

**2001 DRAFTING REQUEST**

**Bill**

Received: **12/29/2000**

Received By: **kunkemd**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Holden**

This file may be shown to any legislator: **NO**

Drafter: **kunkemd**

May Contact:

Alt. Drafters:

Subject: **Public Util. - electric**

Extra Copies:

**Pre Topic:**

DOA:.....Holden -

**Topic:**

Stray voltage and electrical wiring assistance to farmers

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kunkemd 01/02/2001	csicilia 01/04/2001		_____			State
/1	kunkemd 01/12/2001	jdyer 01/12/2001	rschluet 01/05/2001	_____	lrb_docadmin 01/05/2001		State
/2	kunkemd 01/22/2001	jdyer 01/22/2001	pgreensl 01/15/2001	_____	lrb_docadmin 01/15/2001		State
/3	kunkemd 01/24/2001	jdyer 01/25/2001	martykr 01/22/2001	_____	gretskl 01/22/2001		State
/4			pgreensl	_____	lrb_docadmin		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
			01/25/2001	_____	01/25/2001		

FE Sent For:

<END>

2001 DRAFTING REQUEST

Bill

Received: 12/29/2000

Received By: kunkemd

Wanted: As time permits

Identical to LRB:

For: Administration-Budget

By/Representing: Holden

This file may be shown to any legislator: NO

Drafter: kunkemd

May Contact:

Alt. Drafters:

Subject: Public Util. - electric

Extra Copies:

Pre Topic:

DOA:.....Holden -

Topic:

Stray voltage and electrical wiring assistance to farmers

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kunkemd 01/02/2001	csicilia 01/04/2001					State
/1	kunkemd 01/12/2001	jdye 01/12/2001	rschluet 01/05/2001		lrb_docadmin 01/05/2001		State
/2	kunkemd 01/22/2001	jdye 01/22/2001	pgreensl 01/15/2001	<i>1/25</i> <i>ps/TS</i>	lrb_docadmin 01/15/2001		State
/3		<i>14 1/25 jld</i>	martykr 01/22/2001		gretskl 01/22/2001		

FE Sent For:

*1/25*  
*PG*

<END>

2001 DRAFTING REQUEST

Bill

Received: 12/29/2000

Received By: kunkemd

Wanted: As time permits

Identical to LRB:

For: Administration-Budget

By/Representing: Holden

This file may be shown to any legislator: NO

Drafter: kunkemd

May Contact:

Alt. Drafters:

Subject: Public Util. - electric

Extra Copies:

Pre Topic:

DOA: .....Holden -

Topic:

Stray voltage and electrical wiring assistance to farmers

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kunkemd 01/02/2001	csicilia 01/04/2001					State
/1	kunkemd 01/12/2001	jdyer 01/12/2001	rschluet 01/05/2001		lrb_docadmin 01/05/2001		State
/2		13 1/22 jld	pgreensl 01/15/2001		lrb_docadmin 01/15/2001		

Rm 1/22 25 Rm 1/22

FE Sent For:

<END>

### 2001 DRAFTING REQUEST

#### Bill

Received: 12/29/2000

Received By: **kunkemd**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Holden**

This file may be shown to any legislator: **NO**

Drafter: **kunkemd**

May Contact:

Alt. Drafters:

Subject: **Public Util. - electric**

Extra Copies:

**Pre Topic:**

DOA:.....Holden -

**Topic:**

Stray voltage and electrical wiring assistance to farmers

**Instructions:**

See Attached

*PA: please copy contents of 01-1305 into this drafting file.  
- Mark*

#### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kunkemd 01/02/2001	csicilia 01/04/2001		<del>1/5</del>			State
/1		1/2 1/12 jld	rschluet 01/05/2001	PS/KF	lrb_docadmin 01/05/2001		

FE Sent For:

*1/14  
PG*

<END>

2001 DRAFTING REQUEST

Bill

Received: 12/29/2000

Received By: kunkemd

Wanted: As time permits

Identical to LRB:

For: Administration-Budget

By/Representing: Holden

This file may be shown to any legislator: NO

Drafter: kunkemd

May Contact:

Alt. Drafters:

Subject: Public Util. - electric

Extra Copies:

Pre Topic:

DOA:.....Holden -

Topic:

Stray voltage and electrical wiring assistance to farmers

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kunkemd	1 ejs 1/4 01	1/1/01	DPG 1-4-01			

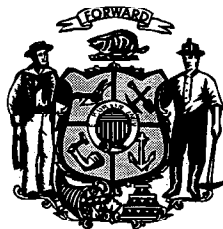
FE Sent For:

<END>

STATE OF WISCONSIN  
DEPARTMENT OF ADMINISTRATION  
101 East Wilson Street, Madison, Wisconsin

TOMMY G. THOMPSON  
GOVERNOR

GEORGE LIGHTBOURN  
SECRETARY



- 1695  
Division of Executive Budget and Finance  
Post Office Box 7864  
Madison, WI 53707-7864  
Voice (608) 266-1736  
Fax (608) 267-0372  
TTY (608) 267-9629

**Date:** December 27, 2000

**To:** Steve Miller, LRB

**From:** Kerry Holden, DOA  
266-8593

**Subject:** Stray voltage and electrical wiring assistance to farmers

Please draft the attached for inclusion in the Governor's budget. Thanks!

## 2001 - 2002 LEGISLATURE

LRB-1305/P2  
MDK&RPN:cjs:km

## PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT *to amend* 196.64 (1); and *to create* 16.956, 20.505(1) (jm), 20.505 (1) (q)  
2 and 895.496 of the statutes; **relating to:** stray voltage and electrical wiring  
3 assistance to farmers, immunity related to stray voltage, granting rule-making  
4 authority, and making an appropriation.

---

*Analysis by the Legislative Reference Bureau*

This is a preliminary draft. An analysis will be prepared for a subsequent version of this draft.

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:*

5 SECTION 1. 16.956 of the statutes is created to read:

6 **16.956 Stray voltage and electrical wiring assistance.** (1) From the  
7 appropriations under s. 20.505 (1) (jm) and (q), the department shall award grants  
8 and make loans to operators of dairy, beef, or swine farms for eliminating potential



1 stray voltage concerns and sources, and replacing electrical wiring. A farm operator  
2 is not eligible to receive an award or grant under this subsection unless the public  
3 utility that provides electric service to the farm has conducted tests to determine  
4 whether stray voltage problems result from the primary distribution system or from  
5 off-farm sources transmitted over the primary distribution system.

6 (2) The department shall determine the interest rate on loans under sub. (1).  
7 The interest rate shall be as low as possible but shall be sufficient to fully pay all  
8 interest expenses incurred by the state in making the loans and to provide reserves  
9 that are reasonably expected to be required in the judgment of the department to  
10 ensure against losses arising from delinquency and default in the repayment of the  
11 loans.

12 (3) The department shall promulgate rules establishing criteria and  
13 procedures for awarding grants and making loans under sub. (1).

