

WUA Issue Digest, 2015-16

April 8, 2016 Edition

Following are bills and issues on which WUA was engaged or monitored during the 2015-16 Legislative Session, including active links to the Legislature's homepage. The latest actions are in italics. Currently, the Legislature stands adjourned for the 2015-2016 Session.

SUPPORT

AB 122 - **Seasonal Weight Limit Exemption - (Czaja/Petrowski)** – This bill exempts utilities' vehicles from seasonal weight limits on Class B highways to enable them to restore utility service. AB 122 passed the Assembly Transportation Committee on April 8th as amended by AA 1, 15-0, and passed the Assembly, as amended, on a voice vote on April 14, 2015. AA1 extends the exemption to contractors of utilities. AB 122 was concurred-in by the Senate on a voice vote on April 21st. WUA supported this bill and its companion, SB 80. *The Governor signed the bill into law on June 30 as 2015 WI Act 44.*

Appointment of Michael Huebsch to the Public Service Commission of Wisconsin – **WUA supported** the appointment and confirmation of Michael Huebsch to the PSCW. The appointment was referred to the Committee on Workforce Development, Public Works, and Military Affairs but was withdrawn and re-referred to the committee on Natural Resources and Energy pursuant to Senate Rule 46(2)(c). A public hearing was held on April 7th and he was *confirmed by the Senate on April 21, 2015 on a 28-5 vote.*

SB 135 / AB 198 - **No Cell Phones in Work Zones - (Petrowski/Spiros)** – These companion bills would prohibit the use of a cellphone or other wireless telephone while driving in a construction zone or utility work zone when workers are present. Fines range from \$20 to \$100; it clarifies that: 1) a handheld cellphone may be used in a construction zone to report an emergency; and 2) a driver may use a voice-operated or hands-free device to operate a handheld cellphone. WUA supports SB 135 which had a public hearing April 30th. WUA testified in favor before the Senate Transportation Committee. The Committee voted 5-0 to approve SB 135 on May 27th, 2015. Its companion, AB 198, had a public hearing on May 12 before the Assembly Transportation Committee which voted to approve the bill, 12-0 on May 27, 2015. WUA also testified in favor of AB 198 at the hearing. *AB 198 passed the Assembly on February 18, 2016 on a voice vote, passed the Senate March 15, also on a voice vote. It was signed into law on March 31st as WI Act 308.*

[SB 231 / AB 319](#) - Gas Line Easements - (Roth/Weatherston) – These bills would require a local government to grant an easement to property under its jurisdiction to a natural gas public utility for fair market value, if the Public Service Commission of Wisconsin has found it in the public interest by issuing a certificate of authority. It extends the same deadlines and arbitration procedures that exist under current law for electric transmission lines, to natural gas facilities described in [196.491\(3e\)](#). **WUA registered in favor of SB 231 and provided written comments in support.** SB 231 had a public hearing September 9, 2015 in the [Committee on Workforce Development, Public Works, and Military Affairs](#). AB 319 had a public hearing October 22, 2015 by the [Assembly Energy & Utilities Committee](#). It was recommended for passage by the committee 14-1 (Zepnick) and passed the Assembly on a voice vote on November 3, 2015. WUA registered in favor of AB 319. Both bills were unanimously approved by the Senate committee on Workforce Development, Public Works, and Military Affairs on January 6th, 2016. AB 319 was concurred-in by the Senate January 20 and *signed into law Feb. 5th by the Governor as [WI Act 148](#)*.

[SB 252 / AB 335](#) - Utility Aid Payments for Decommissioned or Closed Production Plants - (Lasee/Kitchens) –These bills provide that if a production plant that is exempt from property taxes is decommissioned or closed, and therefore becomes taxable, the county and municipality where the plant is located receive a utility aid payment for the first five years in which the plant is subject to the property tax in an amount equal to a percentage of the utility aid payment that the county or municipality received for the last year in which the plant was exempt. Several WUA members registered in support. A public hearing & exec was held on SB 252 on September 10, 2015 in the Govt. Operations & State Affairs Committee. The bill was unanimously approved. SB 252 passed the Senate, 32-0 on September 16, 2015. AB 335, the Assembly companion bill, also had a hearing on September 16. WUA registered in favor. SB 252 was concurred-in by the Assembly on September 24 on a voice vote and *signed by the Governor October 7th as [2015 WI Act 61](#)*.

