



COUNTY OF TAYLOR	20,321	1,041,955	21,523	1,063,479	2.02%	1.06	52.33	10,655	12,377	13,239	14,101	0.11%	3,606,073	11,491,106	0.10%	74,862
COUNTY OF TREMPLEALEAU	29,472	1,612,727	123,581	1,736,307	7.12%	4.19	58.91	62,919	74,421	80,172	85,923	0.68%	22,202,073	13,615,783	0.12%	88,704
COUNTY OF VERNON	30,759	709,703	596,816	1,306,520	45.68%	19.40	42.48	205,229	169,720	151,966	134,212	0.69%	22,493,422	10,711,361	0.10%	69,782
COUNTY OF VILAS	21,683	21,073	96,834	117,906	82.13%	4.47	5.44	49,632	58,951	63,610	68,270	0.54%	17,681,375	15,982,786	0.15%	104,124
COUNTY OF WALWORTH	103,082	100,184	288,667	388,852	74.24%	2.80	3.77	150,414	180,460	195,484	210,508	1.68%	54,819,533	60,585,636	0.55%	394,703
COUNTY OF WASHBURN	15,758	109,246	29,495	138,741	21.26%	1.87	8.80	14,397	16,569	17,656	18,743	0.15%	4,766,420	10,751,349	0.10%	70,043
COUNTY OF WASHINGTON	135,101	361,356	444,455	805,811	55.16%	3.29	5.96	60,562	99,718	119,297	138,876	1.24%	40,571,519	37,084,390	0.34%	241,597
COUNTY OF WAUKESHA	400,621	636,466	528,416	1,164,883	45.36%	1.32	2.91	345,431	465,145	525,002	584,860	4.91%	160,563,499	106,916,173	0.97%	696,536
COUNTY OF WAUPACA	51,225	1,265,855	103,100	1,368,955	7.53%	2.01	26.72	62,813	81,938	91,500	101,063	0.84%	27,389,363	27,226,230	0.25%	177,373
COUNTY OF WAUSHARA	24,369	55,117	69,863	124,980	55.90%	2.87	5.13	37,783	46,329	50,602	54,876	0.44%	14,453,153	16,896,483	0.15%	110,077
COUNTY OF WINNEBAGO	170,414	2,180,995	739,244	2,920,239	25.31%	4.34	17.14	286,641	272,604	265,585	258,567	1.70%	55,725,252	67,285,711	0.61%	438,352
COUNTY OF WOOD	73,126	2,853,892	205,850	3,059,741	6.73%	2.82	41.84	106,539	127,299	137,680	148,061	1.18%	38,472,260	25,645,907	0.23%	167,078
COUNTY TOTAL	5,795,483	\$ 122,649,544	\$ 35,764,729	\$ 158,414,273		\$ 6.17	\$ 27.33	\$ 14,353,506	\$ 14,353,506	\$ 14,353,506	\$ 14,353,506		\$ 3,270,980,687	\$ 2,196,626,463	19.94%	\$ 14,310,559
STATE TOTAL	5,795,483	\$ 753,075,715	\$ 74,001,820	\$ 827,077,535		\$ 12.77	\$ 152.94						\$ 11,016,093,428			
COUNTY AS % STATEWIDE		16.29%	48.33%	19.15%		48.33%	17.87%									
WCUTA Member																

Source: Wisconsin Department of Revenue: 2019 Shared Revenue Estimate (11/5/18)

UTILITY TAX COLLECTIONS	2008-09	2009-10	2010-11	2011-12	2014-15	2016-17	2017-18
Subtotal for Utility Aid	\$ 240,225,928	\$ 226,082,554	\$ 246,925,041	\$ 250,943,440	\$ 264,480,495	\$ 249,497,745	\$ 247,532,000
Annual Change		-5.9%	9.2%	1.6%	4.6%	1.3%	-0.8%
UTILITY AID	2008	2009	2010	2011	2014	2016	2017
County Portion	\$ 20,327,889	\$ 28,423,637	\$ 29,281,515	\$ 30,928,139	\$ 34,426,993	\$ 35,171,959	\$ 34,893,426
Annual Change		39.8%	3.0%	5.6%	2.1%	0.4%	-0.8%
% of Collections	8.5%	12.6%	11.9%	12.3%	13.0%	14.1%	14.1%
Municipal Portion	\$ 19,597,215	\$ 28,751,548	\$ 30,041,269	\$ 32,250,062	\$ 36,326,634	\$ 37,786,291	\$ 37,446,370
Annual Change		46.7%	4.5%	7.4%	2.4%	0.2%	-0.9%
% of Collections	8.2%	12.7%	12.2%	12.9%	13.7%	15.1%	15.1%

