), ~~(b) and (c)~~, and  
10 230.08 (2) (ya) and ~~SECTION 9101 (1)~~ of this act take effect on October 1, 2019.

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

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

14 (END)

and (intro.) and 1. and 2.

INSEAT  
6-10

INSEAT 6-13A

INSEAT 6-8

INSEAT 6-13B

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**INSERT 1A:**

*The office of sustainability and*

**INSERT 1B:**

office of sustainability and

**INSERT 1C:**

Also, the bill requires that office to work on initiatives with specified goals regarding clean and renewable energy, innovative sustainability, and diversification of energy resources and imposes duties on the office for advising, supporting, reporting, and assisting state agencies, local governments, and private entities on clean and renewable energy. The bill allows the office to provide technical assistance to governmental units that is similar to technical assistance the PSC is allowed to provide under current law and the bill requires the office and PSC to consult with each other on that assistance.

**INSERT 2-2:**

OFFICE OF SUSTAINABILITY AND

**INSERT 2-3:**

office of sustainability and

**INSERT 2-8:**

office of sustainability and

**INSERT 2-9:**

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

1 (a) Promoting the development and use of clean and renewable energy across  
2 this state.

3 (b) Advancing innovative sustainability solutions in ways that improve this  
4 state's economy and environment, including energy initiatives that reduce carbon  
5 emissions, accelerate economic growth, and lower customer energy costs.

6 (c) Diversifying the resources used to reliably meet the energy needs of  
7 consumers in this state and generate family-supporting jobs through the expansion  
8 of this state's clean energy economy.

9 **(3) OTHER DUTIES.** The office shall do all of the following:

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

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

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

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

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

23 (h) Take other steps necessary to facilitate the implementation of the  
24 initiatives and goals specified in sub. (2) and to identify and address barriers to the  
25 implementation of those initiatives.



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**INSERT 2-12:**

(5) TECHNICAL ASSISTANCE. (a) The office 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 office may request technical and staff assistance from other state agencies in providing technical assistance to those units of government.

(b) The office may require a public utility to provide energy billing and use data regarding public schools, if the office determines that the data is necessary to provide technical assistance under par. (a) in public schools, including those with the highest energy costs.

(c) The office shall consult with the public service commission in implementing this subsection.

**INSERT 3-10:**

**SECTION 1.** 196.025 (7) (a) 1. of the statutes is renumbered 16.954 (3) (a) and amended to read:

16.954 (3) (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 the legislature.

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.

**SECTION 2.** 196.025 (7) (a) 2. of the statutes is renumbered 16.954 (3) (g).

**SECTION 3.** 196.025 (7) (a) 3. of the statutes is renumbered 196.025 (7m) and amended to read:



1 , or on the day after publication, whichever is later.

2 **INSERT 6-13B:**

3 (2) ENERGY SHORTAGE PLANNING. The treatment of s. 196.025 (7) (a) 3. takes  
4 effect on October 1, 2019, or on the day after publication, whichever is later.

5 (3) TECHNICAL ASSISTANCE. The treatment of ss. 196.025 (7) (b) and (c) and  
6 196.38 (title) and (3) takes effect on October 1, 2019, or on the day after publication,  
7 whichever is later.

## Kunkel, Mark

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**From:** Sherwin, Derek - DOA  
**Sent:** Wednesday, February 20, 2019 2:24 PM  
**To:** Kunkel, Mark  
**Subject:** RE: LRB-1992/P2

We are good to go on this

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**From:** Sherwin, Derek - DOA  
**Sent:** Wednesday, February 20, 2019 2:09 PM  
**To:** Kunkel, Mark - LEGIS <mark.kunkel@legis.wisconsin.gov>  
**Subject:** RE: LRB-1992/P2

Hi Mark –

So sorry to do this to you, but the contingency planning for critical energy shortages provision in s. 196.025(7)(a)3. will have to be moved to DOA – can the commission also consult with the office of sustainability and clean energy in implementing this section?

Thanks for your patience and help with this,  
Derek

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**From:** Sherwin, Derek - DOA  
**Sent:** Wednesday, February 20, 2019 10:13 AM  
**To:** Kunkel, Mark - LEGIS <mark.kunkel@legis.wisconsin.gov>  
**Subject:** LRB-1992/P2

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



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-1992/P3  
MDK:wlj&amn

204

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

**FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION**

energy shortage  
contingency planning

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

*Analysis by the Legislative Reference Bureau*

**STATE GOVERNMENT**

**OTHER STATE GOVERNMENT**

**1. The office of sustainability and clean energy**

This bill creates the office of sustainability and clean energy in DOA to administer certain energy programs. The office is headed by a director outside the classified service who is appointed by the 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 and administering federal energy grants. Also, the bill requires that office to work on initiatives with specified goals regarding clean and renewable energy, innovative sustainability, and diversification of energy resources and imposes duties on the office for advising, supporting, reporting, and assisting state agencies, local governments, and private entities on clean and renewable energy. The bill allows the office to provide technical assistance to governmental units that is similar to technical assistance the PSC is allowed to provide under

current law, and the bill requires the office and PSC to consult with each other on that assistance. In addition, the bill requires the office to establish a program for making grants from the environmental fund for clean energy production research.

