



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1949/1
SWB:cdc

2023 SENATE BILL 49

February 14, 2023 - Introduced by Senators BRADLEY, FEYEN, NASS, STROEBEL, TESTIN, TOMCZYK, WANGGAARD and WIMBERGER, cosponsored by Representatives KNODL, STEFFEN, ARMSTRONG, BEHNKE, BRANDTJEN, DALLMAN, DITTRICH, DONOVAN, DUCHOW, GUNDRUM, KITCHENS, KURTZ, MACCO, MURPHY, MURSAU, RETTINGER, RODRIGUEZ, ROZAR, SNYDER, SORTWELL, SWEARINGEN, TITTL, TUSLER and ZIMMERMAN. Referred to Committee on Utilities and Technology.

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.

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 or a liquified petroleum gas retailer, as defined in the bill, based in whole or in part on the nature or source of the 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.

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 49**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 any of the following:

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

9 2. Service to supply liquified petroleum gas for the property of an individual
10 or entity by a retailer, as defined under s. 101.16 (1) (d).

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

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

16 2. Discriminate against a public utility or a retailer, as defined under s. 101.16
17 (1) (d), based in whole or in part on the nature or source of the utility service provided
18 for an individual consumer within the political subdivision.

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

21 1. Manage or operate a public utility.

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