## 2019-21 State Budget Proposal: County Utility Aid

The Wisconsin Counties Utility Aid Association (WCUTA) is working with state lawmakers to develop a 2019-21 state budget proposal to address county fiscal challenges stemming from stagnant or declining utility aid payments.

### BACKGROUND

The county and municipal aid and utility aid program, formerly called state shared revenues, provides unrestricted aid to municipalities and counties. The goals of the program include the provision of property tax relief and compensation for services provided to certain utility properties exempt from property taxation.

**Utility aid payments are a particularly significant revenue source for counties, especially where large power production plants are located.**

In 2019, utility aid payments comprised about 9% of the total county and municipal aid and utility aid distributions. Yet, as Table 1 shows, utility aid comprises a more significant percentage of total aid payments to counties (22.6%) and towns (19.1%) than for villages (11.9%) and cities (3.6%).

**Table 1. Distribution of Estimated 2019 County and Municipal Aid and Utility Aid Payments (In Millions)**

Type of Government	County and Municipal Aid	Utility Aid	Total	Percent of Total
Towns	\$42.2	\$10.0	\$52.2	6.3%
Villages	63.1	8.5	71.6	8.7
Cities	525.1	19.7	544.8	65.9
Municipalities	\$630.4	\$38.2	\$668.6	80.8%
Counties	122.6	35.8	158.4	19.2%
Total	\$753.0	\$74.0	\$827.0	100%

Source: "Shared Revenue Program (County and Municipal Aid and Utility Aid): Informational Paper 18." Legislative Fiscal Bureau, January, 2019.

### Utility aid payments to counties are stagnant or declining.

Utility aid payments to counties are stagnant or declining and are not keeping pace with the aid distribution received by municipalities, as shown in Table 2. If gone unchecked, the instability of utility aid payments will exacerbate county fiscal challenges stemming from increased costs. Utility aid, as a payment in lieu of taxes, compensates local governments for the costs they incur in providing services to public utilities. Importantly, utility aid is also intended to compensate counties for the air pollution, noise, traffic congestion, and land use limitations caused by the presence of utility property.

**Table 2. Utility Aid Payments: 2004-2019**

Year	Municipalities	Counties	Total
2004	\$16,722,923	\$17,082,483	\$33,805,406
2005	16,642,723	17,176,187	33,818,910
2006	18,963,033	19,658,620	38,621,653
2007	19,393,630	20,065,796	39,459,426
2008	19,597,215	20,327,889	39,925,105
2009	28,748,422	28,405,389	57,153,811
2010	30,041,269	29,281,515	59,322,785
2011	32,250,062	30,928,139	63,178,200
2012	34,792,229	32,993,165	67,785,394
2013	35,469,584	33,725,712	69,195,296
2014	36,159,638	34,327,793	70,487,431
2015	37,643,848	35,008,259	72,652,108
2016	37,787,624	35,172,625	72,960,249
2017	38,084,487	35,484,326	73,701,543
2018	38,858,806	36,191,975	75,050,781
2019 (Est.)	38,237,091	35,552,884	73,789,975

Source: "Shared Revenue Utility Payment." Division of Research and Policy, Wisconsin Department of Revenue, November 18, 2018.

## PROPOSAL

The WCUTA proposal would require the Department of Revenue (DOR) to distribute to counties 20% of the subtotal basis of utility aid collections from private and municipal light, heat and power, electric cooperatives and municipal electric companies. The 20% coincides with the county share of the 2017-18 statewide property tax levy of \$11.016 billion. In 2017-18, the state's 72 counties levied \$2.196 billion in property taxes.

