

February 1, 2024

The following are highlights of issues which WUA is either monitoring or on which WUA is engaged during the 2023-2024 Legislative Session. The latest actions are noted in italics:

[SB 22](#) / [AB 20](#) Electricity Tax Exemption (Jacque, Murphy) - Introduced January 30th, this bill extends the sales and use tax exemption for electricity and natural gas sold for residential use to year-round. *AB 20* was referred to Assembly Committee on Ways and Means. WUA supports these bills. *SB 22* was referred to Senate Utilities & Technology which held a public hearing May 16th. WUA registered in favor. *No action since the previous report.*

[SB 308](#) / [AB 302](#)- Data Centers (Quinn, Zimmerman) - This bill creates a sales and use tax exemption for equipment or software used by a qualified data center for the processing, storage, retrieval, or communication of data. WUA supports this bill which was introduced May 24th and referred to the Committee on Universities and Revenue. Ways and Means Committee held a public hearing June 8th. WUA registered in favor. Executive session was held June 15 on AB 302 by Ways and Means and the Committee recommended passage, 10-0 with 2 absent. The Joint Survey Committee on Tax Exemptions recommended on June 20th that the tax exemption provisions are good public policy, 9-0. AB 302 passed the Assembly, as amended by [ASA 1](#), (at the request of DOR and WEDC, avoids inconsistencies by consolidating items referenced as exempt; provide a claw back; clarify the certification process; and facilitate data sharing between WEDC-DOR) on a voice vote June 21st. It was referred to the Senate Committee on Universities and Revenue June 23rd where it currently resides. *Ultimately, the provisions of this legislation were included in the final version of the budget and signed into law as [WI Act 19](#).*

[SB 49](#) / [AB 45](#), Energy Freedom, a.k.a. “ban the ban” (Bradley, Knodl) - This bill prohibits local governments from restricting utility service based on the type of energy to be provided and from discriminating against a utility or LP provider based on the source of the service. It does not affect their authority to either 1) manage or operate a public utility; or 2) take steps designed to reduce greenhouse gas emissions. WUA Supports this bill. SB 49 was introduced February 14th and referred to the Senate Utilities and Technology Committee, [SA 1](#) (adds co-ops) was offered. Companion bill AB 45 was introduced February 20, 2023 and referred to the Assembly Energy & Utilities Committee and [AA 1](#) (adds co-ops) was offered. SSA 1 (incorporates SA 1, adds state agencies) was introduced May 15th and a public hearing was held May 16 on both bills. WUA jointly testified in favor of both bills with AGA. SB 49 was voted out of committee, 3-2 (Pfaff, Smith) as amended by [SSA 1](#), also 3-2 (Pfaff, Smith) on May 25th. [AB 45](#) was voted out of committee June 7 on a 11-3 vote, as amended by [ASA 1 \(Adds state agencies\)](#). (Subeck, Andraca, Moore Omokunde voted against adoption of ASA1 and passage, as amended). SB 49 passed the Senate on a 22-11 [party line vote](#) on June 7. In the Assembly, SB 49 was substituted for AB 45 and concurred in on June 21st. The Governor vetoed this bill on August 4th, 2023. The Senate overrode the veto on a 22-11

party line vote September 14th and the bill resides in the Assembly. *It was referred to the Assembly Rules Committee November 2nd.*

AB 46 / SB 47, Solar Siting (Plumer, Ballweg) – The bill requires notice to political subdivisions and landowners regarding proposed large solar energy facilities, requirements for applying for CPCNs and joint solar development agreements. WUA generally opposes this bill. AB 46 was introduced February 20th, 2023 and referred to the Assembly Energy & Utilities Committee. SB 47 was introduced February 14th and referred to the Senate Utilities & Technology Committee. *No action has been taken since the last report.*

SB 67 / AB 73, Utility Aid Payments (Ballweg, Oldenburg) – The bill defines “decommissioned” in statute by codifying the Department of Revenue’s current practice for decommissioned power plants and creates a fix so that communities that host a plant with multiple power generating units do not experience an immediate drop in aid because one of the power generating units closes before the other. WUA supports this bill. SB 67 was introduced February 15th, 2023 and referred to the Senate Utilities & Technology Committee. AB 73 was introduced February 28th, 2023 and referred to the Assembly Energy & Utilities Committee. Public hearings on both bills were held May 16th. WUA registered in favor of both bills. SB 67 passed the Committee on a 5-0 vote May 25th and was referred to Joint Finance on August 9th. Executive Action was taken on AB 73 on October 10th and the Committee recommended passage, 16-0. *SB 67 passed the Senate on a voice vote November 14th and resides in the Assembly.*

