

**ASSEMBLY BILL 615 (LRB -3438)**

An Act to renumber and amend 196.20 (7) (c); and to create 196.20 (7) (c) 2. of the statutes; relating to: mitigation payment agreements. (FE)

**2005**

11-01.	A.	Introduced by Representatives <b>Gottlieb</b> and <b>Honadel</b> ; cosponsored by Senators <b>Grothman</b> and <b>Plale</b> .	
08-16.	A.	Read first time and referred to committee on Energy and Utilities .....	436
09-16.	A.	Fiscal estimate received.	
10-11.	A.	Public hearing held.	
10-11.	A.	Executive action taken.	
10-31.	A.	Report passage recommended by committee on Energy and Utilities, Ayes 10, Noes 0 .....	557
10-31.	A.	Referred to committee on Rules .....	557
11-01.	A.	Placed on calendar 11-8-2005 by committee on Rules.	
11-08.	A.	Read a second time .....	591
11-08.	A.	Ordered to a third reading .....	591
11-08.	A.	Rules suspended .....	591
11-08.	A.	Read a third time and <b>passed</b> , Ayes 68, Noes 28 .....	591
11-08.	A.	Ordered immediately messaged .....	591
11-09.	S.	Received from Assembly .....	446
11-09.	S.	Read first time and referred to committee on Energy, Utilities and Information Technology .....	447

**2006**

02-01.	S.	Public hearing held.	
02-06.	S.	Executive action taken.	
02-07.	S.	Report concurrence recommended by committee on Energy, Utilities and Information Technology, Ayes 5, Noes 0 .....	585
02-07.	S.	Available for scheduling.	
02-16.	S.	Placed on calendar 2-21-2006 by committee on Senate Organization.	
02-21.	S.	Read a second time.	
02-21.	S.	Ordered to a third reading.	
02-21.	S.	Rules suspended.	
02-21.	S.	Read a third time and <b>concurred in</b> .	
02-21.	S.	Ordered immediately messaged.	
02-21.	A.	Received from Senate concurred in .....	823

SB

**2005  
ENROLLED BILL**

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**ADOPTED DOCUMENTS:**

Orig     Engr         SubAmdt     

05 - 3438/1

Amendments to above (if none, write "NONE"): None

Corrections - show date (if none, write "NONE"): None

Topic Public utility mitigation payment agreements.

2/23/06  
Date

JR Miller  
Enrolling Drafter

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## 2005 ASSEMBLY BILL 615

August 16, 2005 - Introduced by Representatives GOTTLIEB and HONADEL, cosponsored by Senators GROTHMAN and PLALE. Referred to Committee on Energy and Utilities.

- 1 **AN ACT to renumber and amend** 196.20 (7) (c); and **to create** 196.20 (7) (c) 2.  
2 of the statutes; **relating to:** mitigation payment agreements.

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### *Analysis by the Legislative Reference Bureau*

Under current law, the Public Service Commission (PSC) may only approve a mitigation payment agreement that it received before June 10, 2003, and, if the PSC found the agreement to be reasonable, may not modify the agreement. A mitigation payment is, generally, an amount that a public utility pays to a community where a power production plant is located to mitigate the effects of the plant on the community.

Under this bill, if the PSC receives a mitigation payment agreement before June 10, 2003, and does not determine that the agreement is unreasonable before November 11, 2003, mitigation payments in accordance with the terms of the agreement are recoverable in rates charged to consumers.

For further information see the *state and local* 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:***

- 3 **SECTION 1.** 196.20 (7) (c) of the statutes is renumbered 196.20 (7) (c) 1. and  
4 amended to read:

## ASSEMBLY BILL 615

## SECTION 1

1           196.20 (7) (c) 1. The Except as provided in subd. 2., the commission shall only  
2 approve a mitigation payment agreement that is received by the commission before  
3 June 10, 2003, and, if the commission finds the agreement to be reasonable, shall not  
4 subsequently modify the agreement.

5           **SECTION 2.** 196.20 (7) (c) 2. of the statutes is created to read:

6           196.20 (7) (c) 2. If the commission receives a mitigation payment agreement  
7 before June 10, 2003, and does not determine that the agreement is unreasonable  
8 before November 11, 2003, mitigation payments in accordance with the terms of the  
9 agreement shall be recoverable in rates, notwithstanding any subsequent  
10 limitations imposed by the commission on the mitigation payments.

11           **SECTION 3. Initial applicability.**

12           (1) This act applies retroactively to agreements received before June 10, 2003,  
13 and to determinations made before the effective date of this subsection.

14    (END)