LRB-0171/1 MDK:jld:rs

## 2009 ASSEMBLY BILL 88

February 24, 2009 – Introduced by Representatives Hubler, Soletski, Ziegelbauer, Berceau, Jorgensen, Wood, Montgomery, Petrowski, A. Ott, Gunderson, Townsend, Mursau and Ballweg, cosponsored by Senators Jauch, Plale and Schultz. Referred to Committee on Energy and Utilities.

AN ACT to amend 77.54 (30) (a) 1m. and 196.378 (1) (ar) of the statutes; relating
to: allowing electric utilities and retail electric cooperatives to include energy
derived from garbage and certain waste in satisfying renewable portfolio
standards.

## Analysis by the Legislative Reference Bureau

Under current law, an electric utility or retail electric cooperative is subject to certain requirements for ensuring that, in a given year, a specified percentage of the electricity that the utility or cooperative sells to retail customers is derived from renewable resources. Such requirements are commonly referred to as renewable portfolio standards. Current law defines "renewable resource" as an electrical energy source that derives energy from specified sources, including biomass. Current law defines "biomass" as a source that derives energy from any of the following: 1) wood or plant material or residue; 2) biological waste; 3) crops grown for use as an electrical energy source; or 4) landfill gases. However, except for certain refuse-derived fuel used in a facility that was in service before January 1, 1998, current law excludes garbage and nonvegetation-based industrial, commercial, and household waste from the definition of "biomass." As a result, a utility or cooperative may not include electricity derived from garbage and such waste in determining whether the utility or cooperative has satisfied renewable portfolio standards.

This bill changes the definition of "biomass" so that it includes, rather than excludes, garbage and such waste. As a result, a utility or cooperative may include

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electricity derived from garbage and such waste in determining whether the utility or cooperative has satisfied renewable portfolio standards.

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

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

**SECTION 1.** 77.54 (30) (a) 1m. of the statutes is amended to read:

77.54 (30) (a) 1m. Biomass, as defined in s. 196.378 (1) (ar), 2007 stats., that is used for fuel sold for residential use.

**Section 2.** 196.378 (1) (ar) of the statutes is amended to read:

196.378 (1) (ar) "Biomass" means a resource that derives energy from wood or plant material or residue, biological waste, crops grown for use as a resource or, landfill gases. "Biomass" does not include, garbage, as defined in s. 289.01 (9), or nonvegetation-based industrial, commercial or household waste, except that "biomass" includes refuse-derived fuel used for a renewable facility that was in service before January 1, 1998.

11 (END)