Based upon a 2017 estimate, DOR distributed 14.2% of the subtotal basis for utility aid of \$247,532,000 to counties, or \$35,152,894 (see attached chart in printout). The proposed distribution of 20% of the subtotal basis for utility aid would increase county utility aid by an estimated \$14,353,506. The increased aid would be allocated as an across-the-board increase of 30%, 20%, 15% or 10%, with the remainder allocated based upon the county's proportional share of the total state net book value of qualifying production plants. The across-the-board percent increase is intended to ensure that all 72 counties experience a minimum increase. A summary of the impact of the proposed distribution is shown in Table 3. The attached printout provides estimates of the county level impact.

**Table 3. Summary of Impact of Proposed Distribution of 20% of Utility Aid Collections to Counties**

Percent Increase Minimum	2019 County Utility Aid	Additional Distribution Based on Minimum Increase	Total with Proposed Minimum Increase	Additional Distribution Based on Proportional Book Value	Total Distribution	Net New Money
30%	\$35,152,894	\$10,545,868	\$45,698,762	\$3,807,638	\$49,506,400	\$14,353,506
20%	35,152,894	7,030,578	42,183,472	7,322,928	49,506,400	14,353,506
15%	35,152,894	5,272,612	40,425,506	9,080,894	49,506,400	14,353,506
10%	35,152,894	3,515,289	38,668,183	10,838,217	49,506,400	14,353,506

## BACKGROUND ON SHARED REVENUE UTILITY TAX

The shared revenue utility payment consists of seven components. Four components—the ad valorem payment, spent nuclear fuel storage payment, the minimum payment, and the per capita limit—have existed since the 1970s. Two components—the megawatt-based payment and the incentive payments – went into effect in 2005. A new component—a special minimum—went into effect beginning with the payment in 2009.

### **Component 1: Ad valorem payment**

The ad valorem payment represents over 90% of the payments generated through the original four components of the shared revenue utility formula, and about one-half of the payments from all seven components. This payment is **based on the net book value** of qualifying property for eligible utilities located in a municipality on December 31 of the year before payment. Thus, payments in 2017 were based on the net book value located in a municipality on December 31, 2016. The payment equals 9 mills (\$9 per \$1,000, or 0.009%) of the net book value located in a municipality. For property in a town, the town is paid 3 mills and the county is paid 6 mills. For property in a village or city, the village or city is paid 6 mills and the county is paid 3 mills. The total value of qualifying property in a municipality may not exceed \$125 million per utility company or, for a property owned by two or more utilities, \$125 million for the specific property. Net book value is a property's original cost minus straight-line depreciation over the useful life of the property. The land on which qualifying property is located is not included when calculating payments based on net book value.

Qualifying property includes (a) production plants that began operations before January 1, 2004, that have not subsequently been rebuilt or repowered, (b) substations, and (c) general structures.

Eligible utilities include: (1) private companies that produce, transmit, or distribute electricity or gas in two or more municipalities; (2) electric cooperatives; (3) municipal utilities (for property outside the municipality that owns the utility); (4) municipal electric association projects (multi-municipal entities that own electric plants and/or purchase and transmit electricity to their members); and (5) qualified wholesale electric companies (entities that sell 95% or more of their power at wholesale and have a total generating capacity of 50 megawatts or more).

When calculating payments, the net book value of qualifying property in a municipality may not be less than the net book value as of December 31, 1989, minus the value of property removed since that date. Beginning with payments in 2009, this guarantee is affected by the special minimum payment discussed below in Component 7.

### **Component 2: Spent nuclear fuel storage payment**

This payment provides \$50,000 to each municipality and county in which spent nuclear fuel is stored on December 31 of the prior year. If the nuclear fuel storage facility is located within one mile of another municipality or county, the municipality or county where the fuel is stored is paid \$40,000 and the nearby municipality or county is paid \$10,000.

### **Component 3: Minimum payment**

For an electric generation facility with a rated capacity of 200 megawatts (MW) or more on January 1, 2004, and not subsequently rebuilt or repowered, the payment to a municipality or county where such a plant is located may not be less than \$75,000.