SB 355 / AB 354, Utility Warning lights (Tomczyk, Callahan) – The bill allows utility vehicles to utilize amber or green lights when marking their vehicles. Under the bill, vehicles utilizing these lights must be restoring utility services or repairing damaged infrastructure. WUA supports these bills. They were introduced July 13th, 2023 and referred to the Senate Transportation and Local Government Committee and Assembly Transportation Committee, respectively. A public hearing was held on September 27th on SB 355. On October 10th the Committee recommended passage of SB 355, 5-0. A hearing was also held on AB 354 on October 10th. SB 355 passed the Senate on a voice vote October 17th and was referred to Assembly Rules Committee where it currently resides. The Assembly Transportation Committee recommended passage of AB 354 on October 24. It currently resides in Assembly Rules Committee. *SB 355 was made a special order of business January 23rd 2024. It was passed on a voice vote on January 25.*

SB 270 / AB 275, Memo, Utility Relocations (Tomczyk, Steffen) The bills create a process for a highway improvement contractor to seek damages from WisDOT for project delays that are the result of an uncompleted relocation or adjustment of a utility facility located in the right-of-way of the highway. SB 270 and AB 275 were introduced on May 8th and 17th, respectively and received public hearings May 23rd. WUA has no position on these bills. AA 1 and SA 1 (extends repayment period to DOT from 60 to 90 days, etc.) are both pending. SA 2 and companion AA 2 were offered August 22nd. SB-270 SA 2 adopted, 5-0. Passage as amended recommended, 5-0 on September 8th. *SB 270 passed the*

Senate, as amended by SA 2, on September 14 on a voice vote and was concurred in by the Assembly the same day. It was signed into law by the Governor's December 6th as [WI Act 46](#).

[SB 151 / AB 165, Memo Wind Energy Regulation \(Jacque, Bodden\)](#) This bill allows a political subdivision to impose a restriction on a wind energy system that is more restrictive than PSC rules, under certain conditions. WUA has not taken a position. SB 151 was introduced April 3rd 2023 and referred to the Utilities and Technology Committee. AB 165 was introduced April 10th, 2023. It was referred to the Energy & Utilities Committee. *No action has been taken on either bill since the last report.*

[AB 105 / SB 109, ATV's on Highway \(Quinn, Green\)](#) Allows operation of an all-terrain vehicle or utility terrain vehicle owned by an electric cooperative on a highway. WUA has no position. Introduced March 14th and referred to Assembly Energy and Utilities. SB 109 was introduced March 1, 2023 and referred to Utilities and Technology Committee. [SA 1](#) is pending. Both [AA 1](#) and SA 1 include **contractors** of co-ops and municipal electric utilities. A public hearing was held on May 16th on AB 105. Executive action was taken on AB 105 June 6th. The amendment was approved unanimously and the bill was recommended for passage, as amended, 16-0. A public hearing was held on SB 109 on September 27th. The Assembly Committee recommended passage of AB 105, as amended, 16-0 on September 28th and the bill was referred to the Rules Committee where it currently resides. SB 109 was amended by [SA 1](#) on October 10th and the Committee recommended passage, as amended, 5-0 on the same day. *SB 109 passed the Senate October 17th on a voice vote and was concurred in by the Assembly the same day, 97-0. It was signed by the Governor on December 6th as [WI Act 64](#).*

[SB 226 / AB 258, Memo Community Solar \(Stroebel, Krug\)](#) Authorizing [community solar](#) programs and granting rule-making authority. WUA opposes this bill. SB 226 was introduced April 14th and referred to Utilities and Technology Committee. AB 258 was introduced May 8th and referred to the Energy & Utilities Committee. *No action has been taken since the last report but AB 258 may be scheduled for a hearing February 14th.*

