

State of Wisconsin



2023 Senate Bill 67

Date of enactment: **March 21, 2024**

Date of publication*: **March 22, 2024**

2023 WISCONSIN ACT 139

AN ACT *to amend* 79.04 (5) (a) (intro.) and 79.04 (5) (b) (intro.); and *to create* 79.005 (1h) and 79.04 (8) of the statutes; **relating to**: changing the phase-out of utility aid payments for decommissioned power plants.

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

SECTION 1. 79.005 (1h) of the statutes is created to read:

79.005 (1h) "Decommissioned" means, with regard to a production plant, the earliest of the following:

(a) The production plant is no longer recovered through the utility's or cooperative's rates or, for a production plant owned by a qualified wholesale electric company, as defined in s. 76.28 (1) (gm), the production plant permanently ceases generating electricity.

(b) The production plant is transferred to a person who is not subject to the annual license fee imposed under s. 76.28 (2) or 76.29 (2).

SECTION 2. 79.04 (5) (a) (intro.) of the statutes is amended to read:

79.04 (5) (a) (intro.) If property that was exempt from the property tax under s. 70.112 (4) and that was used to generate power by a light, heat, or power company, except property under s. 66.0813, unless the production plant is owned or operated by a local governmental unit located outside of the municipality, or by an electric cooperative, or by a municipal electric company under s. 66.0825, is decommissioned ~~or closed~~, the municipality shall be paid, from the public utility account, an amount equal to the following percentages of the payment that the municipality received under this section during the

last year that the property was exempt from the property tax:

SECTION 3. 79.04 (5) (b) (intro.) of the statutes is amended to read:

79.04 (5) (b) (intro.) If property that was exempt from the property tax under s. 70.112 (4) and that was used to generate power by a light, heat, or power company, except property under s. 66.0813, unless the production plant is owned or operated by a local governmental unit located outside of the municipality, or by an electric cooperative, or by a municipal electric company under s. 66.0825, is decommissioned ~~or closed~~, the county shall be paid, from the public utility account, an amount equal to the following percentages of the payment the county received under this section during the last year that the property was exempt from the property tax:

SECTION 4. 79.04 (8) of the statutes is created to read:

79.04 (8) All of the following apply to the payments for property of a production plant that includes multiple power generation units, except that this subsection applies only if the production plant's first power generation unit permanently ceases generating electricity after the effective date of this subsection [LRB inserts date]:

(a) No payment received by a municipality or county under sub. (1), (2), (6), or (7) shall be reduced on the basis

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

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that one or more, but not all, of the power generation units permanently cease generating electricity, and the amount of the payment shall be the amount that the municipality or county received in the year before the year in which the first power generation unit permanently ceased generating electricity.

(b) The payments under sub. (5) (a) or (b) shall not

be made until the production plant is decommissioned, and then the payments shall be determined on the basis of the amount of the payment received by the municipality or county under sub. (1), (2), (6), or (7) in the year before the year in which the first power generation unit permanently ceased generating electricity.

