

2007 DRAFTING REQUEST

Assembly Amendment (AA-SSA1-SB40)

Received: 06/25/2007

Received By: jkreye

Wanted: Soon

Identical to LRB:

For: Legislative Fiscal Bureau

By/Representing: Olin (FA)

This file may be shown to any legislator: NO

Drafter: jkreye

May Contact:

Addl. Drafters:

Subject: Shared Revenue

Extra Copies:

Submit via email: YES

Requester's email:

Carbon copy (CC:) to: joseph.kreye@legis.wisconsin.gov

Pre Topic:

LFB:.....Olin (FA) -

Topic:

Public utility aid formula changes

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkreye 06/25/2007	wjackson 06/25/2007		_____			
/1	jkreye 07/06/2007	wjackson 07/06/2007	rschluet 06/26/2007	_____	sbasford 06/26/2007		
/2			rschluet 07/06/2007	_____	cduerst 07/06/2007		

FE Sent For:

<END>

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/?	jkreye 06/25/2007	wjackson 06/25/2007		_____			
/1		1/2 Wlj 7/6	rschluet 06/26/2007	_____	sbasford 06/26/2007		

FE Sent For:



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/?	jkreye						
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1 wlj d25

6267
jk
<END>

FE Sent For:

f.....
OK: WJ
+ KJF

LFB:.....Olin (FA) - Public utility aid formula changes

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

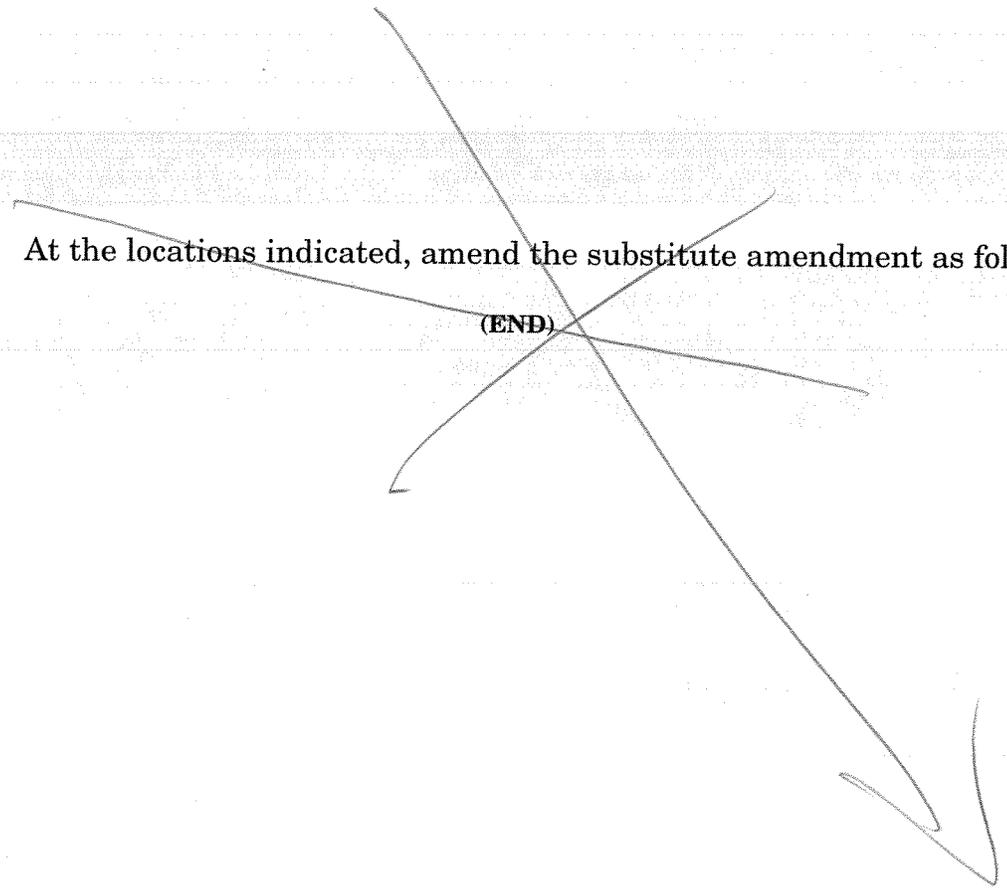
TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2007 SENATE BILL 40

in 6-25-07

1 At the locations indicated, amend the substitute amendment as follows:

2 (END)