[SB 481 / AB 470, Right of First Refusal "ROFR" \(Bradley, Peterson\)](#) This bill grants incumbent transmission providers the Right of First Refusal to construct, operate and maintain transmission lines in Wisconsin with oversight by the Public Service Commission. WUA supports this bill. SB 481 was introduced October 4th 2023 and referred to the Senate Committee on Utilities and Technology. A public hearing was held on SB 481 on October 9th and WUA testified in favor. A [public hearing](#) was also held on AB 470 on October 10th. WUA testified in favor. On November 1, the Assembly Energy & Utilities Committee voted 12-4 to recommend AB 470 for passage. *On November 10th, SB 481 was recommended for passage by the Senate Utilities & Technology Committee, 4-1 (Quinn) and is available for scheduling.*

[AB 670 Memo Utility Disconnections \(Anderson, Jimmy\)](#) Prohibiting certain utility service disconnections for nonpayment. Introduced November 27th and referred to the Energy & Utilities Committee. *No action since the last report.*

Cowles "Utility Sunshine Package"

On Friday the 13th of October, Sen. Cowles circulated a series of bills for co-sponsorship, dubbed the "Utility Sunshine Package". WUA opposes these bills:

[SB 649 / AB 683 Memo Rate Recovery \(Cowles\)](#) The amount certain public utilities may recover in rates relating to amounts assessed by the Public Service Commission. Introduced November 9th and referred to the Utilities and Technology Committee. AB 683 was introduced November 27th and referred to the Assembly Energy & Utilities Committee. *No action since the last report.*

[SB 648 / AB 674 Memo PSC Complaint Procedures \(Cowles\)](#) Procedures related to certain complaints filed with the Public Service Commission. SB 648 was Introduced November 9th and referred to the Senate Utilities and Technology Committee. AB 674 was introduced November 27th and referred to the Assembly Energy & Utilities Committee. *No action since the last report.*

[SB 647 / AB 675 Memo PSC Website \(Cowles\)](#) The Public Service Commission's website and an annual report relating to its dockets. Introduced November 9th and referred to the Senate Utilities and Technology Committee. AB 675 was introduced November 27th and referred to the Assembly Energy & Utilities Committee. *No action since the last report.*

[SB 646 / AB 676 Memo Rate Change Notice \(Cowles\)](#) Notice to public utility customers of potential and final rate changes. Introduced November 9th and referred to the Senate Utilities & Technology Committee. AB 676 was introduced November 27th and referred to the Assembly Energy & Utilities Committee. *No action since the last report.*

[SB 651 / AB 682 Memo Trust Bonds \(Cowles\)](#) Use of environmental trust bonds to finance the costs of retiring electric generating facilities; integrated resource and reliability planning by electric utilities and cooperatives; closure of large electric generating facilities; and granting rule-making authority. Introduced November 9th and referred to the Senate Utilities and Technology Committee. AB 682 was introduced November 27th and referred to the Assembly Energy & Utilities Committee. *No action since the last report.*

[SB 650 / AB 681 Memo PSC Orders \(Cowles\)](#) Amending certain orders and certificates issued by the Public Service Commission. Introduced November 9th and referred to the Senate Utilities and Technology Committee. AB 681 was introduced November 27th and referred to the Assembly Energy & Utilities Committee. *No action since the last report.*

[AB 480 / SB 468 - Farmland Preservation Tax Credit for Solar \(Schutt, Tomczyk\)](#): This bill prohibits solar farms from eligibility for farmland preservation tax credits. AB 480 was introduced October 12th and referred to the Assembly Ways & Means Committee where it currently resides. WUA has not yet taken a position. AB 480 received a public hearing on October 26^t. and again on November 29th. [AA 1](#) was introduced at the second hearing. SB 468 was introduced September 29th and referred to the Agriculture & Tourism Committee where it currently resides. [SA 1](#) to SB 468 was offered January 2, 2024 and executive action was taken January 11th. The Committee recommended passage, 5-3. [AA 2](#) to AB 480 was introduced December 29th and executive action was taken January 4th. The Committee adopted AA 2, 8-4 and passage, as amended, 8-4. *It passed, as amended by [AA 2](#), on a 65-34 vote January 25th and was referred to Senate Organization where it currently resides.*

[SB 812 / AB 878 – PHMSA Update \(Bradley, Summerfield\)](#): This bill harmonizes Wisconsin's penalties for violations of the pipeline safety program under PHMSA with those set forth in federal law. SB 812 was introduced December 15th and referred to the Senate Utilities and Technology Committee. It received a public hearing on December 19th. WUA testified in favor. AB 878 was introduced January 2, 2024 and referred to the Energy & Utilities