14 SECTION 2. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert  
15 the following amounts for the purposes indicated:

	2001-02	2002-03
16		
17	<b>20.505 Administration, department of</b>	
18	(1) SUPERVISION AND MANAGEMENT: LAND INFORMATION	
19	BOARD	
20	(q) Stray voltage and electrical wir-	
21	ing assistance	SEG B \$4,000,000 \$4,000,000

22 SECTION 3. 20.505(1) (jm) of the statutes is created to read:

2001 - 2002 Legislature

- 3 -

LRB-1305/P2  
MDK&RPN:cjs:km  
SECTION 3

1           20.505 (1) (jm) *Stray voltage and electrical wiring loan repayments.* All moneys  
2 received in repayment of loans made under s. 16.956 (1) to be used for grants and  
3 loans under s. 16.956 (1).

4           **SECTION 4.** 20.505 (1) (q) of the statutes is created to read:

5           20.505 (1) (q) *Stray voltage and electrical wiring assistance.* Biennially, from  
6 the utility public benefits fund, the amounts in the schedule for awarding grants and  
7 making loans under s. 16.956 (1).

8           **SECTION 5.** 196.64 (1) of the statutes is amended to read:

9           196.64 (1) If Except as provided in this subsection, if a director, officer,  
10 employee or agent of a public utility, in the course of the discharge of his or her duties,  
11 wilfully, wantonly or recklessly docs, causes or permits to be done any matter, act or  
12 thing prohibited or declared to be unlawful under this chapter or ch. 197, or wilfully,  
13 wantonly or recklessly fails to do any act, matter or thing required to be done under  
14 this chapter, the public utility shall be liable to the person injured thereby in treble  
15 the amount of damages sustained in consequence of the violation. Any recovery  
16 under this subsection related to damages resulting from stray voltage shall be  
17 limited to the amount of the damages sustained in consequence of the violation. No  
18 recovery as provided in this section ~~provided~~ shall affect a recovery by the state of  
19 the penalty prescribed for such violation.

20           **SECTION 6.** 895.496 of the statutes is created to read:

21           **895.496 Liability exemption; stray voltage. (1)** In this section:

22           (a) "Farmer" and "farm premises" have the meaning given in s. 102.04 (3).

23           (b) "Public Service Commission order" means any order issued by the Public  
24 Service Commission that establishes or modifies the principles and guidelines  
25 regarding stray voltage screening and diagnostic procedures used to test the

2001 - 2002 Legislature

- 4 -

LRB-1305/P2  
MDK&RPN:cjs:km  
SECTION 6

1 presence and amount of stray voltage and the level of concern about stray voltage  
2 above which corrective or mitigative action should be taken.

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

4 (2) A public utility that provides power or light to a farmer is immune from  
5 liability for any death, injury, or property damage caused by stray voltage on the farm  
6 premises if that stray voltage is below the level of concern specified in the most  
7 recently issued Public Service Commission order, as determined using the principles  
8 and guidelines regarding stray voltage screening and diagnostic procedures  
9 specified in the most recently issued Public Service Commission order. Upon request  
10 of any party to an action for damages related to stray voltage, Public Service  
11 Commission shall evaluate and testify as to whether the most recently issued Public  
12 Service Commission order was followed in calculating the amount of stray voltage.

13 (3) The immunity provided in sub. (2) does not apply if the death, injury, or  
14 property damage was caused by willful or wanton acts or omissions.

15 **SECTION 7. Appropriation changes.**

16 (1) ELECTRICAL INSPECTORS. In the schedule under section 20.005 (3) of the  
17 statutes for the appropriation to the department of commerce under section 20.143  
18 (3) (j) of the statutes, as affected by the acts of 2001, the dollar amount is increased  
19 by \$-0- for fiscal year 2001-02 and the dollar amount is increased by \$-0- for fiscal  
20 year 2002-03 to increase the authorized FTE positions for the department by 5.0  
21 GPR positions for the purpose of making electrical inspections.

22 **SECTION 8. Initial applicability.**



Soon

D-NOTE

-1695/1

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

BUDGET

RM NOT RUN

INSERT A

DO NOT GEN

the budget

1 AN ACT to amend 196.64 (1); and to create 16.956, 20.505(1) (jm), 20.505 (1) (q)  
 2 and 895.496 of the statutes; relating to: ~~stray voltage and electrical wiring~~  
 3 ~~assistance to farmers, immunity related to stray voltage, granting rule-making~~  
 4 ~~authority, and making an appropriation.~~

**Analysis by the Legislative Reference Bureau**

~~This is a preliminary draft. An analysis will be prepared for a subsequent version of this draft.~~

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:**

5 SECTION 1. 16.956 of the statutes is created to read:

6 **16.956 Stray voltage and electrical wiring assistance.** (1) From the  
 7 appropriations under s. 20.505 (1) (jm) and (q), the department shall award grants  
 8 and make loans to operators of dairy, beef, or swine farms for eliminating potential

**SECTION 1**

1 stray voltage concerns and sources, and replacing electrical wiring. A farm operator  
2 is not eligible to receive an award or grant under this subsection unless the public  
3 utility that provides electric service to the farm has conducted tests to determine  
4 whether stray voltage problems result from the primary distribution system or from  
5 off-farm sources transmitted over the primary distribution system.

6 (2) The department shall determine the interest rate on loans under sub. (1).  
7 The interest rate shall be as low as possible but shall be sufficient to fully pay all  
8 interest expenses incurred by the state in making the loans and to provide reserves  
9 that are reasonably expected to be required in the judgment of the department to  
10 ensure against losses arising from delinquency and default in the repayment of the  
11 loans.

12 (3) The department shall promulgate rules establishing criteria and  
13 procedures for awarding grants and making loans under sub. (1).

14 **SECTION 2.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert  
15 the following amounts for the purposes indicated:

		2001-02	2002-03
17	<b>20.505 Administration, department of</b>		
18	(1) SUPERVISION AND MANAGEMENT; LAND INFORMATION		
19	BOARD		
20	(q) Stray voltage and electrical wir-		
21	ing assistance	SEG B \$4,000,000	\$4,000,000

22 **SECTION 3.** 20.505(1) (jm) of the statutes is created to read:



\*\*\* NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in S. 20.005, Stats.

1 20.505 (1) (jm) *Stray voltage and electrical wiring loan repayments.* All moneys  
2 received in repayment of loans made under s. 16.956 (1) to be used for grants and  
3 loans under s. 16.956 (1).

4 SECTION 4. 20.505 (1) (q) of the statutes is created to read:

5 20.505 (1) (q) *Stray voltage and electrical wiring assistance.* Biennially, from  
6 the utility public benefits fund, the amounts in the schedule for awarding grants and  
7 making loans under s. 16.956 (1).

8 SECTION 5. 196.64 (1) of the statutes is amended to read:

9 196.64 (1) If Except as provided in this subsection, if a director, officer,  
10 employee or agent of a public utility, in the course of the discharge of his or her duties,  
11 wilfully, wantonly or recklessly does, causes or permits to be done any matter, act or  
12 thing prohibited or declared to be unlawful under this chapter or ch. 197, or wilfully,  
13 wantonly or recklessly fails to do any act, matter or thing required to be done under  
14 this chapter, the public utility shall be liable to the person injured thereby in treble  
15 the amount of damages sustained in consequence of the violation. Any recovery  
16 under this subsection related to damages resulting from stray voltage shall be  
17 limited to the amount of the damages sustained in consequence of the violation. No  
18 recovery as provided in this section provided shall affect a recovery by the state of  
19 the penalty prescribed for such violation.