[SB 288 / AB 384](#) - Nuclear Moratorium Repeal - (Lasee/Petersen) – These bills eliminate the current requirements that there be an operational nuclear waste disposal facility and that it is economically advantageous for PSCW to approve a proposed nuclear power plant. The bills also add advanced (NERC-approved design post 2010) nuclear power to the energy priorities statute after combustible renewable energy but before nonrenewable combustible resources. WUA supports these bills. Thus, *“in meeting energy demands, the policy of the state is that, to the extent cost-effective and technically feasible, options be considered based on the following priorities, in the following order: 1) energy conservation and efficiency; 2) noncombustible renewable energy resources; 3) combustible renewable energy resources; 4) **advanced nuclear energy**; and 5) nonrenewable combustible energy resources. (sic).*

These bills were introduced October 6th, 2015. SB 288 had a public hearing January 5th, 2016 and was recommended for passage by the Senate Natural Resources and & Energy Committee 3-2 on February 15th. AB 384 was referred to the Assembly

Energy & Utilities Committee. It had a public hearing November 18, 2015. It was recommended unanimously for passage December 9, 2015 and passed the Assembly on a voice vote on January 12, 2016. It was referred to the Senate Natural Resources & Energy Committee and was recommended for passage, 3-2 on February 15, 2016. *AB 384 was concurred in by the Senate on February 16, 23-9. It was signed into law on April 1, 2016 as [WI Act 344](#).*

[AB 405 / SB 334](#) – Out of State Utility Workers (Petryk/Marklein) - These bills exempt out of state employees of energy and telecom utilities from state and local income tax filings, permit & license fees for the duration of a governor-declared emergency plus 60 days, unless extended by the Legislature. WUA testified in favor of AB 405 which had a public hearing on October 22, 2015. On October 28, [AA1](#) adding cable companies to the exemption was approved unanimously. SB 334 also received a public hearing in the Senate Judiciary Committee on October 28. WUA testified in favor. Both bills were unanimously approved by their respective committees on October 28th. AB 405 passed the Assembly on a voice vote November 3rd and passed the Senate 32-0 November 6th, 2015. *The Governor signed it into law November 11th as WI [Act 84](#).*

[AB 547 / SB 457](#) – Utility Trespass/Damage (Steffen/Wangaard) – These bills increase the penalty for damaging utility infrastructure with intent to create substantial disruption of service from Class I to Class H felony (10K, from 3 years up to 6 years) and create a new crime of utility trespass, also a Class H felony. [AA 1](#) would also apply this law to merchant plants. AB 547 had a hearing December 9th in the Assembly Energy & Utilities Committee. WUA testified in favor. SB 457 received a public hearing January 7, 2016. WUA testified in favor. AB 547 was approved by the committee 14-1 (Jarchow) on December 15, 2015 and passed the Assembly on a voice vote January 12, 2016. On January 27, SB 457 was recommended for passage by the Senate Judiciary Committee, 3-2 (Risser, Taylor), as amended by [SA 1](#). AB 547 was also recommended for passage, 3-2 (Risser, Taylor). Senator Taylor offered [SA 2](#) to SB 457 but the committee did not adopt the amendment. Senator Taylor also offered [SA 1](#) to AB 547 which was not adopted. AB 457 was concurred-in by the Senate on February 9th and *was signed by the Governor February 29th as [2015 WI Act 158](#).*

[SB 545 / AB 701](#) – VPLE program, liability exemption - (Cowles/Tittl) — Generally, these bills extend the DNR's Voluntary Party Liability Exemption (VPLE) program, under certain conditions, to site remediation projects in which contaminants are found in **sediment**, such as manufactured gas plants. AB 701 was introduced January 13, 2016 and resides in the Assembly Committee on Environment & Forestry. SB 545 was introduced January 8, 2016 and was referred to the Senate Energy & Environment Committee. It had a public hearing January 13, 2016 and WUA registered in favor. The Committee recommended approval, 5-1 on January 19. AB 701 had a public hearing January 20 and WUA registered in favor. It was recommended for passage February 4, 2016 on a 12-1 vote. SB 545 passed the Senate on a voice vote January 20, 2016, was concurred-in by the Assembly on February 11, 2016. *It was signed by the Governor on March 1, 2016 as WI [Act 204](#).*

[AB 804](#) / [SB 654](#) – **PSC Reform Act – (Kuglitsch/Roth)** - This bill, among other things, makes numerous technical changes to update obsolete statutes, eliminates duplicative requirements and generally streamlines certain procedures. Items of interest to WUA include:

- **Eliminating Double Collections:** The bill clarifies that the 1.2% of utility annual operating revenues, i.e., electric sales, collected from customers to fund the Focus on Energy Program, applies to **retail sales only**;
- **Eliminating Unnecessary Filings:** The bill removes a requirement to file an SO2 emission compliance plan with PSCW & DNR;
- **Transmission Streamlining:** The bill allows an applicant to waive the statutory deadline for DNR permits so that DNR restricts its review to the route selected by the PSC; prohibits DNR from requiring a utility to move a facility for maintenance or repair if it is in an existing R.O.W.; prohibits DNR from requiring the utility to file for an alternative route for these existing facilities; and
- **One-Call Enforcement:** Shifts enforcement for violations of the Digger’s Hotline law, also known as the One-Call statute, from local district attorneys to the Public Service Commission.

AB 804 was referred to the Assembly Energy & Utilities Committee, received a public hearing on Feb. 3, 2016 and WUA testified in favor. SB 654 was referred to the Joint Finance Committee and WUA testified in favor. AB 804 was referred to the Joint Finance Committee and was approved, 12-3 on February 11, 2016, as amended by [AA2](#) & [AA 3](#), 12-3. Also on February 11, SB 654 received a public hearing and was approved by the Committee, 12-3, as amended by [SA 1](#) and [SA 2](#). AB 804 was taken up on the floor of the Assembly on February 18. **[AA 5](#) was offered by Rep. Kuglitsch which removes One-Call enforcement provisions and adopted on a voice vote.** AA 2 on transmission streamlining was also approved on a voice vote. AA 3 was returned to the author by unanimous consent. The Assembly passed AB 804, as amended, 61-33, with 2 paired on February 18, 2016. *The Senate took up AB 804 on March 15, 2016. [SA 1](#) and [SA 2](#) were tabled. The bill passed, 19-13 on a [party line vote](#). It was signed into law on March 31 as [WI Act 299](#).*

[AB 582](#) – Shoreland Zoning (Jarchow/Lasee) - The bill provides that if WDNR has issued all required permits or, if no such permits are required, and if the construction and maintenance is conducted in a manner that employs best management practices to control storm water runoff from that infrastructure, then the construction or maintenance of utility or co-op property or equipment is considered to have satisfied shoreland zoning laws and ordinances. WUA supports this bill. AB 582 was introduced December 7, 2015 and was referred to the Assembly Committee on Housing and Real Estate which held a hearing on the bill on January 7, 2016. The Committee adopted [ASA 2](#), 7-0, as amended by [AA 1](#) and recommended passage, as amended, 5-2 (Young, Stuck). *The bill passed the Assembly 56-39 with 2 paired, as amended by ASA 2 on Feb. 9th 2016. The Senate concurred in the bill, as amended by [SA 1](#) on February 16, 19-13. The Assembly*

concurrent in the bill as amended, Feb. 18, 2016. It was signed into law April 26th, 2016 as 2015 [Act 391](#).

[SB 168](#) / [AB 251](#) – Administrative Rulemaking Reform (Neylon, LeMahieu) -

These companion bills (REINS Act) make numerous changes to Ch. 227 Wis.Stats. including creating a “pocket veto” by the Joint Committee for the Review of Administrative Rules (JCRAR) of proposed agency rulemakings, including any rule with a compliance cost over \$10 million. WUA lobbied the authors to exempt federal rules in 2015. SB 168 was referred to JCRAR and was recommended for passage, as amended by SA1, 3-2. AB 251 was referred to the Assembly State Affairs & Government Operations Committee which held a hearing on October 28, 2015. WUA organized a coalition, including WPPI, MEUW & NFIB, to register concerns with Committee members prior to the hearing but did not publicly oppose AB 251. The bill had twice been scheduled for executive action but was removed from the list. Rep. Neylon offered [AA 1](#) to AB 251 on January 14, 2016. SB 168 had a public hearing January 27th, 2016 and WUA circulated written comments to committee members in opposition and registered against. On Feb. 3, the Assembly State Affairs Committee held an executive session on AB 251 and AA 1 was adopted, 9-5. [AA 2](#) was adopted, 10-3. [AA 3](#) was adopted, 9-4. [AA 4](#) was adopted, 9-4. Passage as amended was recommended, 10-4. AB 251 was taken up on the floor of the Assembly February 18. AA 1 & 6 were returned to the author, ASA 1 was tabled, AA 2,3,4,5,7,8,9 were adopted on voice votes. [AA 8](#) was successfully sought by WUA members to exempt certain federal air emissions rules (NAAQS, MATS, 111d, 111b) from the bill. AB 251 passed the Assembly, as amended, 60-33 on February 18, 2016 and was messaged to the Senate. WUA supported the bill, only as amended by AA 8. *The bill was not taken up by the Senate and it died when the session ended.*