Committee. A public hearing on AB 878 was held January 9th, 2024 and the Committee unanimously recommended passage on January 10th. SB 812 was also recommended unanimously for passage by the Senate Committee on January 10th, 2024. SB 812 passed the Senate on a voice vote January 16th and was concurred in by the Assembly on a voice vote January 18th. *It awaits the Governor's signature.*

Dems Climate Change Package:

[AB 796 Memo](#) **Environmental Impacts Report** (Stubbs, Taylor) Report on environmental impacts to vulnerable communities and granting rule-making authority. Introduced December 8 and referred to the Environment Committee. *No action since the last report.*

[AB 795 / SB 750 Memo](#) **Biodigester Grants** (Hesselbein, Considine) Grants for regional biodigesters, granting rule-making authority, and making an appropriation. AB 795 was introduced December 8 and referred to the Energy & Utilities Committee. SB 750 was introduced December 8 and referred to the Agriculture & Tourism Committee. *No action since the last report.*

[AB 811 / SB 760 Memo](#) **Carbon Emissions** (Neubauer, Roys) Considering the social cost of carbon emissions. AB 811 was introduced December 8 and referred to the Government Accountability & Oversight Committee. SB 760 was introduced December 8 and referred to the Utilities & Technology Committee. *No action since the last report.*

[AB 840 / SB 795 Memo](#) **Focus on Energy** (Shankland, Larson) Funding of the Focus on Energy program. SB 795 was introduced December 8 and referred to the Utilities & Technology Committee. AB 840 was introduced December 22 and referred to the Energy & Utilities Committee. *No action since the last report.*

[AB 850 / SB 771 Memo](#) **Climate Change Consideration** (Vining, Smith) Consideration of climate change in certain local plans and making an appropriation. SB 771 was introduced December 8 and referred to the Transportation & Local Government Committee. AB 850 was introduced December 22 and referred to the Government Accountability & Oversight Committee. *No action since the last report.*

[AB 823 / SB 775 Memo](#) **Energy Innovation Grant Program** (Haywood, Smith) The Energy Innovation Grant Program and making an appropriation. AB 823 was introduced December 22nd and referred to the Energy & Utilities Committee. SB 775 was introduced December 8th and referred to the Natural Resources & Energy Committee where *a hearing was held January 24th, 2024.*

[AB 810 / SB 762 Memo](#) **County Conservation Staff** (Larson, Neubauer) County conservation staff for climate change resiliency purposes and making an appropriation. AB 810 was introduced December 8 and referred to the Environment Committee. SB 762 was introduced December 8 and referred to the Government Operations Committee. *No action since the last report.*

[AB 832 / SB 784 Memo](#) **On Bill Financing of Energy Improvements** (Moore Omokunde, Smith) On-bill financing of energy improvements and granting rule-making authority. SB 784 was introduced December 8 and referred to the Utilities & Technology Committee. AB 832

was introduced December 22 and referred to the Energy & Utilities Committee. *No action since the last report.*

[AB 825](#) / [SB 777 Memo](#) **Stretch Energy Code** (Baldeh, Roys) Creating a stretch energy code. AB 825 was introduced December 22 and referred to the Energy Utilities Committee. SB 777 was introduced December 8 and referred to the Energy & Natural Resources Committee. *No action since the last report.*

[AB 826](#) / [SB 806 Memo](#) **Focus on Energy** (Myers, Larson) Focus on Energy inclusion of programs promoting energy efficiency and renewable energy measures for low-income households. AB 826 was introduced December 12 and referred to the Energy & Utilities Committee. SB 806 was introduced December 22 and referred to Utilities & Technology Committee. *No action since the last report.*

[AB 827](#) / [SB 871](#) **Grant Program** (Myers, Carpenter) An energy efficiency grant program for school districts, granting rule-making authority, and making an appropriation. Introduced December 22 and referred to the Energy & Utilities Committee. *SB 871 was introduced January 5th and referred to the Senate Education Committee. No other action since the last report.*

[AB 738](#) **Solar and wind energy projects on prime farmland (Schraa)**: This bill requires all wind and solar projects to have the land assessed for its agricultural productivity before a project is approved. Projects of 15 megawatts or more will not be approved if the land is determined to be at least 35% prime farmland. WUA has not yet taken a position. This bill was introduced December 6th and was referred to the Assembly Energy & Utilities Committee. *No action since the last report.*

