

1973 Spec.Sess. Assembly Bill 1

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CHAPTER 157, Laws of 1973
(Vetoed in Part)

AN ACT to amend 190.16 (5); and to create 20.505 (5) (c), 59.23 (13), 100.195, 118.215, 121.17 (4), chapter 125, 192.56 (7), 195.22 (3), 196.81 (3), 262.05 (14), 340.01 (15s), 346.57 (4) (hm), 348.27 (8) and (9) and 349.11 (8) and (9) of the statutes, relating to temporary emergency energy regulations, granting the governor or his designee power to oversee energy emergency provisions, altering maximum vehicle speed limits, permitting alteration of load limits, granting rule-making authority, providing penalties and making appropriations.

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

SECTION 1. Legislative findings. The legislature hereby determines that:

(1) Disruptions in the availability of energy supplies, particularly crude oil and petroleum products, and the secondary effects of such disruptions pose a serious risk to the economic well-being, health and welfare of the citizens of this state and the nation.

(2) A primary responsibility for developing and enforcing fuel shortage contingency plans to meet this risk lies with this state.

(3) This risk can be averted or minimized most efficiently and effectively through prompt action by the executive branch of government.

SECTION 2. Legislative purpose. The purpose of this act is to:

(1) Grant to state executive agencies specific, temporary authority to deal with energy shortages;

(2) Provide authority to state government to implement the national program to conserve scarce energy resources;

(3) Minimize the adverse effects of energy shortages on the economic well-being, health and welfare of the people of this state; and

(4) Encourage all state agencies to take necessary actions to conserve energy through existing administrative authority.

SECTION 3. At the appropriate place in the schedule of section 20.005 of the statutes, insert the following amounts for the purposes indicated:

20.505	ADMINISTRATION, DEPARTMENT OF	1973-74	1974-75
(5)	SPECIAL AND EXECUTIVE COMMITTEES		
(c)	Emergency energy assistance operations	GPR A -0-	-0-

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

20.505 (5) (c) *Emergency energy assistance operations.* The amounts in the schedule to administer the emergency energy assistance program and related functions under ch. 125.

SECTION 4a. 59.23 (13) of the statutes is created to read:

59.23 (13) Maintain in his county a supply of gasoline during an energy emergency as defined in s. 340.01 (15s) to be made available to authorized emergency vehicles as defined in s. 340.01 (3) during periods when normal retail sales of gasoline are restricted voluntarily or by government order.

SECTION 4d. 100.195 of the statutes is created to read:

100.195 Alleviation of energy shortages. All agencies of the state shall, to the fullest extent possible, investigate and consider the conservation of energy resources as an important factor when making any major decision which law and rules permit them to make and which significantly affects energy usage.

SECTION 5. 118.215 of the statutes is created to read:

118.215 Energy emergency and school operations. In the event that an energy emergency, as defined in s. 340.01 (15s), results in the reduction of fuel supplies that may require curtailment of the operations of public elementary and high schools, the determination as to how to meet such crises shall be made locally by each school system or district. Changes in terms and conditions of employment proposed to meet such crises, other than salaries and wages, shall be negotiated between the school board and the bargaining representative of the employes. Employes of any school system or district in which school operations are curtailed or in which schools are closed due to an energy emergency shall receive full payment of salary or wages under their employment contracts or arrangements as if there had been no such interruption in closing.

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SECTION 6. 121.17 (4) of the statutes is created to read:

121.17 (4) Notwithstanding the provisions of subs. (1) and (3), full state school aids shall be paid to districts that fail during an energy emergency, as defined in s. 340.01 (15s), to comply with the days of school required by that section.

SECTION 7. Chapter 125 of the statutes is created to read:

CHAPTER 125
ENERGY CONSERVATION
(to follow Title XIV-A (title))

125.01 Definitions. In this chapter:

(1) "Energy resources" means coal and other forms of fuel other than electricity, natural gas and wood.

(2) "Energy supplier" means any person who produces, imports or sells, or acts as agent for any person who produces, imports or sells, any energy resources in this state.

125.02 Goals and responsibilities. Upon declaration of an energy emergency as defined in s. 340.01 (15s), the governor or his designee may take such action and employ such staff of classified or unclassified employees as is deemed necessary to:

(1) Develop a comprehensive energy information system to ensure that adequate actions can be taken relative to the energy problem.

(2) Direct state participation under federal and state energy allocation and conservation programs.

(3) Respond to the energy problems experienced by citizens in their homes and communities by establishing a system through which citizens can make their needs and complaints immediately known.

(4) Act as state contact for those federal agencies dealing with energy problems.

(5) Make reports to inform and communicate to citizens and public officials the scope of energy problems and of actions taken by the governor or his designee.

(6) Propose whatever corrective actions are needed to the state agencies, the legislature and the general public.