20 SECTION 6. 895.496 of the statutes is created to read:

21 **895.496 Liability exemption; stray voltage.** (1) In this section:

22 (a) "Farmer" and "farm premises" have the meaning given in s. 102.04 (3).

23 (b) "Public Service Commission order" means any order issued by the Public  
24 Service Commission that establishes or modifies the principles and guidelines  
25 regarding stray voltage screening and diagnostic procedures used to test the

1 presence and amount of stray voltage and the level of concern about stray voltage  
2 above which corrective or mitigative action should be taken.

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

4 (2) A public utility that provides power or light to a farmer is immune from  
5 liability for any death, injury, or property damage caused by stray voltage on the farm  
6 premises if that stray voltage is below the level of concern specified in the most  
7 recently issued Public Service Commission order, as determined using the principles  
8 and guidelines regarding stray voltage screening and diagnostic procedures  
9 specified in the most recently issued Public Service Commission order. Upon request  
10 of any party to an action for damages related to stray voltage, Public Service  
11 Commission shall evaluate and testify as to whether the most recently issued Public  
12 Service Commission order was followed in calculating the amount of stray voltage.

13 (3) The immunity provided in sub. (2) does not apply if the death, injury, or  
14 property damage was caused by willful or wanton acts or omissions.

15 **SECTION 7. Appropriation changes.**

16 (1) ~~ELECTRICAL INSPECTORS. In the schedule under section 20.005 (3) of the~~  
17 ~~statutes for the appropriation to the department of commerce under section 20.143~~  
18 ~~(3) (j) of the statutes, as affected by the acts of 2001, the dollar amount is increased~~  
19 ~~by \$-0- for fiscal year 2001-02 and the dollar amount is increased by \$-0- for fiscal~~  
20 ~~year 2002-03 to increase the authorized FTE positions for the department by 5.0~~  
21 ~~GPR positions for the purpose of making electrical inspections.~~

22 **SECTION 8. Initial applicability**

9342  
B

public service  
commission  
B





1

**INSERT A:**

**COURTS AND PROCEDURE ✓**

**OTHER COURTS AND PROCEDURE ✓**

This bill creates immunity from liability for public utilities for certain stray voltage problems. Under the bill, a public utility that provides power or light to a farmer is immune from liability for any death, injury, or property damage caused by stray voltage on the farm premises if that stray voltage is below the level of concern specified in the most recently issued order of ~~the public service commission (PSC)~~. The immunity does not apply if the death, injury, or property damage was caused by willful or wanton acts or omissions. Also, to qualify for the immunity, the stray voltage must be determined using principles and guidelines specified in the PSC's order. Upon the request of any party to action for damages for stray voltage, the PSC must evaluate and testify as to whether its order was followed in calculating the amount of stray voltage.

In addition, the bill limits damages from stray voltage to the amount of damages sustained in consequence of a public utility's willful, wanton, or reckless violation of state law. Under current law, such a public utility is liable for treble the amount of damages. ✓

**STATE GOVERNMENT ✓**

**PUBLIC UTILITY REGULATION ✓**

This bill requires ~~the department of administration (DOA)~~ to award grants and make low-interest loans to operators of dairy, beef, or swine farms for eliminating stray voltage concerns and sources or replacing electrical wiring. The funding source for this assistance is the utility public benefits fund. A farm operator is not eligible for this assistance unless the public utility that provides electric service to the farm has conducted tests to determine whether stray voltage problems result from the primary distribution system or from off-farm sources that are transmitted over the primary distribution system. The bill also requires DOA to promulgate rules establishing criteria and procedures for awarding the grants and making the loans. ✓

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1695/1dn

MDK/.....

ejs

Kerry Holden:

This bill is identical to LRB-1305/P2, except that it includes an analysis and except for the following:

1. The bill does not include the appropriation change that increases the authorized FTE positions by 5.0 GPR positions for the department of commerce for the purpose of making electrical inspections. As with other budget proposals, we normally do not include position authorizations in the text of a bill. For your information, also note that I'm not sure whether the appropriation that is increased in LRB-1305/P2 (i.e., s. 20.143 (3) (j), stats.) is the correct one. ✓

2. Like other budget proposals, this bill does not include a schedule entry for proposed s. 20.505 (1) (q). ✓

STET

Mark D. Kunkel  
Legislative Attorney  
Phone: (608) 266-0131  
E-mail: mark.kunkel@legis.state.wi.us

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1695/1dn  
MDK:cjs:rs

January 4, 2001

Kerry Holden:

This bill is identical to LRB-1305/P2, except that it includes an analysis and except for the following:

1. The bill does not include the appropriation change that increases the authorized FTE positions by 5.0 GPR positions for the department of commerce for the purpose of making electrical inspections. As with other budget proposals, we normally do not include position authorizations in the text of a bill. For your information, also note that I'm not sure whether the appropriation that is increased in LRB-1305/P2 (i.e., s. 20.143 (3) (j), stats.) is the correct one.
2. Like other budget proposals, this bill does not include a schedule entry for proposed s. 20.505 (1) (q).

Mark D. Kunkel  
Legislative Attorney  
Phone: (608) 266-0131  
E-mail: mark.kunkel@legis.state.wi.us

**Kunkel, Mark**

---

**From:** Holden, Kerry  
**Sent:** Tuesday, January 09, 2001 10:46 AM  
**To:** Kunkel, Mark  
**Subject:** RE: Stray voltage: LRB-1695/1

Yes, this proposal is still alive so you should probably make the changes.

KAH

**Kerry Holden**

Tax, Finance & Local Government Team  
DOA State Budget Office  
Phone: (608)266-8593  
Fax: (608)267-0372  
Email: Kerry.Holden@doa.state.wi.us

-----Original Message-----

**From:** Kunkel, Mark  
**Sent:** Tuesday, January 09, 2001 10:42 AM  
**To:** Holden, Kerry  
**Subject:** Stray voltage: LRB-1695/1

Kerry,

I received instructions to make some changes to the draft that I used as the basis for drafting the above DOA draft. I told the requester to make the governor's office aware of the changes that they want, and they have done so.

Should I revise LRB-1695/1 to incorporate the changes?

---

Mark Kunkel  
Legislative Attorney  
Legislative Reference Bureau  
(608) 266-0131 mark.kunkel@legis.state.wi.us

D-NOTE

SOON

2001 BILL

JLD+

-1695/2

STATE GOVERNMENT ← head  
PUBLIC UTILITY REGULATION ← sub

RM NOT RUN

don't gen

the budget ✓

1  
2  
3  
4

AN ACT to create 16.956, 20.505(1) (jm), 20.505 (1) (q), 196.64 (3) and 895.496 of the statutes, relating to: stray voltage and electrical wiring assistance to farmers, immunity related to stray voltage, granting rule-making authority, and making an appropriation.

keep

**Analysis by the Legislative Reference Bureau**

This bill requires the department of administration (DOA) to award grants and make low-interest loans to operators of dairy, beef, or swine farms for eliminating stray voltage concerns and sources or replacing electrical wiring. The funding source for this assistance is the utility public benefits fund. A farm operator is not eligible for this assistance unless the public utility that provides electric service to the farm has conducted tests to determine the sources of stray voltage on the farm. The bill also requires DOA to promulgate rules establishing criteria and procedures for awarding the grants and making the loans, including procedures for assuring that any work is completed according to acceptable practices.

