

2009 ASSEMBLY BILL 88

February 24, 2009 – Introduced by Representatives HUBLER, SOLETSKI, ZIEGELBAUER, BERCEAU, JORGENSEN, WOOD, MONTGOMERY, PETROWSKI, A. OTT, GUNDERSON, TOWNSEND, MURSAU and BALLWEG, cosponsored by Senators JAUCH, PLALE and SCHULTZ. Referred to Committee on Energy and Utilities.

1 **AN ACT to amend** 77.54 (30) (a) 1m. and 196.378 (1) (ar) of the statutes; **relating**
2 **to:** allowing electric utilities and retail electric cooperatives to include energy
3 derived from garbage and certain waste in satisfying renewable portfolio
4 standards.

Analysis by the Legislative Reference Bureau

Under current law, an electric utility or retail electric cooperative is subject to certain requirements for ensuring that, in a given year, a specified percentage of the electricity that the utility or cooperative sells to retail customers is derived from renewable resources. Such requirements are commonly referred to as renewable portfolio standards. Current law defines “renewable resource” as an electrical energy source that derives energy from specified sources, including biomass. Current law defines “biomass” as a source that derives energy from any of the following: 1) wood or plant material or residue; 2) biological waste; 3) crops grown for use as an electrical energy source; or 4) landfill gases. However, except for certain refuse-derived fuel used in a facility that was in service before January 1, 1998, current law excludes garbage and nonvegetation-based industrial, commercial, and household waste from the definition of “biomass.” As a result, a utility or cooperative may not include electricity derived from garbage and such waste in determining whether the utility or cooperative has satisfied renewable portfolio standards.

This bill changes the definition of “biomass” so that it includes, rather than excludes, garbage and such waste. As a result, a utility or cooperative may include