20607/11

LFB:.....Olin (FA) – Utility aid payments based on megawatt capacity
FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION
SENATE AMENDMENT ,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2007 SENATE BILL 40

1 At the locations indicated, amend the substitute amendment as follows:
2 **1.** Page 1183, line 25: after that line insert:
3 **“SECTION 2505d.** 79.04 (1) (intro.) of the statutes is amended to read:
4 79.04 (1) (intro.) Annually, except for production plants that begin operation
5 after December 31, 2003, or begin operation as a repowered production plant after
6 December 31, 2003, and except as provided in sub. (4m), the department of
7 administration, upon certification by the department of revenue, shall distribute to
8 a municipality having within its boundaries a production plant, general structure,
9 or substation, used by a light, heat, or power company assessed under s. 76.28 (2) or
10 76.29 (2), except property described in s. 66.0813 unless the production plant or

1 substation is owned or operated by a local governmental unit located outside of the
2 municipality, or by an electric cooperative assessed under ss. 76.07 and 76.48,
3 respectively, or by a municipal electric company under s. 66.0825 the amount
4 determined as follows:

5 **SECTION 2505e.** 79.04 (1) (b) 1. of the statutes is amended to read:

6 79.04 (1) (b) 1. Beginning with the distribution under this subsection in 1991,
7 and ending with the distribution under this subsection in 2008, the amount
8 determined under par. (a) to value property used by a light, heat or power company
9 in a municipality may not be less than the amount determined to value the property
10 for the distribution to the municipality under this subsection in 1990, subject to
11 subds. 2., 3. and 4.

12 **SECTION 2505f.** 79.04 (2) (a) of the statutes is amended to read:

13 79.04 (2) (a) Annually, except for production plants that begin operation after
14 December 31, 2003, or begin operation as a repowered production plant after
15 December 31, 2003, and except as provided in sub. (4m), the department of
16 administration, upon certification by the department of revenue, shall distribute
17 from the shared revenue account or, for the distribution in 2003, from the
18 appropriation under s. 20.835 (1) (t), 2003 stats., to any county having within its
19 boundaries a production plant, general structure, or substation, used by a light, heat
20 or power company assessed under s. 76.28 (2) or 76.29 (2), except property described
21 in s. 66.0813 unless the production plant or substation is owned or operated by a local
22 governmental unit that is located outside of the municipality in which the production
23 plant or substation is located, or by an electric cooperative assessed under ss. 76.07
24 and 76.48, respectively, or by a municipal electric company under s. 66.0825 an
25 amount determined by multiplying by 6 mills in the case of property in a town and

1 by 3 mills in the case of property in a city or village the first \$125,000,000 of the
2 amount shown in the account, plus leased property, of each public utility except
3 qualified wholesale electric companies, as defined in s. 76.28 (1) (gm), on December
4 31 of the preceding year for “production plant, exclusive of land,” “general
5 structures,” and “substations,” in the case of light, heat and power companies,
6 electric cooperatives or municipal electric companies, for all property within the
7 municipality in accordance with the system of accounts established by the public
8 service commission or rural electrification administration, less depreciation thereon
9 as determined by the department of revenue and less the value of treatment plant
10 and pollution abatement equipment, as defined under s. 70.11 (21) (a), as determined
11 by the department of revenue plus an amount from the shared revenue account or,
12 for the distribution in 2003, from the appropriation under s. 20.835 (1) (t), 2003
13 stats., determined by multiplying by 6 mills in the case of property in a town, and 3
14 mills in the case of property in a city or village, of the total original cost of production
15 plant, general structures, and substations less depreciation, land and approved
16 waste treatment facilities of each qualified wholesale electric company, as defined in
17 s. 76.28 (1) (gm), as reported to the department of revenue of all property within the
18 municipality. The total of amounts, as depreciated, from the accounts of all public
19 utilities for the same production plant is also limited to not more than \$125,000,000.
20 The amount distributable to a county under this subsection and sub. (6) in any year
21 shall not exceed \$100 times the population of the county.