(7) Encourage private and public efforts to conserve energy resources.

125.021 Energy conservation advisory council. The governor or his designee shall establish an energy conservation advisory council to study and propose specific legislation on long-term energy conservation. The governor or his designee shall appoint to the council members of his staff and members of the general public with knowledge of energy conservation in the following areas: engineering, architecture, transportation, land use planning, agriculture, business and industry, and tourism and recreation. Two members shall also be appointed from each house of the legislature, including one member from the most predominant political party in each house and one member from the second most predominant political party in each house, to be appointed as are standing committees in the respective houses. The council shall report its specific proposals for legislation to the legislature and governor by January 1, 1975.

125.026 Gasoline rationing restriction. In the event that the governor or his designee is called upon to administer a federal program for the rationing of gasoline, and they are granted discretion as to the uses to be made of such gasoline, they may not restrict usage solely to motor vehicles which are to be operated upon the highway.

125.03 Information. The governor or his designee may issue general or special orders as defined in s. 101.01 (1) (f) or emergency rules under ch. 227 to compel disclosure of information required for purposes of this section. An energy supplier subject to an emergency rule or general or special order of the governor or his designee within reasonable time limits specified therein shall file or furnish such reports, information, data, records, copies or extracts of originals as the governor or his designee deems necessary relating to existing and future energy supplies, including but not limited to:

- (1) Record of sales in years beginning in 1970;
- (2) Storage capacity;
- (3) Supplies on hand and anticipated supplies; and
- (4) Anticipated demand. To the extent that such reports and data requested by the governor or his designee are presently available from other state or federal agencies, the governor or his designee shall coordinate its data reporting requirements with such agencies to avoid duplication of reporting by energy suppliers.

125.04 Information to be confidential. All information furnished under s. 125.03 shall be considered a confidential trade secret and may be compiled and such compilations may be published only for purposes of general statistical comparison. Such information may be disclosed to agencies of the state or of the federal government, under the same or similar rules of confidentiality.

125.05 Penalties and judicial relief. (1) Any energy supplier failing to provide information requested by the governor or his designee at the time and in the manner specified by the governor or his designee shall forfeit an amount not to exceed \$1,000. Each day the violation of this section continues from the day notice has been received constitutes a separate offense.

(2) Upon request of the governor or his designee, the attorney general or the district attorney of the proper county may aid in any investigation, enforce any request of the governor or his designee for information under this chapter or seek forfeitures for violations of this chapter.

(3) Upon request of the governor or his designee, the attorney general or the district attorney of the proper county may apply to any court of competent jurisdiction for a temporary or permanent injunction restraining any person from violating any provision of this chapter. The remedies under this section shall not be exclusive.

125.06 Hearings; evidence; witness fees. (1) The governor or his designee or any of their authorized agents may, in relation to any matter relating to this chapter, conduct hearings, administer oaths, issue subpoenas and take testimony.

(2) The witnesses and officers who subpoena them shall be entitled to the fees allowed in courts of record. Such fees shall be audited and paid by the state in the same manner as other expenses of the office are audited and paid. No witness subpoenaed at the instance of any party other than the governor or his designee shall be entitled to payment of fees by the state, unless the governor or his designee certifies that the testimony of such witness was material.

(3) Any person who unlawfully fails to attend as a witness or refuses to testify may be compelled to do so as provided in s. 885.12.

(4) A record of all hearings shall be kept by the governor or his designee. All hearings shall be public.

125.07 Prohibition on regulation of working hours. Notwithstanding any other provision of this chapter, the governor or his designee may not in any way regulate the working hours of persons employed at any level in the private sector of the economy.

125.08 Reporting and rule-making. (1) Any action or program to be undertaken by the governor or his designee under ch. 125 shall be reported regularly and not less than quarterly to the legislature.

(2) Notwithstanding the definition of "agency" under s. 227.01 (1), any rules promulgated by the governor, his designee or the highway commission under chapter _____, laws of 1973 (this act) may be suspended by the joint committee for review of administrative rules pursuant to s. 13.56 ~~except that such suspension is valid if adopted by a majority of the members of the committee.~~

Vetoed
in Part

SECTION 7d. 190.16 (5) of the statutes is amended to read:

190.16 (5) REMOVAL, WHEN. Except where a regularly used spur track was constructed prior to June 16, 1925, at the expense of the railroad company, no regularly used spur track shall be removed, dismantled or otherwise rendered unfit for service except upon order of the commission made after hearing held upon notice to all parties interested, and for good cause shown; provided that if no objection has been filed with the commission within 20 days from the original publication of such notice, the commission may without hearing authorize such spur track removed, dismantled or otherwise rendered unfit for service. The commission may not permit removal, dismantling or cessation of service upon any regularly used spur line during an energy emergency under s. 340.01 (15s).

