

- 1 **AN ACT** *to repeal* 196.493; and *to amend* 196.491 (3) (d) (intro.) of the statutes;
2 **relating to:** repeal of the limits on the construction of nuclear power plants.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill draft was prepared for the joint legislative council’s special committee on nuclear power at the request of Representatives Phil Montgomery and Mark Honadel and public member Mike Corradini.

The draft repeals the limits in current law on the construction of nuclear power plants.

These limits are often referred to as Wisconsin’s “nuclear moratorium” statute. Under this statute, s. 196.493, the public service commission (PSC) may not authorize the construction of a nuclear power plant unless it finds that there is a facility with sufficient capacity to receive the spent fuel from all nuclear power plants in Wisconsin and that construction of the power plant is economically advantageous to ratepayers. In particular, s. 196.493 requires findings by the PSC that:

- a. A federally licensed facility, or a facility outside of the United States which the commission determines will satisfy the public welfare requirements of the people of this state, with adequate capacity to dispose of high–level nuclear waste from all nuclear power plants operating in this state will be available, as necessary, for disposal of the waste; and
- b. The proposed nuclear power plant, in comparison with feasible alternatives, is economically advantageous to ratepayers, based upon:
 - 1. The existence of a reliable and adequate nuclear fuel supply;
 - 2. The costs for construction, operation, and decommissioning of nuclear power plants and for nuclear waste disposal; and
 - 3. Any other factor having an impact on the economics of nuclear power plants, as determined by the commission.

Alternative 1 in this draft repeals these limits on the day after the act is published. [For example, if the committee recommends and the legislature passes this alternative, the governor signs the bill on January

10, 2008, and the secretary of state publishes the bill on January 15, 2008, then the act takes effect and repeals the limits on January 16, 2008.] This alternative is recommended by Representative Honadel and Mr. Corradini.

Alternative 2 in this draft repeals these limits on January 1, 2015. This alternative is recommended by Representative Montgomery.

1 **ALTERNATIVE 1**

2 **SECTION 1.** 196.491 (3) (d) (intro.) of the statutes is amended to read:

3 196.491 (3) (d) (intro.) Except as provided under par. (e) and ~~s. 196.493~~, the
4 commission shall approve an application filed under par. (a) 1. for a certificate of public
5 convenience and necessity only if the commission determines all of the following:

6 **SECTION 2.** 196.493 of the statutes is repealed.

7 **ALTERNATIVE 2**

8 **SECTION 1.** 196.491 (3) (d) (intro.) of the statutes is amended to read:

9 196.491 (3) (d) (intro.) Except as provided under par. (e) and ~~s. 196.493~~, the
10 commission shall approve an application filed under par. (a) 1. for a certificate of public
11 convenience and necessity only if the commission determines all of the following:

12 **SECTION 2.** 196.493 of the statutes is repealed.

13 **SECTION 3. Effective date.**

14 (1) This act takes effect on January 1, 2015.

15 (END)