22 **SECTION 2505g.** 79.04 (2) (am) 1. of the statutes is amended to read:

23 79.04 (2) (am) 1. Beginning with the distribution under this subsection in 1991,
24 and ending with the distribution under this subsection in 2008, the amount
25 determined under par. (a) to value property used by a light, heat or power company

1 in a county may not be less than the amount determined to value the property for the
2 distribution to the county under this subsection in 1990, subject to subds. 2. and 3.

3 **SECTION 2505h.** 79.04 (4m) of the statutes is created to read:

4 79.04 (4m) Beginning with distributions in 2009, for production plants
5 described under subs. (1) and (2), if in any year the payments to the municipality and
6 county in which the production plant is located would be greater under subs. (6) and
7 (7) (c) 1. based on the production plant's name-plate capacity than under sub. (1) or
8 (2) based on the depreciated net book value of the production plant, the municipality
9 and county shall receive payments under subs. (6) and (7) (c) 1., rather than under
10 sub. (1) or (2), beginning in that year and in each year thereafter.

11 **SECTION 2505i.** 79.04 (6) (a) of the statutes is amended to read:

12 79.04 (6) (a) Annually, beginning in 2005, for production plants that begin
13 operation after December 31, 2003, or begin operation as a repowered production
14 plant after December 31, 2003, except as provided in sub. (4m), the department of
15 administration, upon certification by the department of revenue, shall distribute
16 payments from the public utility account, as determined under par. (b), to each
17 municipality and county in which a production plant is located, if the production
18 plant has a name-plate capacity of at least one megawatt and is used by a light, heat,
19 or power company assessed under s. 76.28 (2) or 76.29 (2), except property described
20 in s. 66.0813, unless the production plant is owned or operated by a local
21 governmental unit located outside of the municipality; by a qualified wholesale
22 electric company, as defined in s. 76.28 (1) (gm); by a wholesale merchant plant, as
23 defined in s. 196.491 (1) (w); by an electric cooperative assessed under ss. 76.07 and
24 76.48, respectively; or by a municipal electric company under s. 66.0825.

INSERT 4-24

Insert 4-29

2505j
Section #. 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). 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.

History: 1971 c. 125, 215; 1973 c. 90 ss. 387, 391g; 1973 c. 243 s. 82; 1975 c. 39, 224; 1977 c. 29, 418; 1979 c. 34; 1983 a. 27; 1985 a. 29, 39; 1987 a. 27; 1989 a. 31; 1993 a. 16, 307; 1995 a. 27; 1999 a. 150 s. 672; 2001 a. 16; 2001 a. 30 s. 108; 2003 a. 31, 33, 89, 320; 2005 a. 253, 254.

except that with regard to a production plant that generates electricity from wind power the town where the plant is located receives a payment equal to two-thirds of the amount determined under par. (b) and the county where the plant is located receives a payment equal to one-third of the amount determined under par. (b)

end of 4-29

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

Rita Olin

7607

" 8-0607/1

drop #4 study on page 5



State of Wisconsin
2007 - 2008 LEGISLATURE

LRBb0607/1
JK:wlj&kjf:rs

stays
Ry
not R

LFB:.....Olin (FA) - Public utility aid formula changes

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2007 SENATE BILL 40

Am 7-6-07

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 **1.** Page 1183, line 25: after that line insert:
- 3 **"SECTION 2505d.** 79.04 (1) (intro.) of the statutes is amended to read:
- 4 79.04 (1) (intro.) Annually, except for production plants that begin operation
- 5 after December 31, 2003, or begin operation as a repowered production plant after
- 6 December 31, 2003, and except as provided in sub. (4m), the department of
- 7 administration, upon certification by the department of revenue, shall distribute to
- 8 a municipality having within its boundaries a production plant, general structure,
- 9 or substation, used by a light, heat, or power company assessed under s. 76.28 (2) or
- 10 76.29 (2), except property described in s. 66.0813 unless the production plant or

1 substation is owned or operated by a local governmental unit located outside of the
2 municipality, or by an electric cooperative assessed under ss. 76.07 and 76.48,
3 respectively, or by a municipal electric company under s. 66.0825 the amount
4 determined as follows:

5 **SECTION 2505e.** 79.04 (1) (b) 1. of the statutes is amended to read:

6 79.04 (1) (b) 1. Beginning with the distribution under this subsection in 1991,
7 and ending with the distribution under this subsection in 2008, the amount
8 determined under par. (a) to value property used by a light, heat or power company
9 in a municipality may not be less than the amount determined to value the property
10 for the distribution to the municipality under this subsection in 1990, subject to
11 subds. 2., 3. and 4.