MONITOR or OPPOSE

[AB 66](#) – WREDA - (Shankland, Miller) – This bill, among other things, creates the Wisconsin Renewable Energy Development Authority (WREDA) and authorizes WREDA to implement programs for developing renewable resources, reducing energy consumption, and improving energy efficiency. It was introduced February 27th, 2015 and referred to the Assembly Committee on State Affairs and Govt. Operations where it now resides. WUA has not publicly taken [a position](#) on this bill and *it died when the session ended.*

[AB 518](#) / [SB 390](#) - Manure hoses in R.O.W. (Edming, Petrowski) – These proposals grant local governments the right to, among other things, authorize via permitting the placement of liquid manure hoses in public R.O.W. including bridges and increase fines for violations. The bills specify that a driveway permit authorizing the permittee to install manure hose within or across a highway right-of-way may also authorize the permittee to temporarily affix to a bridge...”. WUA requested several changes, some of which were adopted including specifying that any buried manure facilities in R.O.W. require a utility permit, not a driveway permit.

The bills allow a local unit of government to specify the type of permit needed for the temporary placement of manure hoses, and if hoses are to be placed on any state highway a utility permit is required. WUA is neutral on these bills which were introduced November 13, 2015 and referred to the Transportation committee(s) of their respective houses. A public hearing was held on AB 518 on December 8, 2015. [AA 1](#) to AB 518 was adopted 13-1 and the bill was recommended for passage, as amended, 13-2 on February 4, 2016. SB 390 received a public hearing January 7, 2016 and was passed on a voice vote as amended by [SA 1](#), 5-0 on January 20. It was concurred in by the Assembly Feb. 9th and was signed by the Governor on March 1, 2016 as WI [Act 231](#).

[AB 560](#) – DG external switching - (Kahl/Wirch) - Under this bill, if a customer has interconnected DG to a utility's or cooperative's electric distribution system before the effective date, the customer must attach a permanent placard to the electric meter that identifies the location of the disconnection device for the DG and must notify the utility of the location of the DG and the disconnection device. The bill requires a customer to do so within six months after the bill's effective date. WUA does not oppose this bill. AB 560 was introduced December 3, 2015 and was referred to the Energy & Utilities Committee. AB 560 had a public hearing December 9 and Rep. Kahl offered [AA1](#) on December 14. The amendment was unanimously adopted and the bill was recommended for passage December 22, 2015 on a vote of 15-0. AB 560 was passed on a voice vote, as amended by [ASA 1](#), by the Assembly on January 19, 2016. It was referred to the Senate Energy & Natural Resources Committee which held a hearing on the bill February 3rd. The Committee recommended passage, 5-0. *The bill died when the session expired.*

[SB 432](#) / [AB 554](#) – PUHCA Changes for Municipal Sewer & Water - (Lasee, August) Generally, the bill amends the Public Utility Holding Company Act (PUHCA) to remove impediments for certain out of state private corporations to purchase municipal sewer & water utilities in Wisconsin. WUA has not taken a position on this bill. SB 432 was introduced December 3, 2015 and referred to the Senate [Committee on Workforce Development, Public Works, and Military Affairs](#). A public hearing was held January 5, 2016. AB 554 was introduced December 1, 2015 and referred to the Assembly Energy & Utilities Committee. A public hearing was held December 9. [AA 1](#) and [AA 2](#) were adopted on the floor of the Assembly on voice votes and the bill passed, as amended, also on a voice vote, January 12, 2016. the Senate Public Works committee where [SSA 1](#) and SAs 1-7 (Larson, Lassa) were not adopted. SB 432 received a public hearing in the Public Works Committee January 5, 2016. AB 554 was recommended for concurrence by the Senate Public Works Committee, 3-2. AB 554 was placed on the Senate calendar for February 15 but **was withdrawn** and referred back to Senate Organization February 16, 2016. *The bill died when the session expired.*