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

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*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) OFFICE OF SUSTAINABILITY AND CLEAN ENERGY.** There is created in the  
3 department of administration an office to be known as the office of sustainability and  
4 clean energy. The office shall be under the direction and supervision of a director who  
5 shall be appointed by the governor to serve at the governor's pleasure.

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

7           **16.954 Office of sustainability and clean energy. (1) DEFINITIONS.** In this  
8 section:

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

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

11          **(2) INITIATIVES.** The office shall work on initiatives that have the following  
12 goals:

13          (a) Promoting the development and use of clean and renewable energy across  
14 this state.

15          (b) Advancing innovative sustainability solutions in ways that improve this  
16 state's economy and environment, including energy initiatives that reduce carbon  
17 emissions, accelerate economic growth, and lower customer energy costs.

1 (c) Diversifying the resources used to reliably meet the energy needs of  
2 consumers in this state and generate family-supporting jobs through the expansion  
3 of this state's clean energy economy.

4 **(3) OTHER DUTIES.** The office shall do all of the following:

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

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

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

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

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

18 (h) Take other steps necessary to facilitate the implementation of the  
19 initiatives and goals specified in sub. (2) and to identify and address barriers to the  
20 implementation of those initiatives.

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

24 **(5) TECHNICAL ASSISTANCE.** (a) The office may provide technical assistance to  
25 units of government other than the state to assist in the planning and



1 implementation of energy efficiency and renewable resources and may charge for  
2 those services. The office may request technical and staff assistance from other state  
3 agencies in providing technical assistance to those units of government.

4 (b) The office may require a public utility to provide energy billing and use data  
5 regarding public schools, if the office determines that the data is necessary to provide  
6 technical assistance under par. (a) in public schools, including those with the highest  
7 energy costs.

8 (c) The office shall consult with the public service commission in implementing  
9 this subsection.

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

11 20.505 (4) (m) *Federal aid; state office of clean energy.* All moneys received from  
12 the federal government as authorized by the governor under s. 16.54 for the purposes  
13 of funding programs administered under s. 16.954.

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

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

15 20.505 (4) (q) *Clean energy grants.* From the environmental fund, the amounts  
16 in the schedule for grants under s. 16.954 (4).

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

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

18 20.923 (4) (c) 2m. Administration, department of; office of sustainability and  
19 clean energy: director.

20 **SECTION 6.** 196.025 (7) (title) and (a) (intro.) of the statutes are repealed.

21 **SECTION 7.** 196.025 (7) (a) 1. of the statutes is renumbered 16.954 (3) (a) and  
22 amended to read:

1           16.954 (3) (a) In cooperation with the other state agencies, collect, analyze,  
2 interpret, and maintain the comprehensive data needed for effective state agency  
3 clean and renewable energy planning and effective review of those plans by the  
4 governor and the legislature. *16.954 (3) (h)* *16.954 (3) (h)*

5           **SECTION 8.** 196.025 (7) (a) 2. of the statutes is renumbered 16.954 (3) (g).

6           **SECTION 9.** 196.025 (7) (a) 3. of the statutes is renumbered ~~196.025 (7m)~~ and  
7 amended to read:

8           ~~196.025 (7m)~~ ENERGY SHORTAGE PLANNING. Prepare ~~The commission shall~~  
9 prepare and maintain contingency plans for responding to critical energy shortages  
10 so that when the shortages occur they can be dealt with quickly and effectively.

11           **SECTION 10.** 196.025 (7) (b) of the statutes is renumbered 196.38 (1).

12           **SECTION 11.** 196.025 (7) (c) of the statutes is renumbered 196.38 (2) and  
13 amended to read:

14           196.38 (2) The commission may require a public utility to provide energy  
15 billing and use data regarding public schools, if the commission determines that the  
16 data is necessary to provide technical assistance ~~in the planning and~~  
17 ~~implementation of energy efficiency and renewable resources~~ under sub. (1) in public  
18 schools, including those with the highest energy costs.