12 **SECTION 2505f.** 79.04 (2) (a) of the statutes is amended to read:

13 79.04 (2) (a) Annually, except for production plants that begin operation after
14 December 31, 2003, or begin operation as a repowered production plant after
15 December 31, 2003, and except as provided in sub. (4m), the department of
16 administration, upon certification by the department of revenue, shall distribute
17 from the shared revenue account or, for the distribution in 2003, from the
18 appropriation under s. 20.835 (1) (t), 2003 stats., to any county having within its
19 boundaries a production plant, general structure, or substation, used by a light, heat
20 or power company assessed under s. 76.28 (2) or 76.29 (2), except property described
21 in s. 66.0813 unless the production plant or substation is owned or operated by a local
22 governmental unit that is located outside of the municipality in which the production
23 plant or substation is located, or by an electric cooperative assessed under ss. 76.07
24 and 76.48, respectively, or by a municipal electric company under s. 66.0825 an
25 amount determined by multiplying by 6 mills in the case of property in a town and

1 by 3 mills in the case of property in a city or village the first \$125,000,000 of the
2 amount shown in the account, plus leased property, of each public utility except
3 qualified wholesale electric companies, as defined in s. 76.28 (1) (gm), on December
4 31 of the preceding year for "production plant, exclusive of land," "general
5 structures," and "substations," in the case of light, heat and power companies,
6 electric cooperatives or municipal electric companies, for all property within the
7 municipality in accordance with the system of accounts established by the public
8 service commission or rural electrification administration, less depreciation thereon
9 as determined by the department of revenue and less the value of treatment plant
10 and pollution abatement equipment, as defined under s. 70.11 (21) (a), as determined
11 by the department of revenue plus an amount from the shared revenue account or,
12 for the distribution in 2003, from the appropriation under s. 20.835 (1) (t), 2003
13 stats., determined by multiplying by 6 mills in the case of property in a town, and 3
14 mills in the case of property in a city or village, of the total original cost of production
15 plant, general structures, and substations less depreciation, land and approved
16 waste treatment facilities of each qualified wholesale electric company, as defined in
17 s. 76.28 (1) (gm), as reported to the department of revenue of all property within the
18 municipality. The total of amounts, as depreciated, from the accounts of all public
19 utilities for the same production plant is also limited to not more than \$125,000,000.
20 The amount distributable to a county under this subsection and sub. (6) in any year
21 shall not exceed \$100 times the population of the county.

22 **SECTION 2505g.** 79.04 (2) (am) 1. of the statutes is amended to read:

23 79.04 (2) (am) 1. Beginning with the distribution under this subsection in 1991,
24 and ending with the distribution under this subsection in 2008, the amount
25 determined under par. (a) to value property used by a light, heat or power company

1 in a county may not be less than the amount determined to value the property for the
2 distribution to the county under this subsection in 1990, subject to subds. 2. and 3.

3 **SECTION 2505h.** 79.04 (4m) of the statutes is created to read:

4 79.04 (4m) Beginning with distributions in 2009, for production plants
5 described under subs. (1) and (2), if in any year the payments to the municipality and
6 county in which the production plant is located would be greater under subs. (6) and
7 (7) (c) 1. based on the production plant's name-plate capacity than under sub. (1) or
8 (2) based on the depreciated net book value of the production plant, the municipality
9 and county shall receive payments under subs. (6) and (7) (c) 1., rather than under
10 sub. (1) or (2), beginning in that year and in each year thereafter.

