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State of Misconsin 2011 - 2012 LEGISLATURE



2011 SENATE BILL 548

March 5, 2012 – Introduced by Senator SHILLING, cosponsored by Representatives DOYLE, BERNARD SCHABER, BEWLEY and CLARK. Referred to Committee on Energy, Biotechnology, and Consumer Protection.

1 AN ACT to amend 121.91 (4) (o) 1. of the statutes; relating to: revenue limit for

energy efficiency projects.

Analysis by the Legislative Reference Bureau

Prior to the enactment of the 2011–13 biennial budget act, 2011 Wisconsin Act 32 (Act 32), the total amount of revenue per pupil that a school district could receive from general school aids and property taxes in any school year was limited to the amount of revenue increase allowed per pupil in the previous school year increased by the percentage change in the consumer price index. Act 32 decreased the revenue limit adjustment for the 2011–12 school year, provided a \$50 per pupil adjustment for the 2012–13 school year, and eliminated the per pupil adjustment for the 2013–14 school year and every school year thereafter.

Several exceptions to the revenue limit exist under current law. For example, if a school district adopts a resolution to initiate a project to implement energy efficient measures or purchase energy efficient products (energy efficiency project), the school district's revenue limit is increased by the cost of that project or products This particular revenue limit exception was affected by Act 32; specifically, energy efficiency projects must be governed by a performance contract with a qualified provider. Current law defines a "performance contract" as a contract for the evaluation and recommendation of energy conservation and facility improvement measures, and for the implementation of one or more of these measures. Current law defines a "qualified provider" as a person who is experienced in the design, implementation, and installation of energy conservation and facility improvement measures and who has the ability to provide labor and material payment and

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performance bonds equal to the maximum amount of any payments due under a performance contract entered into by the person.

This bill eliminates the requirement that energy efficiency projects be governed by a performance contract.

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. 121.91 (4) (o) 1. of the statutes, as affected by 2011 Wisconsin Act
32, is amended to read:

3 121.91 (4) (o) 1. If a school board adopts a resolution to do so, the limit otherwise 4 applicable to a school district under sub. (2m) in any school year is increased by the 5 amount spent by the school district in that school year on a project to implement 6 energy efficiency measures or to purchase energy efficiency products, including the 7 payment of debt service on bonds or notes issued to finance the project, if the project 8 results in the avoidance of, or reduction in, energy costs or operational costs, the 9 project is governed by a performance contract entered into under s. 66.0133, and the 10 bonds or notes issued to finance the project, if any, are issued for periods not 11 exceeding 20 years. If a school board issues bonds or notes to finance a project 12described in this subdivision, a resolution adopted by a school board under this 13subdivision is valid for each school year in which the school board pays debt service 14 on the bonds or notes.

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