19           **SECTION 12.** 196.38 (title) of the statutes is created to read:

20           **196.38 (title) Technical assistance to governmental units.**

21           **SECTION 13.** 196.38 (3) of the statutes is created to read:

22           196.38 (3) The commission shall consult with the office of sustainability and  
23 clean energy in implementing this section.

24           **SECTION 14.** 230.08 (2) (ya) of the statutes is created to read:

*In consultation with the public service  
Commission.*

1           230.08 (2) (ya) The director of the office of sustainability and clean energy in  
2 the department of administration.

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

4           (1) OFFICE OF ENERGY INNOVATION.

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

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

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

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

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

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

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

20          (d) *Employee status.* Employees transferred under par. (c) have all the rights  
21 and the same status under ch. 230 in the department that they enjoyed in the  
22 commission immediately before the transfer. Notwithstanding s. 230.28 (4), no  
23 employee so transferred who has attained permanent status in class is required to  
24 serve a probationary period.

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

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

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

18           (h) *Rules and orders.* All rules promulgated by the commission under s.  
19 196.025 (7), 2017 stats., in effect on the effective date of this paragraph remain in  
20 effect until their specified expiration dates or until amended or repealed by the  
21 department. All orders issued by the commission under s. 196.025 (7), 2017 stats.,  
22 in effect on the effective date of this paragraph remain in effect until their specified  
23 expiration dates or until modified or rescinded by the department.

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

1 (1) OFFICE OF SUSTAINABILITY AND CLEAN ENERGY. The treatment of ss. 15.105  
2 (34), 16.954, 20.505 (4) (m) and (q), 20.923 (4) (c) 2m., 196.025 (7) (title) and (a) (intro.)  
3 and 1. ~~and 2.~~ <sup>and 3.</sup> and 230.08 (2) (ya) takes effect on October 1, 2019, or on the day after  
4 publication, whichever is later.

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

6 (1) OFFICE OF ENERGY INNOVATION. SECTION 9136 (1) of this act takes effect on  
7 October 1, 2019, or on the day after publication, whichever is later.

8 (2) ENERGY SHORTAGE PLANNING. The treatment of s. 196.025 (7) (a) 3. takes  
9 effect on October 1, 2019, or on the day after publication, whichever is later.

10 (3) TECHNICAL ASSISTANCE. The treatment of ss. 196.025 (7) (b) and (c) and  
11 196.38 (title) and (3) takes effect on October 1, 2019, or on the day after publication,  
12 whichever is later.

13 (END)

## Kunkel, Mark

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**From:** Sherwin, Derek - DOA  
**Sent:** Thursday, February 21, 2019 4:30 PM  
**To:** Kunkel, Mark  
**Subject:** LRB-1992/P4

Hi Mark,

Sorry for the late notice on this, but I noticed one thing on this draft – in Section 3, could you change the title of the alpha to reflect the office’s new name (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



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-1992/P4  
MDK:wlj&amn *PS*

DOA:.....Sherwin, BB0347 - State office of sustainability and 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**

**OTHER STATE GOVERNMENT**

***1. The office of sustainability and clean energy***

This bill creates the office of sustainability and clean energy in DOA to administer certain energy programs. The office is headed by a director outside the classified service who is appointed by the 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, energy shortage contingency planning, and administering federal energy grants. Also, the bill requires that office to work on initiatives with specified goals regarding clean and renewable energy, innovative sustainability, and diversification of energy resources and imposes duties on the office for advising, supporting, reporting, and assisting state agencies, local governments, and private entities on clean and renewable energy. The bill allows the office to provide technical assistance to governmental units that is similar to

technical assistance the PSC is allowed to provide under current law, and the bill requires the office and PSC to consult with each other on that assistance. In addition, the bill requires the office to establish a program for making grants from the environmental fund for clean energy production research.

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

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*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) OFFICE OF SUSTAINABILITY AND CLEAN ENERGY.** There is created in the  
3 department of administration an office to be known as the office of sustainability and  
4 clean energy. The office shall be under the direction and supervision of a director who  
5 shall be appointed by the governor to serve at the governor's pleasure.

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

7           **16.954 Office of sustainability and clean energy. (1) DEFINITIONS.** In this  
8 section:

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

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

11          **(2) INITIATIVES.** The office shall work on initiatives that have the following  
12 goals:

13          (a) Promoting the development and use of clean and renewable energy across  
14 this state.

15          (b) Advancing innovative sustainability solutions in ways that improve this  
16 state's economy and environment, including energy initiatives that reduce carbon  
17 emissions, accelerate economic growth, and lower customer energy costs.