11 **SECTION 2505i.** 79.04 (6) (a) of the statutes is amended to read:

12 79.04 (6) (a) Annually, beginning in 2005, for production plants that begin
13 operation after December 31, 2003, or begin operation as a repowered production
14 plant after December 31, 2003, except as provided in sub. (4m), the department of
15 administration, upon certification by the department of revenue, shall distribute
16 payments from the public utility account, as determined under par. (b), to each
17 municipality and county in which a production plant is located, if the production
18 plant has a name-plate capacity of at least one megawatt and is used by a light, heat,
19 or power company assessed under s. 76.28 (2) or 76.29 (2), except property described
20 in s. 66.0813, unless the production plant is owned or operated by a local
21 governmental unit located outside of the municipality; by a qualified wholesale
22 electric company, as defined in s. 76.28 (1) (gm); by a wholesale merchant plant, as
23 defined in s. 196.491 (1) (w); by an electric cooperative assessed under ss. 76.07 and
24 76.48, respectively; or by a municipal electric company under s. 66.0825.

25 **SECTION 2505j.** 79.04 (6) (c) 1. of the statutes is amended to read:

1 79.04 (6) (c) 1. If the production plant is located in a city or village, the city or
2 village receives a payment equal to two-thirds of the amount determined under par.
3 (b) and the county in which the city or village is located receives a payment equal to
4 one-third of the amount determined under par. (b). If the production plant is located
5 in a town, the town receives a payment equal to one-third of the amount determined
6 under par. (b), and the county in which the town is located receives a payment equal
7 to two-thirds of the amount determined under par. (b), except that with regard to a
8 production plant that generates electricity from wind power the town where the
9 plant is located receives a payment equal to two-thirds of the amount determined
10 under par. (b) and the county where the plant is located receives a payment equal to
11 one-third of the amount determined under par. (b). If a municipality is located in
12 more than one county, the county in which the production plant is located shall
13 receive the county portion of the payment.”

14 **2.** Page 1631, line 6: after that line insert:

15 “(1f) DEPARTMENT OF REVENUE STUDY; UTILITY LICENSE FEES. No later than
16 December 31, 2008, the department of revenue shall convene a study group to assess
17 the feasibility and desirability of imposing local general property taxes or their
18 equivalent on all property, other than production plants, of electric cooperatives,
19 municipal utilities, and light, heat, and power companies. The study group shall
20 include residents of communities that host public utility property; representatives
21 of electric cooperatives, municipal utilities, and light, heat, and power companies;
22 members of the public who have expertise in the taxation of public utilities and in
23 transmission line siting; and any other individuals who the department of revenue
24 believes to have expertise related to the study. No later than May 1, 2009, the study

1 group shall report its findings and recommendations to the legislature under section
2 13.172 (2) of the statutes.”

3 (END)



State of Wisconsin
2007 - 2008 LEGISLATURE

LRBb0607/2
JK:wlj&kjf:rs

LFB:.....Olin (FA) - Public utility aid formula changes

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2007 SENATE BILL 40

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 1183, line 25: after that line insert:

3 **"SECTION 2505d.** 79.04 (1) (intro.) of the statutes is amended to read:

4 79.04 (1) (intro.) Annually, except for production plants that begin operation
5 after December 31, 2003, or begin operation as a repowered production plant after
6 December 31, 2003, and except as provided in sub. (4m), the department of
7 administration, upon certification by the department of revenue, shall distribute to
8 a municipality having within its boundaries a production plant, general structure,
9 or substation, used by a light, heat, or power company assessed under s. 76.28 (2) or
10 76.29 (2), except property described in s. 66.0813 unless the production plant or

1 substation is owned or operated by a local governmental unit located outside of the
2 municipality, or by an electric cooperative assessed under ss. 76.07 and 76.48,
3 respectively, or by a municipal electric company under s. 66.0825 the amount
4 determined as follows:

5 **SECTION 2505e.** 79.04 (1) (b) 1. of the statutes is amended to read:

6 79.04 (1) (b) 1. Beginning with the distribution under this subsection in 1991,
7 and ending with the distribution under this subsection in 2008, the amount
8 determined under par. (a) to value property used by a light, heat or power company
9 in a municipality may not be less than the amount determined to value the property
10 for the distribution to the municipality under this subsection in 1990, subject to
11 subds. 2., 3. and 4.