In addition, the bill creates immunity from liability for public utilities for stray voltage. Under the bill, a public utility is immune from liability for any damage caused by or resulting from stray voltage contributed by the public utility if the stray voltage is below the level of concern established by the public service commission (PSC) that is in effect at the time of measurement. In addition, the stray voltage must be determined using the PSC's principles and guidelines regarding stray voltage screening and diagnostic procedures that are in effect at the time of measurement. Upon the request of any party to an action for damages for stray

COURTS AND PROCEDURE ← head  
OTHER COURTS AND PROCEDURE ← sub

This

**BILL**

voltage, the PSC must evaluate and testify as to whether its applicable order was followed in calculating the amount of stray voltage. Finally, current law provides that, under certain circumstances, a public utility may be liable for treble damages for injuries resulting from the willful, wanton, or reckless acts or omissions of the public utility's directors, officers, employees, or agents. This bill provides that damages from stray voltage are not subject to this provision.

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:*

1           **SECTION 1.** 16.956 of the statutes is created to read:

2           **16.956 Stray voltage and electrical wiring assistance.** (1) From the  
3 appropriations under s. 20.505 (1) (jm) and (q), the department shall award grants  
4 and make loans to operators of dairy, beef, or swine farms for eliminating potential  
5 stray voltage concerns and sources, and replacing electrical wiring. A farm operator  
6 is not eligible to receive an award or grant under this subsection unless the public  
7 utility that provides electric service to the farm has conducted tests to determine the  
8 sources of stray voltage on the farm.

9           (2) The department shall determine the interest rate on loans under sub. (1).  
10 The interest rate shall be as low as possible but shall be sufficient to fully pay all  
11 interest expenses incurred by the state in making the loans and to provide reserves  
12 that are reasonably expected to be required in the judgment of the department to  
13 ensure against losses arising from delinquency and default in the repayment of the  
14 loans.

15           (3) The department shall promulgate rules establishing criteria and  
16 procedures for awarding grants and making loans under sub. (1), including  
17 procedures for assuring that any work is completed in accordance with acceptable  
18 practices.

**BILL**

1 **SECTION 2.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert  
2 the following amounts for the purposes indicated:

		2001-02	2002-03
4	<b>20.505 Administration, department of</b>		
5	(1) SUPERVISION AND MANAGEMENT, LAND INFORMATION		
6	BOARD		
7	(q) Stray voltage and electrical wir-		
8	ing assistance	SEG B \$4,000,000	\$4,000,000

9 **SECTION 3.** 20.505(1) (jm) of the statutes is created to read:

10 20.505 (1) (jm) *Stray voltage and electrical wiring loan repayments.* All moneys  
11 received in repayment of loans made under s. 16.956 (1) to be used for grants and  
12 loans under s. 16.956 (1).

\*\*\* This SECTION involves a change in an appropriation that must be reflected in the revised schedule in 20.005, stats.

13 **SECTION 4.** 20.505 (1) (q) of the statutes is created to read:

14 20.505 (1) (q) *Stray voltage and electrical wiring assistance.* Biennially, from  
15 the utility public benefits fund, the amounts in the schedule for awarding grants and  
16 making loans under s. 16.956 (1).

17 **SECTION 5.** 196.64 (3) of the statutes is created to read:

18 196.64 (3) This section does not apply to damages resulting from stray voltage.

19 **SECTION 6.** 895.496 of the statutes is created to read:

20 **895.496 Liability exemption; stray voltage.** (1) In this section:

21 (a) "Farmer" and "farm premises" have the meaning given in s. 102.04 (3).

22 (b) "Public utility" has the meaning given in s. 196.01 (5) (a).

23 (2) A public utility is immune from liability for any damage caused by or  
24 resulting from stray voltage contributed by the public utility if that stray voltage is



**BILL**

**SECTION 6**

1 below the level of concern established by the public service commission that is in  
 2 effect at the time of measurement, as determined using the principles and guidelines  
 3 of the public service commission regarding stray voltage screening and diagnostic  
 4 procedures that are in effect at the time of measurement. Upon request of any party  
 5 to an action for damages related to stray voltage, the public service commission shall  
 6 evaluate and testify as to whether the applicable order of the public service  
 7 commission was followed in calculating the amount of stray voltage.

8 **SECTION 7. Appropriation changes.**

9 (1) ~~ELECTRICAL INSPECTORS.~~ In the schedule under section 20.005 (3) of the  
 10 statutes for the appropriation to the department of commerce under section 20.143  
 11 (3) (j) of the statutes, as affected by the acts of 2001, the dollar amount is increased  
 12 by \$-0- for fiscal year 2001-02 and the dollar amount is increased by \$-0- for fiscal  
 13 year 2002-03 to increase the authorized FTE positions for the department by 5.0  
 14 GPR positions for the purpose of making electrical inspections.

15 *Fix component* **SECTION 8. Initial applicability.**

16 (1) STRAY VOLTAGE IMMUNITY. The treatment of sections 196.64 (3) and 895.496  
 17 of the statutes first applies to actions commenced on the effective date of this  
 18 subsection.

(END)

9342

BMM

*public service commission*

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1695/2dn

MDK:.....

↑  
jld

Kerry Holden:

This version incorporates changes that I have discussed with Rebecca Larson. You should also be aware that, because this is a budget draft, the following components of Larson's request are not incorporated into the draft:

1. Inserting \$4,000,000 for each fiscal year for the appropriation under proposed s. 20.505 (1) (q). ✓
2. Increasing the appropriation under s. 20.143 (3) (j), ✓ stats., by an unknown amount to increase the authorized FTE positions for the department of commerce by 5.0 GPR positions for the purpose of making electrical inspections. I think I pointed out to you before that I am not sure whether this is the proper appropriation for accomplishing this purpose.

Mark D. Kunkel  
Legislative Attorney  
Phone: (608) 266-0131  
E-mail: mark.kunkel@legis.state.wi.us

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1695/2dn  
MDK:jld:pg

January 14, 2001

Kerry Holden:

This version incorporates changes that I have discussed with Rebecca Larson. You should also be aware that, because this is a budget draft, the following components of Larson's request are not incorporated into the draft:

1. Inserting \$4,000,000 for each fiscal year for the appropriation under proposed s. 20.505 (1) (q).
2. Increasing the appropriation under s. 20.143 (3) (j), stats., by an unknown amount to increase the authorized FTE positions for the department of commerce by 5.0 GPR positions for the purpose of making electrical inspections. I think I pointed out to you before that I am not sure whether this is the proper appropriation for accomplishing this purpose.

Mark D. Kunkel  
Legislative Attorney  
Phone: (608) 266-0131  
E-mail: mark.kunkel@legis.state.wi.us

**Kunkel, Mark**

---

**From:** Larson, Rebecca A [rebecca.a.larson@xcelenergy.com]  
**Sent:** Thursday, January 18, 2001 5:10 PM  
**To:** 'mark.kunkel@legis.state.wi.us'  
**Subject:** Stray Voltage/Draft Issues

Dear Mark,

Xcel representatives recently met with staff at the DOA to discuss concerns they had with our stray voltage draft.