### **Component 4: Megawatt-based payment**

This payment applies to electric generation facilities that began operation or were rebuilt or repowered after December 31, 2003. The **payment is \$2,000 per megawatt (MW) of name-plate generating capacity**. For property in a town, the town is paid one-third (\$666.67) and the county is paid two-thirds (\$1,333.33). For property in a village or city, the village or city is paid two-thirds (\$1,333.33) and the county is paid one-third

(\$666.67). For a plant in two or more municipalities or counties, this payment is shared based on the value in each municipality or county as of the later of December 31, 2004, or the date the plant becomes operational.

An electric generating plant is deemed rebuilt or repowered if any of the following are done: (a) The boiler on an existing fossil fuel steam unit is replaced with a combustion turbine and heat recovery steam generator, and the steam turbine and heat rejection system are reused. (b) A heat recovery steam generator is added to a simple cycle combustion turbine. (c) An existing power generation unit is demolished or abandoned and replaced with a new power generation unit at the same site. (d) The steam generating equipment at a combustion-based renewable facility is replaced to increase efficiency or capacity, as long as the facility remains a combustion-based renewable facility.

#### **Component 5: Incentive payments**

A power plant that qualifies for the megawatt-based payment is also eligible for three incentive payments. A power plant may qualify for none or all of these incentives based on the following criteria: (a) If a non-nuclear-powered plant has a name-plate capacity of at least 1 MW and is built on the site of or adjacent to an existing power plant, a decommissioned power plant, or a brownfield, the municipality and county are each paid \$600 per MW. (b) If a plant has a name-plate capacity of at least 50 MW and is classified by the Public Service Commission of Wisconsin (PSCW) as a base load plant (generally, a plant designed to operate at least 60% of the time), the municipality and county are each paid \$600 per MW. (c) If a plant has a name-plate capacity of at least 1 MW and is a co-generation facility (producing both electricity and a side-product, such as steam, for sale), the municipality and county are each paid \$1,000 per MW. Alternatively, if a plant has a name-plate capacity of at least 1 MW and derives its energy from an alternative energy source (biomass; fuel cells not using a fossil fuel; garbage resulting from the handling, processing, storage, or consumption of food; hydroelectric plants with a name-plate capacity of less than 60 MW; non-vegetation-based industrial, commercial, and household waste; geothermal; solar; wind; wave action), the municipality and county are each paid \$1,000 per MW, prorated to reflect the percentage of the energy actually derived from alternative energy sources. For a power plant that qualifies for both of these payments, only the cogeneration payment is made.

Incentive payments for power plants located in two or more municipalities or counties are split similar to the megawatt-based payments.

#### **Component 6: Per capita limit**

The total payment of the ad valorem payment, the minimum payment, and the megawatt-based components may not exceed \$425 per capita for municipalities and \$125 per capita for counties. Payments under the spent nuclear fuel storage and incentive payment components are exempt from this limit. (Before 2009, the per capita limits were \$300 for municipalities and \$100 for counties.)

#### **Component 7: Special minimum payment**

Beginning with payments in 2009, for electric generating facilities that began operating before January 1, 2004 and that have not been not subsequently rebuilt or repowered, the payment will be the greater of (a) the amount calculated under the net book value based payment, using the current net book value, or (b) the amount calculated under the \$2,000 per MW payment plus, for plants using an alternative fuel source, any applicable incentive payments. Once payments are made under alternative (b), all future payments will be based on alternative (b). However, if the amount calculated under the net book value payment using the guaranteed value (net book value as of December 31, 1989, minus the value of property removed since that date) is greater than the amounts calculated under alternatives (a) or (b), then the payment is based on the guaranteed net book value.

**Source:** Shared Revenue Utility Payment.” Division of Research and Policy, Wisconsin Department of Revenue, November 18, 2018.

## BACKGROUND ON TAXATION OF PUBLIC UTILITIES

Public utilities in Wisconsin are subject to state taxation in lieu of local general property taxation. The state tax takes one of two general forms, depending on the type of company: (a) an "ad valorem" tax based on the assessed value of company property within the state; or (b) a tax or license fee based on the gross revenues or receipts of the company generated in Wisconsin. The history of these tax provisions is varied for each type of company, but generally reflects the replacement of local with state taxation.