12 **SECTION 2505f.** 79.04 (2) (a) of the statutes is amended to read:

13 79.04 (2) (a) Annually, except for production plants that begin operation after
14 December 31, 2003, or begin operation as a repowered production plant after
15 December 31, 2003, and except as provided in sub. (4m), the department of
16 administration, upon certification by the department of revenue, shall distribute
17 from the shared revenue account or, for the distribution in 2003, from the
18 appropriation under s. 20.835 (1) (t), 2003 stats., to any county having within its
19 boundaries a production plant, general structure, or substation, used by a light, heat
20 or power company assessed under s. 76.28 (2) or 76.29 (2), except property described
21 in s. 66.0813 unless the production plant or substation is owned or operated by a local
22 governmental unit that is located outside of the municipality in which the production
23 plant or substation is located, or by an electric cooperative assessed under ss. 76.07
24 and 76.48, respectively, or by a municipal electric company under s. 66.0825 an
25 amount determined by multiplying by 6 mills in the case of property in a town and

1 by 3 mills in the case of property in a city or village the first \$125,000,000 of the
2 amount shown in the account, plus leased property, of each public utility except
3 qualified wholesale electric companies, as defined in s. 76.28 (1) (gm), on December
4 31 of the preceding year for "production plant, exclusive of land," "general
5 structures," and "substations," in the case of light, heat and power companies,
6 electric cooperatives or municipal electric companies, for all property within the
7 municipality in accordance with the system of accounts established by the public
8 service commission or rural electrification administration, less depreciation thereon
9 as determined by the department of revenue and less the value of treatment plant
10 and pollution abatement equipment, as defined under s. 70.11 (21) (a), as determined
11 by the department of revenue plus an amount from the shared revenue account or,
12 for the distribution in 2003, from the appropriation under s. 20.835 (1) (t), 2003
13 stats., determined by multiplying by 6 mills in the case of property in a town, and 3
14 mills in the case of property in a city or village, of the total original cost of production
15 plant, general structures, and substations less depreciation, land and approved
16 waste treatment facilities of each qualified wholesale electric company, as defined in
17 s. 76.28 (1) (gm), as reported to the department of revenue of all property within the
18 municipality. The total of amounts, as depreciated, from the accounts of all public
19 utilities for the same production plant is also limited to not more than \$125,000,000.
20 The amount distributable to a county under this subsection and sub. (6) in any year
21 shall not exceed \$100 times the population of the county.

22 **SECTION 2505g.** 79.04 (2) (am) 1. of the statutes is amended to read:

23 79.04 (2) (am) 1. Beginning with the distribution under this subsection in 1991,
24 and ending with the distribution under this subsection in 2008, the amount
25 determined under par. (a) to value property used by a light, heat or power company

1 in a county may not be less than the amount determined to value the property for the
2 distribution to the county under this subsection in 1990, subject to subds. 2. and 3.

3 **SECTION 2505h.** 79.04 (4m) of the statutes is created to read:

4 79.04 (4m) Beginning with distributions in 2009, for production plants
5 described under subs. (1) and (2), if in any year the payments to the municipality and
6 county in which the production plant is located would be greater under subs. (6) and
7 (7) (c) 1. based on the production plant's name-plate capacity than under sub. (1) or
8 (2) based on the depreciated net book value of the production plant, the municipality
9 and county shall receive payments under subs. (6) and (7) (c) 1., rather than under
10 sub. (1) or (2), beginning in that year and in each year thereafter.

11 **SECTION 2505i.** 79.04 (6) (a) of the statutes is amended to read:

12 79.04 (6) (a) Annually, beginning in 2005, for production plants that begin
13 operation after December 31, 2003, or begin operation as a repowered production
14 plant after December 31, 2003, except as provided in sub. (4m), the department of
15 administration, upon certification by the department of revenue, shall distribute
16 payments from the public utility account, as determined under par. (b), to each
17 municipality and county in which a production plant is located, if the production
18 plant has a name-plate capacity of at least one megawatt and is used by a light, heat,
19 or power company assessed under s. 76.28 (2) or 76.29 (2), except property described
20 in s. 66.0813, unless the production plant is owned or operated by a local
21 governmental unit located outside of the municipality; by a qualified wholesale
22 electric company, as defined in s. 76.28 (1) (gm); by a wholesale merchant plant, as
23 defined in s. 196.491 (1) (w); by an electric cooperative assessed under ss. 76.07 and
24 76.48, respectively; or by a municipal electric company under s. 66.0825.

25 **SECTION 2505j.** 79.04 (6) (c) 1. of the statutes is amended to read:

