

**2001 DRAFTING REQUEST**

**Bill**

Received: **08/08/2001**

Received By: **jkreye**

Wanted: **As time permits**

Identical to LRB:

For: **Tim Hoven (608) 267-2369**

By/Representing: **michael**

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: **Rep.Hoven@legis.state.wi.us** ✓

Carbon copy (CC:) to: **Michael.Welsh@legis.state.wi.us** ✓

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Shared revenue payments related to property owned by utilities

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**Instructions:**

See Attached

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**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> |
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| /P1          | jkreye<br>09/04/2001 | csicilia<br>09/06/2001 | pgreensl<br>09/06/2001 | _____          | lrb_docadmin<br>09/06/2001 |                               | S&L             |
| /1           | jkreye<br>09/10/2001 | csicilia<br>09/10/2001 | rschluet<br>09/10/2001 | _____          | lrb_docadmin<br>09/10/2001 | lrb_docadminS&L<br>09/14/2001 |                 |
|              | jkreye<br>09/24/2001 | csicilia<br>09/24/2001 |                        | _____          |                            |                               |                 |

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| 12           |                      |                        | jfrantze<br>09/25/2001 | _____          | lrb_docadmin<br>09/25/2001 | lrb_docadminS&L<br>09/25/2001 |                 |
| 13           | jcreye<br>10/10/2001 | csicilia<br>10/17/2001 | jfrantze<br>10/18/2001 | _____          | lrb_docadmin<br>10/18/2001 | lrb_docadminS&L<br>10/18/2001 |                 |

FE Sent For: 09/14/2001.

<END>

old "1" version

At Intro.  
(10-18-2001)  
("3")

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| 09/25/2001 | _____ |

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|-----------------|-------|
| lrb_docadminS&L | _____ |
| 09/25/2001      | _____ |

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1/2 cjs 9/29/01  
 7/69/25  
 9/25

FE Sent For: 09/14/2001.

G (1/1")

<END>

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"1" sent for 9/14

<END>



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Instructions:

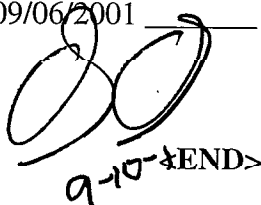
See Attached

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FE Sent For:

1 cjs 9/10/01

 9-10-01 <END>

**2001 DRAFTING REQUEST****Bill**Received: **08/08/2001**Received By: **jkreye**Wanted: **As time permits**

Identical to LRB:

For: **Tim Hoven (608) 267-2369**By/Representing: **michael**This file may be shown to any legislator: **NO**Drafter: **jkreye**

May Contact:

Addl. Drafters:

Subject: **Shared Revenue**

Extra Copies:

Submit via email: **NO**

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FE Sent For:

&lt;END&gt;

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By/Representing: michael

This file may be shown to any legislator: NO

Drafter: jkreya

May Contact:

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Subject: Shared Revenue

Extra Copies:

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|--------------|----------------|------------------|--------------|----------------|------------------|-----------------|-----------------|
| 1?           | jkreya         | P1 gjs 9/6<br>01 | 9/6<br>Pgj   | 9/6<br>Pgj as  |                  |                 |                 |

FE Sent For:

<END>

8-8-01  
Michael ——— Tim Hoven i office

▷ Assembly version

——— utility moved revenue limit

——— 6 year time period, etc

——— draft stand alone bill  
can

see b1811 ——— some sections affected to budget act

**Kreye, Joseph**

---

**To:** Welsh,  
**Subject:** RE: LRB #  
Mike,

The LRB number is LBR 01-3598. The relating clause will read "relating to public utility shared revenue payments."

Joe

-----Original Message-----

**From:** Welsh, Michael  
**Sent:** Wednesday, August 29, 2001 11:42 AM  
**To:** Kreye, Joseph  
**Subject:** LRB #

Joe,

I know you can't complete the draft on the utility shared revenue aid until the Gov. signs the budget, but could you give me the LRB # and relating clause for the draft. We would like to have a hearing on the bill Sept. 12th and I need to put out a hearing notice soon.

Thanks,

Mike

08/29/2001

ARC:.....Emerson - AM114, Shared revenue payments on utility property

FOR 2001-03 BUDGET -- NOT READY FOR INTRODUCTION

**CAUCUS ASSEMBLY AMENDMENT  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2001 SENATE BILL 55**

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

2 **1.** Page 852, line 11: after that line insert.