We (Xcel) have come up with changes to the draft, which DOA has agreed to, in order to address their concerns.

Could you please incorporate the following changes...

1.) We would like to lower the dollar amount allocated for the rewiring program from \$4 million per year to a phase-in approach, \$1.5 million in the first year and \$2.5 million in the second year.

} → put in d-NOTE

2.) The DOA wanted to be clear that the money used for the program would come from the old public benefits dollars the utilities turned over to the DOA and not the new money generated from the new fees.

3.) We want to create in Chapter 16, a "farm rewiring fund" that will receive the funding related to this program.

4.) With regard to loans, the DOA is not interested in administering a loan program. They would like the draft changed to allow for them to buy down the interest rates on loans & allow for grants to cover the buy down cost.

The Governor's office is expecting a modified draft, with the knowledge of course, that it will take time for you to make the changes.

Thanks,

Rebecca Larson  
Manager, Government Affairs  
Xcel Energy  
280-7314

D-NOTE

3

DOA:.....Holden - Stray voltage and electrical wiring assistance to farmers RUN

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

SOON



1

AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**STATE GOVERNMENT**

**PUBLIC UTILITY REGULATION**

This bill requires DOA to award grants ~~and make low-interest loans~~ to operators of dairy, beef, or swine farms for ~~eliminating~~ replacing stray voltage concerns and sources or ~~replacing~~ electrical wiring. ~~The funding source for this assistance is the utility public benefits fund.~~ A farm operator is not eligible for ~~this assistance~~, unless the public utility that provides electric service to the farm has conducted tests to determine the sources of stray voltage on the farm. The bill also requires DOA to promulgate rules establishing criteria and procedures for awarding the grants ~~and making the loans~~, including procedures for assuring that any work is completed according to acceptable practices.

grants under the bill

**COURTS AND PROCEDURE**

**OTHER COURTS AND PROCEDURE**

This bill creates immunity from liability for public utilities for stray voltage. Under the bill, a public utility is immune from liability for any damage caused by or resulting from stray voltage contributed by the public utility if the stray voltage is below the level of concern established by the PSC that is in effect at the time of measurement. In addition, the stray voltage must be determined using the PSC's principles and guidelines regarding stray voltage screening and diagnostic

procedures that are in effect at the time of measurement. Upon the request of any party to an action for damages for stray voltage, the PSC must evaluate and testify as to whether its applicable order was followed in calculating the amount of stray voltage. Finally, current law provides that, under certain circumstances, a public utility may be liable for treble damages for injuries resulting from the willful, wanton, or reckless acts or omissions of the public utility's directors, officers, employees, or agents. This bill provides that damages from stray voltage are not subject to this provision.

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:*

SECTION 1. 16.956 of the statutes is created to read:

INSERT 2-4

16.956 Stray voltage and electrical wiring assistance. (1) From the appropriations under s. 20.505 (1) ~~and~~ (q), the department shall award grants and make loans to operators of dairy, beef, or swine farms ~~for eliminating~~ potential stray voltage concerns and sources, and replacing electrical wiring. A farm operator is not eligible to receive an award or grant under this subsection unless the public utility that provides electric service to the farm has conducted tests to determine the sources of stray voltage on the farm.

~~(2) The department shall determine the interest rate on loans under sub. (1). The interest rate shall be as low as possible but shall be sufficient to fully pay all interest expenses incurred by the state in making the loans and to provide reserves that are reasonably expected to be required in the judgment of the department to ensure against losses arising from delinquency and default in the repayment of the loans.~~

(3) The department shall promulgate rules establishing criteria and procedures for awarding grants and making loans under sub. (1), including

1 procedures for assuring that any work is completed in accordance with acceptable  
2 practices.

3 **SECTION 2.** 20.505 (1) (jm) of the statutes is created to read:  
4 20.505 (1) (jm) *Stray voltage and electrical wiring loan repayments.* All moneys  
5 received in repayment of loans made under s. 16.956 (1) to be used for grants and  
6 loans under s. 16.956 (1).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

7 **SECTION 3.** 20.505 (1) (q) of the statutes is created to read:  
8 20.505 (1) (q) *Stray voltage and electrical wiring assistance.* Biennially, from  
9 the utility public benefits fund, the amounts in the schedule for awarding grants *and*  
10 *making loans* under s. 16.956 (1).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

INSEAT  
3-11

11 **SECTION 4.** 196.64 (3) of the statutes is created to read:  
12 196.64 (3) This section does not apply to damages resulting from stray voltage.

13 **SECTION 5.** 895.496 of the statutes is created to read:  
14 **895.496 Liability exemption; stray voltage.** (1) In this section:  
15 (a) "Farmer" and "farm premises" have the meaning given in s. 102.04 (3).  
16 (b) "Public utility" has the meaning given in s. 196.01 (5) (a).  
17 (2) A public utility is immune from liability for any damage caused by or  
18 resulting from stray voltage contributed by the public utility if that stray voltage is  
19 below the level of concern established by the public service commission that is in  
20 effect at the time of measurement, as determined using the principles and guidelines  
21 of the public service commission regarding stray voltage screening and diagnostic  
22 procedures that are in effect at the time of measurement. Upon request of any party

1 to an action for damages related to stray voltage, the public service commission shall  
2 evaluate and testify as to whether the applicable order of the public service  
3 commission was followed in calculating the amount of stray voltage.

4 **SECTION 9342. Initial applicability; public service commission.**

5 (1) STRAY VOLTAGE IMMUNITY. The treatment of sections 196.64 (3) and 895.496  
6 of the statutes first applies to actions commenced on the effective date of this  
7 subsection.

8 (END)



1 **INSERT A:**

2 assisting in the prepayment of loans obtained to finance the elimination of

**INSERT B:**

NO  
X The bill creates a farm rewiring fund from which the grants are made. In fiscal year 2001-02, \$1,500,000 is deposited into the farm rewiring fund from contributions that certain gas and electric utilities make under current law to the PSC. In fiscal year 2002-03, \$2,500,000 is deposited into the farm rewiring fund from the contributions. In both fiscal years, the remaining amount that is contributed is deposited into the utility public benefits fund. Under current law, all of the contributions are deposited into the utility public benefits fund.

3 **INSERT 2-4:**

4 for the purpose of assisting in the prepayment of the principal, interest, or both of  
5 loans obtained to finance the elimination of

6 **INSERT 3-11:**

7 **SECTION 1.** 25.17 (1) (eq) <sup>X</sup> of the statutes is created to read:

8 25.17 (1) (eq) Farm rewiring fund (s. 25.98);

9 **SECTION 2.** 25.98 <sup>X</sup> of the statutes is created to read:

10 **25.98 Farm rewiring fund.** There is established a separate nonlapsible trust  
11 fund designated as the farm rewiring fund, consisting of all moneys received under  
12 s. 196.374 (3m). <sup>✓</sup>

13 **SECTION 3.** 196.374 (1) (b) <sup>X</sup> of the statutes is repealed.

