



## 1995 SENATE BILL 662

March 27, 1996 - Introduced by Senator BURKE, cosponsored by Representative BLACK. Referred to Committee on Environment and Energy.

1     **AN ACT to amend** 196.491 (3) (d) 3. and 196.491 (3) (d) 4. of the statutes; **relating**  
2             **to:** proposed electric generating facility or transmission line air pollution  
3             standards.

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### *Analysis by the Legislative Reference Bureau*

Under present law, a public utility must obtain a certificate of public convenience and necessity from the public service commission (PSC) before that utility may construct a large electric generating facility or a transmission line. In addition to other criteria, the PSC must consider environmental factors before deciding if the proposed facility or line is in the public interest. However, if a proposed facility meets air pollution control standards established by the department of natural resources, the PSC may not deny a certificate of public convenience or necessity because of the adverse impact the proposed facility may have on air quality. This bill repeals that condition.

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

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

4             **SECTION 1.** 196.491 (3) (d) 3. of the statutes is amended to read:  
5             196.491 (3) (d) 3. The design and location or route is in the public interest  
6             considering alternative sources of supply, alternative locations or routes, individual  
7             hardships, engineering, economic, safety, reliability and environmental factors. In  
8             its consideration of environmental factors, the commission may not determine that

1 ~~the design and location or route is not in the public interest because of the impact of~~  
2 ~~air pollution if the proposed facility will meet the requirements of ss. 144.30 to~~  
3 ~~144.426.~~

4 **SECTION 2.** 196.491 (3) (d) 4. of the statutes is amended to read:

5 196.491 (3) (d) 4. The proposed facility will not have undue adverse impact on  
6 other environmental values such as, but not limited to, ecological balance, public  
7 health and welfare, historic sites, geological formations, the aesthetics of land and  
8 water and recreational use. ~~In its consideration of the impact on other~~  
9 ~~environmental values, the commission may not determine that the proposed facility~~  
10 ~~will have an undue adverse impact on these values because of the impact of air~~  
11 ~~pollution if the proposed facility will meet the requirements of ss. 144.30 to 144.426.~~

12 (END)