

State of Misconsin 2015 - 2016 LEGISLATURE

LRB-1101/2 MDK:kjf

2015 ASSEMBLY BILL 384

October 8, 2015 – Introduced by Representatives Petersen, Kuglitsch, Macco, Neylon, Jacque, Thiesfeldt, Weatherston, Kremer, Kulp, Brandtjen, E. Brooks, Murphy, Craig, Sanfelippo, Loudenbeck, Quinn, T. Larson, Petryk, Schraa, Tauchen, Jagler, Jarchow, Nygren, Tittl, J. Ott, Knudson, Knodl, Kleefisch, Vorpagel, Gannon and Rohrkaste, cosponsored by Senators Lasee and Wanggaard. Referred to Committee on Energy and Utilities.

AUTHORS SUBJECT TO CHANGE

1 AN ACT to repeal 196.493; to amend 196.491 (3) (d) (intro.); and to create 1.12

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(4) (cm) of the statutes; **relating to:** requirements for approval of construction

of nuclear power plants and changes to the state's energy priorities policy.

Analysis by the Legislative Reference Bureau

This bill makes changes to the approval of nuclear power plants. Under current law, with certain exceptions, a person may not construct any new power plant unless the Public Service Commission (PSC) has issued a certificate to the person. The PSC may not issue a certificate unless specified requirements are satisfied. In addition, if the proposed power plant is a nuclear power plant, current law prohibits the PSC from issuing a certificate unless the PSC finds both of the following: 1) that there is a facility with sufficient capacity to receive the spent fuel from all nuclear power plants in the state; and 2) that construction of the power plant is economically advantageous to ratepayers based on specified factors. This bill eliminates the additional findings required under current law for a proposed nuclear power plant.

The bill also makes changes to current law that provides that, 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; and 4) nonrenewable combustible energy resources. Current law requires, to the greatest extent cost-effective and technically feasible, state agencies and local governments to design new and replacement energy projects in accordance with the priorities. In

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addition, the Department of Administration must implement the priorities in designing its energy programs and awarding grants or loans for energy projects, and, with certain exceptions, the PSC must implement the priorities, to the extent cost-effective, technically feasible, and environmentally sound, in making all energy-related decisions and orders.

The bill changes the priorities by creating a new option that must be considered after combustible renewable energy resources, but before nonrenewable combustible energy resources. The new option that must be considered is advanced nuclear energy using a reactor design or amended reactor design approved after December 31, 2010, by the U.S. Nuclear Regulatory Commission.

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

SECTION 1. 1.12 (4) (cm) of the statutes is created to read:

- 2 1.12 (4) (cm) Advanced nuclear energy using a reactor design or amended
- 3 reactor design approved after December 31, 2010, by the U.S. Nuclear Regulatory
- 4 Commission.

SECTION 2. 196.491 (3) (d) (intro.) of the statutes is amended to read:

6 196.491 (3) (d) (intro.) Except as provided under par. (e) and s. 196.493, the

7 commission shall approve an application filed under par. (a) 1. for a certificate of

8 public convenience and necessity only if the commission determines all of the

9 following:

10 SECTION 3. 196.493 of the statutes is repealed.

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(END)