14 **SECTION 4.** 196.374 (3) <sup>✓</sup> of the statutes is amended to read:

15 196.374 (3) ~~In~~ Except as provided in sub. (3m), <sup>✓</sup> in 2000, 2001 and 2002, the  
16 commission shall require each utility to spend a decreasing portion of the amount  
17 determined under sub. (2) on programs specified in sub. (2) and contribute the  
18 remaining portion of the amount to the commission for deposit in the utility public  
19 benefits fund. ~~In~~ Except as provided in sub. (3m), <sup>✓</sup> in each year after 2002, each utility

INS 3-11 cont

1 shall contribute the entire amount determined under sub. (2) to the commission for  
 2 deposit in the utility public benefits fund. The commission shall ensure in  
 3 rate-making orders that a utility recovers from its ratepayers the amounts spent on  
 4 programs or contributed to the utility public benefits fund under this subsection or  
 5 deposited into the farm rewiring fund under sub. (3m). The commission shall allow  
 6 each utility the option of continuing to use, until January 1, 2002, the moneys that  
 7 it has recovered under s. 196.374 (3), 1997 stats., to administer the programs that  
 8 it has funded under s. 196.374 (1), 1997 stats. The commission may allow each utility  
 9 to spend additional moneys on the programs specified in sub. (2) if the utility  
 10 otherwise complies with the requirements of this section and s. 16.957 (4).

History: 1983 a. 27; 1999 a. 9

11 **SECTION 5.** 196.374 (3m) of the statutes is created to read:

12 196.374 (3m) In fiscal year 2001-02, the first \$1,500,000 that is contributed  
 13 under sub. (3) in that fiscal year shall be deposited in the farm rewiring fund. In  
 14 fiscal year 2002-03, the first \$2,500,000 that is contributed under sub. (3) in that  
 15 fiscal year shall be deposited in the farm rewiring fund.

16 **SECTION 6.** 196.374 (4) of the statutes is amended to read:

17 196.374 (4) If the department notifies the commission under s. 16.957 (2) (b)  
 18 2. that the department has reduced funding for energy conservation and efficiency  
 19 and renewable resource programs by an amount that is greater than the portion of  
 20 the public benefits fee specified in s. 16.957 (4) (c) 2., the commission shall reduce the  
 21 amount that utilities are required to spend on programs or contribute to the utility  
 22 public benefits fund under sub. (3) by the portion of the reduction that exceeds the  
 23 amount of public benefits fees specified in s. 16.957 (4) (c) 2.

History: 1983 a. 27; 1999 a. 9.

(end ins)

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1695/3dn  
MDK/jld/km

January 22, 2001

Kerry Holden:

This version is based on instructions from Rebecca Larson. Note that, as with other budget drafts, the bill does not include the requested schedule entries for the appropriation under proposed s. 20.505 (1) (q), which are \$1,500,000 for fiscal year 2001-02 and \$2,500,000 for fiscal year 2002-03.

Mark D. Kunkel  
Legislative Attorney  
Phone: (608) 266-0131  
E-mail: mark.kunkel@legis.state.wi.us

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1695/3dn  
MDK:jld:km

January 22, 2001

Kerry Holden:

This version is based on instructions from Rebecca Larson. Note that, as with other budget drafts, the bill does not include the requested schedule entries for the appropriation under proposed s. 20.505 (1) (q), which are \$1,500,000 for fiscal year 2001-02 and \$2,500,000 for fiscal year 2002-03.

Mark D. Kunkel  
Legislative Attorney  
Phone: (608) 266-0131  
E-mail: [mark.kunkel@legis.state.wi.us](mailto:mark.kunkel@legis.state.wi.us)

## Kunkel, Mark

---

**From:** Larson, Rebecca A [rebecca.a.larson@xcelenergy.com]  
**Sent:** Monday, January 22, 2001 4:14 PM  
**To:** 'Kunkel, Mark'  
**Subject:** RE: Stray Voltage/Draft Issues

Mark,

Hopefully this isn't much different than what you drafted....

The grant would be a one-time grant to be used to buy down the interest rate up to a maximum amount equal to the interest rate. The specifics of the amount of interest to be covered (full or partial) shouldn't be spelled out in legislation, rather the program specifics should be left up to the DOA to decide.

Rebecca Larson  
Manager, Government Affairs  
Xcel Energy- Madison Office  
280-7314

Superseded by  
phone call  
from Rebecca  
Larson to  
make change included  
in the "1/4" version.

> -----Original Message-----

> From: Kunkel, Mark [SMTP:Mark.Kunkel@legis.state.wi.us]  
> Sent: Monday, January 22, 2001 11:47 AM  
> To: 'rebecca.a.larson@xcelenergy.com'  
> Subject: FW: Stray Voltage/Draft Issues

>  
> Rebecca: I've taken a stab at drafting language to accomplish what I think  
> you want to do in item 4. I'll email a copy of the revised draft as soon  
> as  
> it is done, which might even be later today, or tomorrow morning.

>  
> \_\_\_\_\_  
> Mark Kunkel  
> Legislative Attorney  
> Legislative Reference Bureau  
> (608) 266-0131 mark.kunkel@legis.state.wi.us

> -----Original Message-----

> From: Kunkel, Mark  
> Sent: Monday, January 22, 2001 9:33 AM  
> To: 'Larson, Rebecca A'  
> Subject: RE: Stray Voltage/Draft Issues

>  
>  
> Rebecca:  
>  
> I'm not quite sure that I understand what you want to do in item 4 of your  
> recent email, which states:

>  
> "4.) With regard to loans, the DOA is not interested in administering a  
> loan  
> program. They would like the draft changed to allow for them to buy down  
> the interest rates on loans & allow for grants to cover the buy down  
> cost."

>  
> What do you mean by buying down the interest rate and cost of a loan? Do

- > you mean that an applicant for a grant must show that he or she got a loan
- > in the private sector and that DOA must award a one-time grant equal to
- > the
- > interest that accrues during the life of the loan? Or does DOA make a
- > one-time grant that defrays only a portion of the interest? Also, does
- > DOA
- > make one-time grants or periodic grants to an individual to defray
- > interest
- > cost?

>

>

- 
- > Mark Kunkel
  - > Legislative Attorney
  - > Legislative Reference Bureau
  - > (608) 266-0131 mark.kunkel@legis.state.wi.us

>

SOON

D-NOTE

4

DOA:.....Holden - Stray voltage and electrical wiring assistance to farmers  
FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

don't gen

1 AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

eliminating

**STATE GOVERNMENT**

replacing

**PUBLIC UTILITY REGULATION**

This bill requires DOA to award grants to operators of dairy, beef, or swine farms for ~~assisting in the prepayment of loans obtained to finance the elimination of~~ stray voltage concerns and sources or ~~the replacement of~~ electrical wiring. The bill creates a farm rewiring fund from which the grants are made. In fiscal year 2001-02, \$1,500,000 is deposited into the farm rewiring fund from contributions that certain gas and electric utilities make under current law to the PSC. In fiscal year 2002-03, \$2,500,000 is deposited into the farm rewiring fund from the contributions. In both fiscal years, the remaining amount that is contributed is deposited into the utility public benefits fund. Under current law, all of the contributions are deposited into the utility public benefits fund.