SECTION 7h. 192.56 (7) of the statutes is created to read:

192.56 (7) The commission may not permit any railroad company to abandon any station within this state or remove the depot therefrom or to withdraw agency service during an energy emergency under s. 340.01 (15s).

SECTION 7p. 195.22 (3) of the statutes is created to read:

195.22 (3) During the effective period of this act (ch. _____, laws of 1973), the commission shall take all reasonable steps to assure adequate cars for agricultural and forest products. It shall investigate and attempt to alleviate shortages insofar as possible.

SECTION 7t. 196.81 (3) of the statutes is created to read:

196.81 (3) The commission may not permit abandonment of any line, branch line or extension, or passenger or freight service thereon, during an energy emergency under s. 340.01 (15s).

SECTION 9. 262.05 (14) of the statutes is created to read:

262.05 (14) ENERGY SUPPLIES. In any action under ss. 125.03 to 125.06 to obtain information from any energy supplier as provided therein.

SECTION 10. 340.01 (15s) of the statutes is created to read:

340.01 (15s) "Energy emergency" means a period of disruption of energy supplies which poses a serious risk to the economic well-being, health or welfare of the citizens of this state, as certified by executive order of the governor.

SECTION 11. 346.57 (4) (hm) of the statutes is created to read:

346.57 (4) (hm) Notwithstanding par. (h), during an energy emergency, in the absence of any other fixed limits or the posting of limits as required or authorized by law, 55 miles per hour.

SECTION 12. 348.27 (8) and (9) of the statutes are created to read:

348.27 (8) EMERGENCY ENERGY CONSERVATION PERMITS. During an energy emergency, the highway commission may waive the divisible load limitation of s. 348.25 (4) and issue permits valid for a period not to exceed 30 days for overweight vehicles carrying energy resources or fuel or milk commodities designated by the governor or his designee, regardless of the highways involved, to conserve energy. Such permits may only allow weights not more than 10% greater than the gross axle and axle combination weight limitations, and not more than 15% greater than the gross vehicle weight limitations under ss. 348.15 and 348.16. No permit issued under this subsection is valid unless the overweight vehicle is registered under ch. 341 for the maximum gross weight allowed by the permit and the department of transportation has been paid a permit fee of \$10 per 1,000 pounds or fraction thereof for the amount by which such maximum gross weight exceeds 73,000 pounds. Nothing in this subsection shall be construed to permit the highway commission to waive the requirements of s. 348.07.

(9) POLE LENGTH AND PULP WOOD PERMIT. The highway commission may issue annual permits for the transportation on a vehicle combination consisting of a truck and full trailer of loads of pole length and pulpwood exceeding statutory length or weight limitations over any class of highway for a distance not to exceed 3 miles from the Michigan-Wisconsin state line, provided that if the roads desired to be used by the applicants involve streets or highways other than those within the state trunk highway system, the application shall be accompanied by a written statement of route approval by the officer in charge of maintenance of such other highway.

SECTION 13. 349.11 (8) and (9) of the statutes are created to read:

349.11 (8) During an energy emergency, notwithstanding the authority otherwise granted to modify speed restrictions in this section, except as provided in sub. (9), the highway commission and local authorities may not establish or continue:

(a) Maximum speed limit on any highway within their respective jurisdictions in excess of 55 miles per hour;

(b) A speed limit other than 55 miles per hour on any portion of any highway within their respective jurisdictions which had a speed limit of 55 miles per hour or more on November 1, 1973; or

(c) Maximum speed limits which are not uniformly applicable to all types of motor vehicles using a highway, except that a lower speed limit may be established for any vehicle operating under a special permit because of any weight or dimension of such vehicle and except as provided under s. 346.58 (2).

(9) The highway commission, with respect to any highway, may alter speed restrictions during an energy emergency to comply with federal law or if the commission finds that extraordinary circumstances in this state require such alteration. All decisions made by the highway commission under chapter 157, laws of 1973 will be subject to review by the joint committee for review of administrative rules in accordance with s. 125.08.

SECTION 14. Appropriation changes. The appropriation under section 20.725 (1) (a) of the statutes as affected by chapter 90, laws of 1973, is increased by \$68,400 in 1973-74 and shall be designated for emergency energy assistance operations under

section 20.505 (5) (c) of the statutes. An additional sum of \$50,000 shall be appropriated to section 20.725 (1) (a) of the statutes in 1973-74 and shall be designated for the emergency energy assistance program upon the recommendation by the board of government operations.

SECTION 15. Effective date, expiration. This act shall be in effect until the date specified in sub. (1) or (2), whichever occurs first, and after that date is void:

(1) The date on which the governor by executive order declares that there is no longer an energy emergency; or

(2) July 1, 1975.
