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12/10/2008

1 **AN ACT** *to create* 16.045 (1) (cm) and (f), 16.045 (4m) and (6), 16.956 (3) (f) and
2 93.07 (26) of the statutes; **relating to:** decreasing the use of petroleum-based
3 transportation fuels by state vehicles, promoting the use of alternative fuels in flex
4 fuel vehicles owned by the state, and promoting public alternative fuel refueling
5 facilities.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill draft was prepared for the Joint Legislative Council's Special Committee on Domestic Biofuels. The bill draft codifies Executive Order #141, relating to increased utilization of renewable fuels and vehicles owned and operated by the State of Wisconsin.

The text of Executive Order #141 and the main statute amended by this draft, s. 16.045, are contained in attachments IV and I, respectively, in the report Wisconsin Biofuels and Alternative Fuels Use Report, 2008 Annual Report, Office of Energy Independence (OEI) (April 30, 2008). This report was distributed to the committee at its August 19, 2008 meeting.

In particular, the bill draft directs the department of administration to require state agencies to reduce the amount of gasoline and diesel fuels they use that are petroleum-based by the specified percentages, requires OEI to promote the use of alternative fuels in flex fuel vehicles owned by the state, and directs OEI and the department of agriculture, trade and consumer protection to cooperatively promote public alternative fuel refueling facilities.

6 **SECTION 1.** 16.045 (1) (cm) and (f) of the statutes are created to read:

7 16.045 (1) (cm) "Flex fuel vehicle" means a vehicle designed to operate on gasoline,
8 a blend of a fuel marketed as 85 percent ethanol and 15 percent gasoline, or a mixture of
9 gasoline and this blend.

10 (f) "Office" means the office of energy independence.

1 **SECTION 2.** 16.045 (4m) and (6) of the statutes are created to read:

2 16.045 **(4m)** The department shall require through its policies and guidelines
3 established under s. 16.04 (1), all agencies to collectively reduce the portions of gasoline and
4 diesel fuel in state-owned vehicles that is petroleum-based beneath the amounts of these fuels
5 that the agencies used in 2006 by the following percentages:

6 (a) For gasoline:

7 1. 20 percent by 2010.

8 2. 50 percent by 2015.

9 (b) For diesel fuel:

10 1. 10 percent by 2010.

11 2. 25 percent by 2015.

COMMENT: Sub. (4m) implements item 1. in Executive Order #141.

 Other statutes that will apply to the implementation of this provision are the department of administration's duty to ensure optimum efficiency and economy in the fleet management and maintenance activities of agencies under s. 16.04; and the general state procurement requirements to buy on low bid under s. 16.75 (1) and to purchase fuel produced in the state under s. 16.75 (10).

 If the committee does not want one or more of these statutes to apply to this provision, exceptions to the relevant statutes should be added to the bill draft.

12 **(6)** The office shall develop a plan designed to facilitate usage of alternative fuels in the
13 flex fuel vehicles owned by the state. The plan shall ensure all of the following:

14 (a) All flex fuel vehicles owned by the state shall be identifiable.

15 (b) All state employees driving flex fuel vehicles shall be made aware of the alternative
16 fuel refueling stations in the area of their destination.

17 (c) All state employees shall strive to use alternative fuels when operating state flex fuel
18 and diesel-powered vehicles.

COMMENT: Subsection (6) implements item 2. in Executive Order #141.

1 **SECTION 3.** 16.956 (3) (f) of the statutes is created to read:

16.956 (3) (f) Pursue, in cooperation with the department of agricultural, trade and
consumer protection, the establishment of additional alternative fuel refueling facilities at
public retail outlets.

5 **SECTION 4.** 93.07 (26) of the statutes is created to read:

93.07 **(26)** ALTERNATIVE FUEL REFUELING FACILITIES. To pursue in cooperation with the
office of energy independence, the establishment of additional fuel refueling facilities at
public retail outlets.

COMMENT: The last 2 SECTIONS implement item 3. in Executive Order #141. SECTION 3 specifies a new date of OEI. SECTION 4 specifies a new duty of the department of agriculture, trade, and consumer protection.

9 (END)