



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-0638/P1
MPG:cjs

DOA:.....Sherwin, BB0191 - Transfer of High Voltage Fee Administration to
PSC

FOR 2021-2023 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

PUBLIC UTILITY REGULATION

High-voltage transmission line fees

The bill requires the PSC to administer annual impact and onetime environmental impact fees paid under current law by persons authorized by the PSC to operate high-voltage transmission lines. Under current law, DOA administers the fees.

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

SECTION 1. 16.969 (title) of the statutes is renumbered 196.492 (title).

SECTION 2. 16.969 (1) (intro.) and (b) of the statutes are consolidated, renumbered 196.492 (1) and amended to read:

196.492 (1) In this section: ~~(b) “High-voltage, “high-voltage transmission line”~~ means a high-voltage transmission line, as defined in s. 196.491 (1) (f), that is designed for operation at a nominal voltage of 345 kilovolts or more.

SECTION 3. 16.969 (1) (a) of the statutes is repealed.

SECTION 4. 16.969 (2) of the statutes is renumbered 196.492 (2), and 196.492 (2) (intro.), as renumbered, is amended to read:

196.492 (2) (intro.) The ~~department~~ commission shall promulgate rules that require a person who is issued a certificate of public convenience and necessity by the commission under s. 196.491 (3) for a high-voltage transmission line to pay the ~~department~~ commission the following fees:

SECTION 5. 16.969 (3) of the statutes is renumbered 196.492 (3), and 196.492 (3) (a) and (b) 1. and 2., as renumbered, are amended to read:

196.492 (3) (a) The ~~department~~ commission shall distribute the fees that are paid by a person under the rules promulgated under sub. (2) (a) to each town, village and city that is identified by the commission under s. 196.491 (3) (gm) in proportion to the amount of investment that is allocated by the commission under s. 196.491 (3) (gm) to each such town, village and city.

(b) 1. The ~~department~~ commission shall pay 50 percent of the fee to each county that is identified by the commission under s. 196.491 (3) (gm) in proportion to the amount of investment that is allocated by the commission under s. 196.491 (3) (gm) to each such county.

2. The ~~department~~ commission shall pay 50 percent of the fee to each town, village and city that is identified by the commission under s. 196.491 (3) (gm) in proportion to the amount of investment that is allocated by the commission under s. 196.491 (3) (gm) to each such town, village and city.

SECTION 6. 16.969 (4) of the statutes is renumbered 196.492 (4).

SECTION 7. 20.505 (1) (ge) of the statutes is renumbered 20.155 (1) (gg) and amended to read:

20.155 (1) (gg) *High-voltage transmission line annual impact fee distributions.* All moneys received from the payment of fees under the rules promulgated under s. ~~16.969~~ 196.492 (2) (a) for distributions to towns, villages and cities under s. ~~16.969~~ 196.492 (3) (a).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 8. 20.505 (1) (gs) of the statutes is renumbered 20.155 (1) (gr) and amended to read:

20.155 (1) (gr) *High-voltage transmission line environmental impact fee distributions.* All moneys received from the payment of fees under the rules promulgated under s. ~~16.969~~ 196.492 (2) (b) for distributions to counties, towns, villages and cities under s. ~~16.969~~ 196.492 (3) (b).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 9. 196.491 (3g) (a) of the statutes is amended to read:

196.491 (3g) (a) A person who receives a certificate of public convenience and necessity for a high-voltage transmission line that is designed for operation at a nominal voltage of 345 kilovolts or more under sub. (3) shall pay the ~~department of administration~~ commission an annual impact fee as specified in the rules promulgated by the ~~department of administration~~ commission under s. ~~16.969~~ 196.492 (2) (a) and shall pay the ~~department of administration~~ commission a one-time environmental impact fee as specified in the rules promulgated by the ~~department of administration~~ commission under s. ~~16.969~~ 196.492 (2) (b).

SECTION 9101. Nonstatutory provisions; Administration.

(1) TRANSFER OF HIGH-VOLTAGE TRANSMISSION LINE FEES.

(a) *Definition.* In this subsection, “fees” means the annual impact and onetime environmental impact fees required to be paid under the rules promulgated under s. 16.969 (2) (a), 2019 stats, and s. 16.969 (2) (b), 2019 stats.

(b) *Assets and liabilities.* On the effective date of this paragraph, the assets and liabilities of the department of administration primarily relating to the fees, as determined by the secretary of administration, become the assets and liabilities of the public service commission.

(c) *Employee transfers.* On the effective date of this paragraph, all positions, and the incumbent employees holding those positions, in the department of administration primarily related to the fees, as determined by the secretary of administration, are transferred to the public service commission.

(d) *Employee status.* Employees transferred under par. (c) have all the rights and the same status under ch. 230 in the public service commission that they enjoyed in the department of administration immediately before the transfer. Notwithstanding s. 230.28 (4), no employee so transferred who has attained permanent status in class is required to serve a probationary period.

(e) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the department of administration primarily relating to the fees, as determined by the secretary of administration, is transferred to the public service commission.

(f) *Contracts.* All contracts entered into by the department of administration primarily relating to the fees, as determined by the secretary of administration, in effect on the effective date of this paragraph remain in effect and are transferred to

the public service commission. The public service commission shall carry out any obligations under those contracts unless modified or rescinded to the extent allowed under the contract.

(g) *Rules and orders.* All rules promulgated by the department of administration in effect on the effective date of this paragraph that are primarily related to the fees remain in effect until their specified expiration dates or until amended or repealed by the public service commission. All orders issued by the department of administration in effect on the effective date of this paragraph that are primarily related to the fees remain in effect until their specified expiration dates or until modified or rescinded by the public service commission.

(h) *Pending matters.* Any matter pending with the department of administration on the effective date of this paragraph that is primarily related to the fees, as determined by the secretary of administration, is transferred to the public service commission. All materials submitted to or actions taken by the department of administration with respect to the pending matter are considered as having been submitted to or taken by the public service commission.

(END)