A farm operator is not eligible for grants under the bill unless the public utility that provides electric service to the farm has conducted tests to determine the sources of stray voltage on the farm. The bill also requires DOA to promulgate rules establishing criteria and procedures for awarding the grants, including procedures for assuring that any work is completed according to acceptable practices.

**COURTS AND PROCEDURE**

**OTHER COURTS AND PROCEDURE**

This bill creates immunity from liability for public utilities for stray voltage. Under the bill, a public utility is immune from liability for any damage caused by or

resulting from stray voltage contributed by the public utility if the stray voltage is below the level of concern established by the PSC that is in effect at the time of measurement. In addition, the stray voltage must be determined using the PSC's principles and guidelines regarding stray voltage screening and diagnostic procedures that are in effect at the time of measurement. Upon the request of any party to an action for damages for stray voltage, the PSC must evaluate and testify as to whether its applicable order was followed in calculating the amount of stray voltage. Finally, current law provides that, under certain circumstances, a public utility may be liable for treble damages for injuries resulting from the willful, wanton, or reckless acts or omissions of the public utility's directors, officers, employees, or agents. This bill provides that damages from stray voltage are not subject to this provision.

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:*

1           **SECTION 1.** 16.956 of the statutes is created to read:

2           **16.956 Stray voltage and electrical wiring assistance.** (1) From the  
3           appropriation under s. 20.505 (1) (q), the department shall award grants to operators  
4           of dairy, beef, or swine farms for the purpose of ~~assisting in the prepayment of the~~  
5           ~~principal, interest, or both of loans obtained to finance the elimination of~~ *eliminating* potential  
6           stray voltage concerns and sources, ~~and the replacement of electrical wiring.~~ *replacing* A farm  
7           operator is not eligible to receive ~~a grant~~ *a* grant under this subsection unless the  
8           public utility that provides electric service to the farm has conducted tests to  
9           determine the sources of stray voltage on the farm.

10           (2) The department shall promulgate rules establishing criteria and  
11           procedures for awarding grants under sub. (1), including procedures for assuring  
12           that any work is completed in accordance with acceptable practices.

13           **SECTION 2.** 20.505 (1) (q) of the statutes is created to read:



1           20.505 (1) (q) *Stray voltage and electrical wiring assistance*. Biennially, from  
2 the farm rewiring fund, the amounts in the schedule for awarding grants under s.  
3 16.956 (1).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

4           **SECTION 3.** 25.17 (1) (eq) of the statutes is created to read:

5           25.17 (1) (eq) Farm rewiring fund (s. 25.98);

6           **SECTION 4.** 25.98 of the statutes is created to read:

7           **25.98 Farm rewiring fund.** There is established a separate nonlapsible trust  
8 fund designated as the farm rewiring fund, consisting of all moneys received under  
9 s. 196.374 (3m).

10          **SECTION 5.** 196.374 (1) (b) of the statutes is repealed.

11          **SECTION 6.** 196.374 (3) of the statutes is amended to read:

12          196.374 (3) ~~In Except as provided in sub. (3m), in 2000, 2001 and 2002, the~~  
13 commission shall require each utility to spend a decreasing portion of the amount  
14 determined under sub. (2) on programs specified in sub. (2) and contribute the  
15 remaining portion of the amount to the commission for deposit in the utility public  
16 benefits fund. ~~In Except as provided in sub. (3m), in each year after 2002, each utility~~  
17 shall contribute the entire amount determined under sub. (2) to the commission for  
18 deposit in the utility public benefits fund. The commission shall ensure in  
19 rate-making orders that a utility recovers from its ratepayers the amounts spent on  
20 programs or contributed to the utility public benefits fund under this subsection or  
21 deposited into the farm rewiring fund under sub. (3m). The commission shall allow  
22 each utility the option of continuing to use, until January 1, 2002, the moneys that  
23 it has recovered under s. 196.374 (3), 1997 stats., to administer the programs that

1 it has funded under s. 196.374 (1), 1997 stats. The commission may allow each utility  
2 to spend additional moneys on the programs specified in sub. (2) if the utility  
3 otherwise complies with the requirements of this section and s. 16.957 (4).

4 **SECTION 7.** 196.374 (3m) of the statutes is created to read:

5 196.374 (3m) In fiscal year 2001–02, the first \$1,500,000 that is contributed  
6 under sub. (3) in that fiscal year shall be deposited in the farm rewiring fund. In  
7 fiscal year 2002–03, the first \$2,500,000 that is contributed under sub. (3) in that  
8 fiscal year shall be deposited in the farm rewiring fund.

9 **SECTION 8.** 196.374 (4) of the statutes is amended to read:

10 196.374 (4) If the department notifies the commission under s. 16.957 (2) (b)  
11 2. that the department has reduced funding for energy conservation and efficiency  
12 and renewable resource programs by an amount that is greater than the portion of  
13 the public benefits fee specified in s. 16.957 (4) (c) 2., the commission shall reduce the  
14 amount that utilities are required to spend on programs or contribute to the utility  
15 public benefits fund under sub. (3) by the portion of the reduction that exceeds the  
16 amount of public benefits fees specified in s. 16.957 (4) (c) 2.

17 **SECTION 9.** 196.64 (3) of the statutes is created to read:

18 196.64 (3) This section does not apply to damages resulting from stray voltage.

19 **SECTION 10.** 895.496 of the statutes is created to read:

20 **895.496 Liability exemption; stray voltage.** (1) In this section:

21 (a) “Farmer” and “farm premises” have the meaning given in s. 102.04 (3).

22 (b) “Public utility” has the meaning given in s. 196.01 (5) (a).

23 (2) A public utility is immune from liability for any damage caused by or  
24 resulting from stray voltage contributed by the public utility if that stray voltage is  
25 below the level of concern established by the public service commission that is in

1 effect at the time of measurement, as determined using the principles and guidelines  
2 of the public service commission regarding stray voltage screening and diagnostic  
3 procedures that are in effect at the time of measurement. Upon request of any party  
4 to an action for damages related to stray voltage, the public service commission shall  
5 evaluate and testify as to whether the applicable order of the public service  
6 commission was followed in calculating the amount of stray voltage.

7 **SECTION 9342. Initial applicability; public service commission.**

8 (1) STRAY VOLTAGE IMMUNITY. The treatment of sections 196.64 (3) and 895.496  
9 of the statutes first applies to actions commenced on the effective date of this  
10 subsection.

11 (END)

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1695/4dn

MDK.....

Jkd

**Kerry Holden:**

This version is identical to the previous version, except for a change to the description of the purpose of the grants in the first sentence of proposed s. 16.956 (1).<sup>✓</sup> This change was requested by Rebecca Larson at Xcel Energy.

**Mark D. Kunkel**  
**Legislative Attorney**  
**Phone: (608) 266-0131**  
**E-mail: [mark.kunkel@legis.state.wi.us](mailto:mark.kunkel@legis.state.wi.us)**

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1695/4dn  
MDK:jld:pg

January 25, 2001

Kerry Holden:

This version is identical to the previous version, except for a change to the description of the purpose of the grants in the first sentence of proposed s. 16.956 (1). This change was requested by Rebecca Larson at Xcel Energy.