[SB 70/AB 43](#), **State Budget as proposed by Governor Evers February 15, 2023**

- [Utilities](#) - **Highlights of Utility-Related Items from the LRB Budget Document in SB 70** - The bill requires investor-owned and municipal electric utilities to file **integrated resource plans** with PSC. The bill also requires PSC to review the integrated resource plans filed by electric utilities **to inform its biennial strategic energy assessment**. The bill **adds the retiring of any existing electric generating** facility fueled by nonrenewable combustible energy resources as an environmental control activity, the costs of which may be financed by an **environmental trust bond**. The bill allows PSC to authorize a **public utility to finance energy improvements** at a specific dwelling for a residential or commercial customer. Under the bill, a public utility may recover the costs of such an energy improvement through a surcharge periodically placed **on the customer's account**. Equity-focused intervenor compensation The bill requires PSC to reserve **\$50,000 annually to compensate equity-focused participants in PSC proceedings** who review economic and environmental issues affecting low-income populations. The bill **increases the amount utilities must spend to 2.4 percent** of their annual operating revenues from retail sales for FOE. **The bill also expands the definition of “energy efficiency program”** to include a program that deploys electric technologies to meet energy needs currently served by other fuels in

order to 1) reduce the usage of energy, increase the efficiency of usage of energy on a fuel-neutral basis, or reduce adverse environmental impacts, including carbon dioxide emissions and 2) reduce costs for electric public utilities and retail electric cooperatives or their customers or members. The bill **requires PSC to consider the social cost of carbon** in determining whether to issue certificates required to construct large electric **generating facilities or high-voltage transmission** lines or to engage in certain other public utility projects. The bill provides that it is **not unreasonable or unjustly discriminatory for a public utility to implement low-income assistance programs** if approved in a rate case in which PSC reviewed the program eligibility criteria and program credits or rebates and if that cost is incorporated in the public utility's published schedules or tariffs. The bill **increases the maximum penalties** (quadruples?) for persons who fail to operate and maintain **gas production, transmission, and distribution** facilities in a reasonably adequate and safe manner. The bill **requires PSC to administer annual impact and onetime environmental impact fees** paid under current law by persons authorized by PSC to operate high-voltage transmission lines. (Under current law, DOA administers the fees). The bill allows water **public utilities to make grants that cover the full cost of replacing lead-containing** customer-side water service lines.

Republicans built a compromise budget in Joint Finance (JFC) and offered it as [SSA 2](#), as amended by [SA 13](#), after removing the aforementioned policy items. ***The Senate passed the budget June 28th and the Assembly passed it on June 29th.***

The budget provides \$4 million to boost utility aid payments to counties and municipalities for the presence of production plants that generate power using alternative energy or are located on or adjacent to brownfields.

In addition, the provisions of SB 308 and AB 302, the sales and use tax exemption for data center software and equipment, were included in the budget and signed into law as [WI Act 19](#).

Signed into law July 5th.

Budget Documents Links

- **Budget in Brief of PSC Recommendations by the Governor**
- <https://doa.wi.gov/budget/SBO/2023-25%20155%20PSC%20ExASExecutive%20Budget.pdf>
- **Full Budget LRB Document, SB 70**
- <https://docs.legis.wisconsin.gov/2023/related/proposals/sb70>
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- [DOA 2023-25 Executive Document Page](#)

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- [LRB Budget Analysis](#)

[EA-Strand, Summer](#) **Commissioner of the Public Service Commission** To serve for the term ending March 1, 2029. WUA registered in support. *Confirmation recommended, 5-0 on October 6, 2023.*

On January 16, 2024 the state Senate rejected the nomination of Tyler Huebner to the Public Service Commission on a vote of [21-11](#). The Senate then confirmed Summer Strand to the PSC, [27-5](#). Strand will become chair after Rebecca Cameron Valcq leaves the post Feb. 2.

Links to Committees:

<https://docs.legis.wisconsin.gov/2023/committees/assembly/2636>

<https://docs.legis.wisconsin.gov/2023/committees/senate/2686>

2023-2024 Session Calendar

https://docs.legis.wisconsin.gov/2023/related/session_calendar/calendar