



State of Wisconsin  
2021 - 2022 LEGISLATURE

LRB-6125/1  
SWB:cjs

## 2021 SENATE BILL 1037

March 9, 2022 - Introduced by Senators BRADLEY, JACQUE, FELZKOWSKI, FEYEN, PETROWSKI, ROTH, STROEBEL, WANGGAARD and WIMBERGER, cosponsored by Representatives KNODL, KUGLITSCH, ARMSTRONG, BROOKS, DALLMAN, GUNDRUM, HORLACHER, KITCHENS, KURTZ, MACCO, MOSES, MURSAU, SNYDER, SORTWELL, STEFFEN, STEINEKE, SWEARINGEN, TITTL, TRANEL, TUSLER, VORPAGEL, WITTKÉ and ZIMMERMAN. Referred to Committee on Utilities, Technology and Telecommunications.

\*\*\*AUTHORS SUBJECT TO CHANGE\*\*\*

1 **AN ACT** *to create* 66.04045 of the statutes; **relating to:** restricting local  
2 regulation of utility service based on the type or source of energy.

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### *Analysis by the Legislative Reference Bureau*

This bill prohibits a city, village, town, or county from placing any restriction on the connection or reconnection of a utility service based on the type or source of energy to be provided. The bill also prohibits a city, village, town, or county from discriminating against a public utility based in whole or in part on the nature or source of the utility service to be provided to a consumer within the political subdivision. The bill provides that it does not affect the authority of a city, village, town, or county to either 1) manage or operate a public utility; or 2) take steps designed to reduce greenhouse gas emissions from facilities and operations of the city, village, town, or county, including purchasing renewable energy.

For further information see the local fiscal estimate, which will be printed as an appendix to this bill.

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

3 **SECTION 1.** 66.04045 of the statutes is created to read:  
4 **66.04045 Limitations on regulation of utility services.** (1) DEFINITIONS.  
5 In this section:

**SENATE BILL 1037****SECTION 1**

1 (a) "Greenhouse gas" has the meaning given in s. 285.78 (1) (c).

2 (b) "Political subdivision" means a city, village, town, or county.

3 (c) "Public utility" has the meaning given in s. 196.01 (5).

4 (d) "Utility service" means service, including electric, manufactured gas,  
5 liquefied petroleum gas, natural gas, hydrogen, fuel oil, a renewable source, or any  
6 other source, supplied by a public utility that is capable of providing and authorized  
7 to provide the service for the property of an individual or entity.

8 **(2) AUTHORITY TO RESTRICT SYSTEMS LIMITED.** (a) No political subdivision may  
9 do any of the following:

10 1. Place any restriction, either directly or in effect, on the connection or  
11 reconnection of a utility service based upon the type or source of energy to be  
12 delivered to an individual consumer within the political subdivision.

13 2. Discriminate against a public utility based in whole or in part on the nature  
14 or source of the utility service provided for an individual consumer within the  
15 political subdivision.

16 (b) This section does not affect the authority of a political subdivision to do any  
17 of the following:

18 1. Manage or operate a public utility.

19 2. Take steps designed to reduce greenhouse gas emissions from facilities and  
20 operations of the political subdivision, including purchasing renewable energy.

21 (c) Nothing in this section shall affect the approval requirements established  
22 under s. 196.58 (6).

23 **(END)**