### AD VALOREM

**Determination of Tax Assessment.** For all ad valorem utilities, a tax assessment is calculated by determining the full market value of the utility's taxable property and multiplying that value by a tax rate. State law excludes from taxation the value of certain property that is also exempt from general property taxes: (a) motor vehicles; (b) treatment plant and pollution abatement equipment; and (c) computers, cash registers, and fax machines. Except for telephone companies, the tax assessment equals the statewide average net property tax rate multiplied by the utility's Wisconsin value. DOR determines that value by deriving a unit value, which is equivalent to the utility's full market value if sold as a unit, and allocating a portion of that value to Wisconsin according to statutorily established formulas. Since actual sales price data do not generally exist, this process utilizes three distinct indicators of value -- cost, capitalized income, and stock and debt -- which attempt to take account of earning potential and are weighted differently according to the most appropriate indicator for a given type of utility.

- **Municipal Electric Companies.** Under the state statutes, any combination of municipalities may contract to create a public corporation for the joint development of electric energy resources or for production, distribution, and transmission of electric power or energy, wholly or partially, for the benefit of the municipalities. In 2018, three municipal electric companies were subject to ad valorem utility taxes -- **Badger Power Marketing Authority of Wisconsin, Upper Midwest Municipal Energy Group, and WPPI Energy.**

### GROSS REVENUES

**Determination of Assessment.** Gross revenues utilities submit annual reports to the Department of Revenue on the amount of taxable gross revenues for the preceding year. The gross revenue amount is multiplied by the applicable tax rate to determine the amount of taxes due. For each type of taxpayer, state law specifies a rate and defines the tax base. Because the taxes are characterized as gross revenues or receipts, relatively few types of revenues are excluded from the tax base.

Revenue from the sale of gas services is subject to tax at the rate of 0.97%, and wholesale sales of electricity are taxed at 1.59%. The tax rate on all other taxable revenue is 3.19%.

- **Electric Cooperatives.** An electric cooperative is an entity organized under state law as a cooperative association that generates, transmits, or distributes electric energy to its members at wholesale or retail. The major electric cooperative association is **Dairyland Power Cooperative**. It is headquartered in La Crosse and supplies wholesale electricity to 30 rural electric distribution cooperatives, including 22 in Wisconsin, and 17 municipal utilities, including 10 in Wisconsin. In 2018, Dairyland accounted for 45% of total electric co-operative license fees.
- **Light, Heat, and Power Companies.** There are two basic types of light, heat, and power companies. They may be either investor-owned or operated as a municipal utility. State law defines a light, heat, and power company as a person, association, company, or corporation engaged in the following businesses: (a) generating and furnishing gas for lighting or fuel or both; (b) supplying water for domestic or public use or

for power or manufacturing purposes; (c) generating, transforming, transmitting, or furnishing electric current for light, heat, or power; (d) generating and furnishing steam or supplying hot water for heat, power, or manufacturing purposes; or (e) transmitting electric current for light, heat, or power. Only municipal public utilities that meet the definition and also provide service outside the boundaries of the municipality owning the utility are subject to the state tax.

Since the tax on light, heat, and power companies was converted from an ad valorem to a gross revenues tax in 1985, the definition of light, heat, and power company has been expanded several times to reflect industry changes.

In 2018, the state's gross revenues tax on light, heat, and power companies extended to 103 utilities. While the state's 78 municipal light, heat, and power companies outnumber the private light, heat, and power companies, the municipal utilities comprised only 1.3% of 2018 tax assessments. The remaining 98.7% of the tax was attributable to 25 private light, heat, and power companies, which included 15 companies providing primarily retail service, 9 qualified wholesale electric companies, and one transmission company. **Seven companies comprised just under 95% of total tax assessments: Wisconsin Electric Power Company (WEPCo); Wisconsin Power and Light Company; Wisconsin Public Service Corporation; Xcel Energy (the holding company for Northern States Power); Madison Gas and Electric Company; Wisconsin Gas Company; and NextEra Energy (the owner of the Point Beach nuclear plant, which was previously owned by WEPCo).**

**Source:** "Taxation and Regulation of Public Utilities: Informational Paper 9." Wisconsin Legislative Fiscal Bureau, January, 2019.