[SB 459](#) - Regulation of Navigable Waters (Lasee, Jarchow) - The regulation of navigable waters and wetlands. SB 459 closes the loop hole that could delay any certificate project CA/CPCN that may need a wetland permit. Previously, a project

could have been delayed because the wetland permit could have been challenged after it had been issued. It was introduced December 18, 2015 and referred to the Senate Natural Resources & Energy Committee. A public hearing was held February 3rd, 2016 and the Committee adopted [SSA 3](#), 4-1. It was recommended for passage, as amended, 3-2. SB 459 passed the Senate on February 16 as amended by SSA 3, 19-13. On February 18 it was concurred in by the Assembly, 56-37 with 4 paired and messaged back to the Senate. *It was signed into law on April 26th as 2015 [WI Act 387](#).*

[SB 773](#) – State Agency Energy Efficiency Goals (Risser, Hesselbein) - Under the bill, DOA must establish goals for the agencies that are designed to accomplish the goal that, by December 31, 2025, at least 30 percent of total annual amount of electric energy generated or purchased by the state for power, heating, or cooling purposes for state-owned or leased facilities for all of the agencies is derived from renewable resources. As under current law, DOA will be required to submit annual reports to the governor and legislature on the degree of attainment regarding the goals. This bill was introduced March 3, 2016 and referred to the Senate [Committee on Government Operations and Consumer Protection](#). No action was taken. WUA had no position and *the bill died when the session ended*.

[AB 1015 / SB 794](#) – Eliminate RPS (Craig, Stroebel) – These companion bills eliminate the RPS. In addition, current law allows the PSC to designate other resources as renewables, under which PSC has designated biogas a renewable resource. Current law allows a utility to use credits to comply with an RPS for a particular year or sell the credits to another electric provider. The bill eliminates all of the foregoing requirements and provisions and the goal under current law that, by December 31, 2015, 10 percent of all electricity consumed in the state is derived from renewable resources. Finally, the bill eliminates the requirement for the PSC to make annual reports regarding the goal of a 10% RPS by 2015. *The bill died when the session expired*.

BUDGET ITEMS - AB 21/SB 21: [2015 WI Act 55](#)

Intervener Compensation (IC) Funding – On April 15, 2015 the Joint Finance Committee (JFC) approved motion [#29](#) (12-4, party-line), authored by Co-chairs Sen. Darling and Rep. Nygren to:

- Require an IC applicant to match 50% of their grant with their own funds;
- Eliminate the \$300K annual grant to CUB and the PSCW's authority to award the grant; and
- Reduce the amount of the IC fund by \$671,300 annually.

On July 12, 2015 the Governor partially vetoed these provisions to:

- Restore the *authority* for PSCW to award the grant but not the \$300K; and
- Delete the 50% matching requirement for IC applicants.

- Thus, the net effect of 2015 [Act 55](#) is to reduce the overall IC fund to \$371,200 annually.

WUA did not publicly take a position on this issue.

Focus on Energy – A motion was drafted by Rep. Knodl to, among other things, allow retail utility customers to opt out of funding the PSCW Focus on Energy Program. WUA opposed and lobbied to defeat this motion which was, ultimately, not brought up for a vote by JFC.

PSCW Positions – WUA organized a coalition that included MEUW, WIEG, WPC, WUI, CUB, & CFC to successfully lobby the Joint Finance Committee and DOA to retain the current level of PSCW positions.

DOA Office of Energy Transfer - WUA successfully lobbied the JFC to transfer five out of six positions from DOA's Office of Energy to PSCW, **excluding the relocation assistance program**, because it would have been unfairly funded by utility customers through its program revenue appropriation without providing them any services. The JFC removed relocation assistance from the transfer at WUA's request.

License, Permit and WI Tax Filing Exemption for Out-of-State Emergency Aid Workers During a Declared Emergency – WUA members unsuccessfully lobbied for this exemption to be included in the budget. However, AB 405 passed as WI Act 84 which embodied these provisions. It was authored by Reps. Petryk/Loudenbeck and Sens. Marklein/Gudex.

Wind Study – The Governor proposed a \$250,000 PR literature review of existing studies on the health effects of wind turbines. WUA opposed this study and requested a veto. The Governor declined to veto the provision. Although the JFC **eliminated the funding for the study, the language requiring it was left in the budget.**

Click on this link for the [Session calendar](#) for 2015-16.