Mark D. Kunkel  
Legislative Attorney  
Phone: (608) 266-0131  
E-mail: [mark.kunkel@legis.state.wi.us](mailto:mark.kunkel@legis.state.wi.us)



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-1695/4

MDK&RPN:jld&cjs:pg

DOA:.....Holden – Stray voltage and electrical wiring assistance to farmers  
FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

---

*Analysis by the Legislative Reference Bureau*

**STATE GOVERNMENT**

**PUBLIC UTILITY REGULATION**

This bill requires DOA to award grants to operators of dairy, beef, or swine farms for eliminating stray voltage concerns and sources or replacing electrical wiring. The bill creates a farm rewiring fund from which the grants are made. In fiscal year 2001-02, \$1,500,000 is deposited into the farm rewiring fund from contributions that certain gas and electric utilities make under current law to the PSC. In fiscal year 2002-03, \$2,500,000 is deposited into the farm rewiring fund from the contributions. In both fiscal years, the remaining amount that is contributed is deposited into the utility public benefits fund. Under current law, all of the contributions are deposited into the utility public benefits fund.

A farm operator is not eligible for grants under the bill unless the public utility that provides electric service to the farm has conducted tests to determine the sources of stray voltage on the farm. The bill also requires DOA to promulgate rules establishing criteria and procedures for awarding the grants, including procedures for assuring that any work is completed according to acceptable practices.

**COURTS AND PROCEDURE**

**OTHER COURTS AND PROCEDURE**

This bill creates immunity from liability for public utilities for stray voltage. Under the bill, a public utility is immune from liability for any damage caused by or

resulting from stray voltage contributed by the public utility if the stray voltage is below the level of concern established by the PSC that is in effect at the time of measurement. In addition, the stray voltage must be determined using the PSC's principles and guidelines regarding stray voltage screening and diagnostic procedures that are in effect at the time of measurement. Upon the request of any party to an action for damages for stray voltage, the PSC must evaluate and testify as to whether its applicable order was followed in calculating the amount of stray voltage. Finally, current law provides that, under certain circumstances, a public utility may be liable for treble damages for injuries resulting from the willful, wanton, or reckless acts or omissions of the public utility's directors, officers, employees, or agents. This bill provides that damages from stray voltage are not subject to this provision.

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:*

1           **SECTION 1.** 16.956 of the statutes is created to read:

2           **16.956 Stray voltage and electrical wiring assistance.** (1) From the  
3 appropriation under s. 20.505 (1) (q), the department shall award grants to operators  
4 of dairy, beef, or swine farms for the purpose of eliminating potential stray voltage  
5 concerns and sources and replacing electrical wiring. A farm operator is not eligible  
6 to receive a grant under this subsection unless the public utility that provides electric  
7 service to the farm has conducted tests to determine the sources of stray voltage on  
8 the farm.

9           (2) The department shall promulgate rules establishing criteria and  
10 procedures for awarding grants under sub. (1), including procedures for assuring  
11 that any work is completed in accordance with acceptable practices.

12           **SECTION 2.** 20.505 (1) (q) of the statutes is created to read:

13           **20.505 (1) (q) Stray voltage and electrical wiring assistance.** Biennially, from  
14 the farm rewiring fund, the amounts in the schedule for awarding grants under s.  
15 16.956 (1).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1           **SECTION 3.** 25.17 (1) (eq) of the statutes is created to read:

2           25.17 (1) (eq) Farm rewiring fund (s. 25.98);

3           **SECTION 4.** 25.98 of the statutes is created to read:

4           **25.98 Farm rewiring fund.** There is established a separate nonlapsible trust  
5 fund designated as the farm rewiring fund, consisting of all moneys received under  
6 s. 196.374 (3m).

7           **SECTION 5.** 196.374 (1) (b) of the statutes is repealed.

8           **SECTION 6.** 196.374 (3) of the statutes is amended to read:

9           196.374 (3) ~~In Except as provided in sub. (3m), in~~ 2000, 2001 and 2002, the  
10 commission shall require each utility to spend a decreasing portion of the amount  
11 determined under sub. (2) on programs specified in sub. (2) and contribute the  
12 remaining portion of the amount to the commission for deposit in the utility public  
13 benefits fund. ~~In Except as provided in sub. (3m), in~~ each year after 2002, each utility  
14 shall contribute the entire amount determined under sub. (2) to the commission for  
15 deposit in the utility public benefits fund. The commission shall ensure in  
16 rate-making orders that a utility recovers from its ratepayers the amounts spent on  
17 programs or contributed to the utility public benefits fund under this subsection or  
18 deposited into the farm rewiring fund under sub. (3m). The commission shall allow  
19 each utility the option of continuing to use, until January 1, 2002, the moneys that  
20 it has recovered under s. 196.374 (3), 1997 stats., to administer the programs that  
21 it has funded under s. 196.374 (1), 1997 stats. The commission may allow each utility  
22 to spend additional moneys on the programs specified in sub. (2) if the utility  
23 otherwise complies with the requirements of this section and s. 16.957 (4).



1           **SECTION 7.** 196.374 (3m) of the statutes is created to read:

2           196.374 (3m) In fiscal year 2001–02, the first \$1,500,000 that is contributed  
3 under sub. (3) in that fiscal year shall be deposited in the farm rewiring fund. In  
4 fiscal year 2002–03, the first \$2,500,000 that is contributed under sub. (3) in that  
5 fiscal year shall be deposited in the farm rewiring fund.

6           **SECTION 8.** 196.374 (4) of the statutes is amended to read:

7           196.374 (4) If the department notifies the commission under s. 16.957 (2) (b)  
8 2. that the department has reduced funding for energy conservation and efficiency  
9 and renewable resource programs by an amount that is greater than the portion of  
10 the public benefits fee specified in s. 16.957 (4) (c) 2., the commission shall reduce the  
11 amount that utilities are required to spend on programs or contribute to the utility  
12 public benefits fund under sub. (3) by the portion of the reduction that exceeds the  
13 amount of public benefits fees specified in s. 16.957 (4) (c) 2.

14           **SECTION 9.** 196.64 (3) of the statutes is created to read:

15           196.64 (3) This section does not apply to damages resulting from stray voltage.

16           **SECTION 10.** 895.496 of the statutes is created to read:

17           **895.496 Liability exemption; stray voltage. (1)** In this section:

18           (a) “Farmer” and “farm premises” have the meaning given in s. 102.04 (3).

19           (b) “Public utility” has the meaning given in s. 196.01 (5) (a).

20           (2) A public utility is immune from liability for any damage caused by or  
21 resulting from stray voltage contributed by the public utility if that stray voltage is  
22 below the level of concern established by the public service commission that is in  
23 effect at the time of measurement, as determined using the principles and guidelines  
24 of the public service commission regarding stray voltage screening and diagnostic  
25 procedures that are in effect at the time of measurement. Upon request of any party

1 to an action for damages related to stray voltage, the public service commission shall  
2 evaluate and testify as to whether the applicable order of the public service  
3 commission was followed in calculating the amount of stray voltage.

4 **SECTION 9342. Initial applicability; public service commission.**

5 (1) STRAY VOLTAGE IMMUNITY. The treatment of sections 196.64 (3) and 895.496  
6 of the statutes first applies to actions commenced on the effective date of this  
7 subsection.

8 (END)