AN ACT to amend 79.04 (1) (a), 79.04 (2) (a), 79.04 (6) (a) and 79.04 (6) (c) 1.; and
to create 79.04 (1) (d) and 79.04 (2) (c) of the statutes; relating to: utility aid
payments to towns and counties for production plants that generate electricity
from wind power.

Analysis by the Legislative Reference Bureau

Under this bill, if a production plant that generates electricity from wind power
is located in a town, the town receives a payment equal to 50 percent of the total
amount of the utility aid payment for that plant and the county in which the plant
is located receives a payment equal to 50 percent of the total amount of that utility
aid payment. This distribution method applies with regard to any such production
plant regardless of when the plant began operating.

Under current law, for power production plants that begin operation as a new
or repowered production plant after December 31, 2003, each county and
municipality in which such a plant is located receives a utility aid payment based on
the plant’s megawatt capacity. The total amount of the payment for each production
plant is calculated by multiplying the plant’s megawatt capacity by $2,000. If the
production plant is located in a city or village, the city or village receives a payment
equal to two-thirds of the total amount of the payment and the county in which the
plant is located receives a payment equal to one-third of the total amount of the
payment. If the production plant is located in a town, the town receives a payment
equal to one-third of the total amount and the county in which the plant is located
receives a payment equal to two-thirds of the total amount.
For further information see the state and 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:

SECTION 1. 79.04 (1) (a) of the statutes is amended to read:

79.04 (1) (a) An amount from the public utility account determined by multiplying by 3 mills in the case of a town, and 6 mills in the case of a city or village, the first $125,000,000 of the amount shown in the account, plus leased property, of each public utility except qualified wholesale electric companies, as defined in s. 76.28 (1) (gm), on December 31 of the preceding year for “production plant, exclusive of land,” “general structures,” and “substations,” in the case of light, heat and power companies, electric cooperatives or municipal electric companies, for all property within a municipality in accordance with the system of accounts established by the public service commission or rural electrification administration, less depreciation thereon as determined by the department of revenue and less the value of treatment plant and pollution abatement equipment, as defined under s. 70.11 (21), as determined by the department of revenue plus an amount from the public utility account determined by multiplying by 3 mills in the case of a town, and 6 mills in the case of a city or village, of the first $125,000,000 of the total original cost of production plant, general structures, and substations less depreciation, land and approved waste treatment facilities of each qualified wholesale electric company, as defined in s. 76.28 (1) (gm), as reported to the department of revenue of all property within the municipality. The total of amounts, as depreciated, from the accounts of all public utilities for the same production plant is also limited to not more than $125,000,000. The amount distributable to a
municipality under this subsection and sub. (6) in any year shall not exceed $300 times the population of the municipality, except that, beginning with payments in 2009, the amount distributable to a municipality under this subsection and sub. (6) in any year shall not exceed $425 times the population of the municipality.

SECTION 2. 79.04 (1) (d) of the statutes is created to read:

79.04 (1) (d) With regard to a production plant that generates electricity from wind power and regardless of when the production plant began operating, the town where the plant is located receives a payment equal to 50 percent of the combined amount determined under par. (a) for the town and the county where the plant is located and the county where the plant is located receives a payment equal to 50 percent of the combined amount determined under par. (a) for the town and the county.

SECTION 3. 79.04 (2) (a) of the statutes is amended to read:

79.04 (2) (a) Annually, except for production plants that begin operation after December 31, 2003, or begin operation as a repowered production plant after December 31, 2003, and except as provided in par. (c) and sub. (4m), the department of administration, upon certification by the department of revenue, shall distribute from the public utility account to any county having within its boundaries a production plant, general structure, or substation, used by a light, heat or power company assessed under s. 76.28 (2) or 76.29 (2), except property described in s. 66.0813 unless the production plant or substation is owned or operated by a local governmental unit that is located outside of the municipality in which the production plant or substation is located, or by an electric cooperative assessed under ss. 76.07 and 76.48, respectively, or by a municipal electric company under s. 66.0825 an amount determined by multiplying by 6 mills in the case of property in a town and
by 3 mills in the case of property in a city or village the first $125,000,000 of the amount shown in the account, plus leased property, of each public utility except qualified wholesale electric companies, as defined in s. 76.28 (1) (gm), on December 31 of the preceding year for “production plant, exclusive of land,” “general structures,” and “substations,” in the case of light, heat and power companies, electric cooperatives or municipal electric companies, for all property within the municipality in accordance with the system of accounts established by the public service commission or rural electrification administration, less depreciation thereon as determined by the department of revenue and less the value of treatment plant and pollution abatement equipment, as defined under s. 70.11 (21), as determined by the department of revenue plus an amount from the public utility account determined by multiplying by 6 mills in the case of property in a town, and 3 mills in the case of property in a city or village, of the total original cost of production plant, general structures, and substations less depreciation, land and approved waste treatment facilities of each qualified wholesale electric company, as defined in s. 76.28 (1) (gm), as reported to the department of revenue of all property within the municipality. The total of amounts, as depreciated, from the accounts of all public utilities for the same production plant is also limited to not more than $125,000,000. The amount distributable to a county under this subsection and sub. (6) in any year shall not exceed $100 times the population of the county, except that, beginning with payments in 2009, the amount distributable to a county under this subsection and sub. (6) in any year shall not exceed $125 times the population of the county.

SECTION 4. 79.04 (2) (c) of the statutes is created to read:

79.04 (2) (c) With regard to a production plant that generates electricity from wind power and regardless of when the production plant began operating, the town
where the plant is located receives a payment equal to 50 percent of the combined amount determined under par. (a) for the town and the county where the plant is located and the county where the plant is located receives a payment equal to 50 percent of the combined amount determined under par. (a) for the town and the county.

SECTION 5. 79.04 (6) (a) of the statutes is amended to read:

79.04 (6) (a) Annually, beginning in 2005, for production plants that begin operation after December 31, 2003, or begin operation as a repowered production plant after December 31, 2003, except as provided in par. (c) 1. and sub. (4m), the department of administration, upon certification by the department of revenue, shall distribute payments from the public utility account, as determined under par. (b), to each municipality and county in which a production plant is located, if the production plant has a name-plate capacity of at least one megawatt and is used by a light, heat, or power company assessed under s. 76.28 (2) or 76.29 (2), except property described in s. 66.0813, unless the production plant is owned or operated by a local governmental unit located outside of the municipality; by a qualified wholesale electric company, as defined in s. 76.28 (1) (gm); by a wholesale merchant plant, as defined in s. 196.491 (1) (w); by an electric cooperative assessed under ss. 76.07 and 76.48, respectively; or by a municipal electric company under s. 66.0825.

SECTION 6. 79.04 (6) (c) 1. of the statutes is amended to read:

79.04 (6) (c) 1. If the production plant is located in a city or village, the city or village receives a payment equal to two-thirds of the amount determined under par. (b) and the county in which the city or village is located receives a payment equal to one-third of the amount determined under par. (b). If the production plant is located in a town, the town receives a payment equal to one-third of the amount determined
under par. (b), and the county in which the town is located receives a payment equal
to two-thirds of the amount determined under par. (b), except that with regard to a
production plant that generates electricity from wind power and regardless of when
the production plant began operating, the town where the plant is located receives
a payment equal to 50 percent of the amount determined under par. (b) and the
county where the plant is located receives a payment equal to 50 percent of the
amount determined under par. (b). If a municipality is located in more than one
county, the county in which the production plant is located shall receive the county
portion of the payment.

**SECTION 7. Initial applicability.**

(1) This act first applies to utility aid payments paid in 2016.