1 (c) Diversifying the resources used to reliably meet the energy needs of  
2 consumers in this state and generate family-supporting jobs through the expansion  
3 of this state's clean energy economy.

4 **(3) OTHER DUTIES.** The office shall do all of the following:

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

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

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

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

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

18 (i) Take other steps necessary to facilitate the implementation of the initiatives  
19 and goals specified in sub. (2) and to identify and address barriers to the  
20 implementation of those initiatives.

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

24 **(5) TECHNICAL ASSISTANCE.** (a) The office may provide technical assistance to  
25 units of government other than the state to assist in the planning and

1 implementation of energy efficiency and renewable resources and may charge for  
2 those services. The office may request technical and staff assistance from other state  
3 agencies in providing technical assistance to those units of government.

4 (b) The office may require a public utility to provide energy billing and use data  
5 regarding public schools, if the office determines that the data is necessary to provide  
6 technical assistance under par. (a) in public schools, including those with the highest  
7 energy costs.

8 (c) The office shall consult with the public service commission in implementing  
9 this subsection.

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

11 20.505 (4) (m) *Federal aid; ~~state~~ office of clean energy*. All moneys received from  
12 the federal government as authorized by the governor under s. 16.54 for the purposes  
13 of funding programs administered under s. 16.954.

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

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

15 20.505 (4) (q) *Clean energy grants*. From the environmental fund, the amounts  
16 in the schedule for grants under s. 16.954 (4).

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

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

18 20.923 (4) (c) 2m. Administration, department of; office of sustainability and  
19 clean energy: director.

20 **SECTION 6.** 196.025 (7) (title) and (a) (intro.) of the statutes are repealed.

21 **SECTION 7.** 196.025 (7) (a) 1. of the statutes is renumbered 16.954 (3) (a) and  
22 amended to read:

1           16.954 (3) (a) In cooperation with the other state agencies, collect, analyze,  
2 interpret, and maintain the comprehensive data needed for effective state agency  
3 clean and renewable energy planning and effective review of those plans by the  
4 governor and the legislature.

5           **SECTION 8.** 196.025 (7) (a) 2. of the statutes is renumbered 16.954 (3) (g).

6           **SECTION 9.** 196.025 (7) (a) 3. of the statutes is renumbered 16.954 (3) (h) and  
7 amended to read:

8           16.954 (3) (h) ~~Prepare~~ In consultation with the public service commission,  
9 prepare and maintain contingency plans for responding to critical energy shortages  
10 so that when the shortages occur they can be dealt with quickly and effectively.

11           **SECTION 10.** 196.025 (7) (b) of the statutes is renumbered 196.38 (1).

12           **SECTION 11.** 196.025 (7) (c) of the statutes is renumbered 196.38 (2) and  
13 amended to read:

14           196.38 (2) The commission may require a public utility to provide energy  
15 billing and use data regarding public schools, if the commission determines that the  
16 data is necessary to provide technical assistance ~~in the planning and~~  
17 ~~implementation of energy efficiency and renewable resources~~ under sub. (1) in public  
18 schools, including those with the highest energy costs.

19           **SECTION 12.** 196.38 (title) of the statutes is created to read:

20           **196.38 (title) Technical assistance to governmental units.**

21           **SECTION 13.** 196.38 (3) of the statutes is created to read:

22           196.38 (3) The commission shall consult with the office of sustainability and  
23 clean energy in implementing this section.

24           **SECTION 14.** 230.08 (2) (ya) of the statutes is created to read:

1           230.08 (2) (ya) The director of the office of sustainability and clean energy in  
2 the department of administration.

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

4           (1) OFFICE OF ENERGY INNOVATION.

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

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

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

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

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

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

15          (c) *Employee transfers.* On the effective date of this paragraph, 5.0 FTE FED  
16 positions, and the incumbent employees holding those positions, in the commission  
17 who perform duties primarily related to the office, except for duties primarily  
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19 administration, are transferred to the department.

20          (d) *Employee status.* Employees transferred under par. (c) have all the rights  
21 and the same status under ch. 230 in the department that they enjoyed in the  
22 commission immediately before the transfer. Notwithstanding s. 230.28 (4), no  
23 employee so transferred who has attained permanent status in class is required to  
24 serve a probationary period.

1           (e) *Tangible personal property.* On the effective date of this paragraph, all  
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6           (f) *Pending matters.* Any matter pending with the commission primarily  
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12           (g) *Contracts.* All contracts entered into by the commission primarily relating  
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16 shall carry out any obligations under those contracts unless modified or rescinded  
17 to the extent allowed under the contract.

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





State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-1992/P5  
MDK:wlj&amn

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

**FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION**

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19 administration, are transferred to the department.

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

