LRB-4265/1 EHS:amn

## **2021 SENATE BILL 1086**

March 9, 2022 - Introduced by Senator Smith. Referred to Committee on Natural Resources and Energy.

AN ACT *to create* 196.49 (4m) and 196.491 (3) (d) 9. of the statutes; **relating to:**the use of reclaimed nonmetallic mining sites for construction of solar projects
requiring a certificate of public convenience and necessity or a certificate of
authority from the Public Service Commission.

## Analysis by the Legislative Reference Bureau

Current law prohibits a person from beginning construction of a large electric generating facility (LEGF) unless the Public Service Commission grants a certificate of public convenience and necessity (CPCN) for the proposed facility. An LEGF is defined as a facility with a nominal operating capacity of 100 megawatts or more. In addition, a public utility may not engage in certain construction, expansion, or other projects unless PSC grants a certificate of authority (CA) for the proposed project. Current law prohibits PSC from issuing either a CPCN or a CA unless it determines that brownfields are used to the extent practicable. This bill requires that, for solar projects, PSC may not issue a CPCN or CA unless it determines that reclaimed nonmetallic mining sites are used to the extent practicable. The bill specifies that the reclamation must have occurred no earlier than 2010. Under the bill, a solar project is the construction or installation of solar photovoltaic panels or other devices used for collecting solar energy in order to generate electricity.

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For further information see the state 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:

<b>Section 1.</b> 196.49 (4m) of the statutes is created to re	ad:
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- 196.49 **(4m)** (a) In this subsection:
- 1. "Reclaimed nonmetallic mining site" means a nonmetallic mining site, as defined in s. 295.11 (6), for which nonmetallic mining reclamation, as defined in s. 295.11 (4), has been completed according to the standards and requirements under s. 295.12 no earlier than 2010.
- 2. "Solar project" means the construction or installation of solar photovoltaic panels or other devices used for collecting solar energy in order to generate electricity.
- (b) The commission may not issue a certificate under sub. (1), (2), or (3) for a solar project and associated facilities unless the commission determines that reclaimed nonmetallic mining sites are used to the extent practicable.
  - **Section 2.** 196.491 (3) (d) 9. of the statutes is created to read:
- 196.491 (3) (d) 9. For a solar project, as defined in s. 196.49 (4m) (a) 2., reclaimed nonmetallic mining sites, as defined in s. 196.49 (4m) (a) 1., are used to the extent practicable.

17 (END)