



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2003 Senate Bill 113

**Senate Amendment 1 and
Assembly Substitute
Amendment 2**

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2003 Senate Bill 113 (the bill) requires that the Department of Administration (DOA) prepare reports describing the impacts of proposed legislation and rules on energy policies. The DOA must prepare an energy impact report regarding any legislative proposal that has been identified by the Legislative Reference Bureau (LRB) as potentially affecting energy policies. In addition, the primary author of a proposal or the chair of the committee to which a proposal has been referred may require DOA to prepare a report. The DOA must prepare an energy impact report regarding a proposed rule if the agency that proposes the rule or the standing committee of the Legislature that reviews the final rule requests a report.

Senate Amendment 1 (SA 1) modifies the bill to require DOA to prepare an energy impact report for a proposal only if the chair of the standing committee to which the proposal is referred requests the report or, in the case of a proposal that is not referred to a standing committee, the Speaker of the Assembly or the presiding officer of the Senate requests the report.

Assembly Substitute Amendment 2 (ASA 2) modifies the bill, as amended by SA 1, as follows:

1. Requires that the Public Service Commission, rather than the DOA, prepare the reports.
2. Changes the focus of the report. Under the bill, the report must consider the impact of a proposal on a list of seven factors and determine whether the proposal is consistent with state energy policy. Under ASA 2, the focus of the report is on electric power, rather than existing energy policy. The report must evaluate the probable impact of the proposal on the cost or reliability of electricity generation, transmission, or distribution or of fuels used in generating electricity, and conclude whether any such impacts are adverse.
3. Further modifies who may request a report. Regarding a **bill**, the chair or ranking minority member of the standing committee to which a bill is referred or, in the case of a bill that is not referred to a standing committee, the Speaker of the Assembly or the presiding officer of the Senate may request

a report. Regarding a *rule*, the chair or ranking minority member of *any* standing committee, the Speaker of the Assembly, or the presiding officer of the Senate may request a report on any rule within 30 days of the public hearing held by the department that proposes the rule (a step that occurs in the rule making process prior to legislative review). In addition, the standing committee to which a rule is referred for legislative review may request a report.

4. Clarifies that a request for a report must be made in writing.

Legislative History

On June 4, 2003, the Senate adopted SA 1 and passed the bill, as amended, on voice votes.

On February 19, 2004, the Assembly Committee on Energy and Utilities recommended adoption of ASA 1 and concurrence in the bill, as amended, on identical votes of Ayes, 12; Noes, 0.

On March 2, 2004, the Assembly adopted Assembly Substitute Amendment 2 on a voice vote and concurred in the bill, as amended, on a vote of Ayes, 96; Noes, 0.

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