3 "SECTION 2281. 79.03 (4) of the statutes is amended to read:

4 79.03 (4) In 1991, the total amount to be distributed under ss. 79.03, 79.04, and  
5 79.06 from s. 20.835 (1) (d) is \$869,000,000. In 1992, the total amount to be  
6 distributed under ss. 79.03, 79.04, and 79.06 from s. 20.835 (1) (d) is \$885,961,300.  
7 In 1993, the total amount to be distributed under ss. 79.03, 79.04, and 79.06 from s.  
8 20.835 (1) (d) is \$903,680,500. In 1994, the total amounts to be distributed under this  
9 section and ss. 79.04 and 79.06 from s. 20.835 (1) (d) are \$746,547,500 to  
10 municipalities and \$168,981,800 to counties. In Beginning in 1995 and subsequent

1 years ending in 2002, the total amounts to be distributed under ss. 79.03, 79.04, and  
 2 79.06 from s. 20.835 (1) (d) are \$761,478,000 to municipalities and \$168,981,800 to  
 3 counties. In 2003 and subsequent years, the total amount to be distributed under  
 4 ss. 79.03, 79.04, and 79.06 from s. 20.835 (1) (d) to municipalities is the sum of  
 5 \$761,478,000 and the difference between the amount that would be distributed to  
 6 municipalities under s. 79.04, 1999 stats., and the amount distributed to  
 7 municipalities under s. 79.04. In 2003 and subsequent years, the total amount to be  
 8 distributed under ss. 79.03, 79.04, and 79.06 from s. 20.835 (1) (d) to counties is the  
 9 sum of \$168,981,800 and the difference between the amount that would be  
 10 distributed to counties under s. 79.04, 1999 stats., and the amount distributed to  
 11 counties under s. 79.04.”

12 2. Page 852, line 21: after that line insert:

13 SECTION 2283. 79.04 (1) (a) of the statutes is amended to read:

14 79.04 (1) (a) ~~An~~ Except as provided in par. (am) and sub. (5), an amount from  
 15 the shared revenue account determined by multiplying by 3 mills in the case of a  
 16 town, and 6 mills in the case of a city or village, for the distribution in 2002, the first  
 17 \$125,000,000 of the amount shown in the account; for the distribution in 2003, the  
 18 first \$140,000,000 of the amount shown in the account; for the distribution in 2004,  
 19 the first \$160,000,000 of the amount shown in the account; for the distribution in  
 20 2005, the first \$185,000,000 of the amount shown in the account; and for the  
 21 distribution in 2006 and subsequent years, the first \$250,000,000 of the amount  
 22 shown in the account; plus leased property, of each public utility except qualified  
 23 wholesale electric companies, as defined in s. 76.28 (1) (gm), on December 31 of the  
 24 preceding year for either “production plant, exclusive of land” and “general

(INSERT A)

INSERT  
A

1 structures", or "work in progress" for production plants and general structures under  
 2 construction, in the case of light, heat and power companies, electric cooperatives or  
 3 municipal electric companies, for all property within a municipality in accordance  
 4 with the system of accounts established by the public service commission or rural  
 5 electrification administration, less depreciation thereon as determined by the  
 6 department of revenue and less the value of treatment plant and pollution  
 7 abatement equipment, as defined under s. 70.11 (21) (a), as determined by the  
 8 department of revenue plus an amount from the shared revenue account determined  
 9 by multiplying by 3 mills in the case of a town, and 6 mills in the case of a city or  
 10 village, of the first \$125,000,000, for the distribution in 2002; the first \$140,000,000,  
 11 for the distribution in 2003; the first \$160,000,000, for the distribution in 2004; the  
 12 first \$185,000,000, for the distribution in 2005; and the first \$250,000,000, for the  
 13 distribution in 2006 and subsequent years; of the total original cost of production  
 14 plant, general structures and work-in-progress less depreciation, land and  
 15 approved waste treatment facilities of each qualified wholesale electric company, as  
 16 defined in s. 76.28 (1) (gm), as reported to the department of revenue of all property  
 17 within the municipality. The total of amounts, as depreciated, from the accounts of  
 18 all public utilities for the same production plant is also limited to ~~not more than the~~  
 19 first \$125,000,000. ~~The amount distributable to a municipality in any year shall not~~  
 20 ~~exceed \$300 times the population of the municipality,~~ for the distribution in 2002; the  
 21 first \$140,000,000, for the distribution in 2003; the first \$160,000,000, for the  
 22 distribution in 2004; the first \$185,000,000, for the distribution in 2005; and the first  
 23 \$250,000,000, for the distribution in 2006 and subsequent years.

24

✓ SECTION ~~2283d.~~ 79.04 (1) (am) of the statutes is created to read:

#



IN 2284  
↑

1 ✓ 79.04 (1) (am) The amount distributable to a municipality under par. (a) shall  
2 not exceed the following:

3 1. For the distribution in 2002, an amount equal to the municipality's  
4 population multiplied by \$300.

5 2. For the distribution in 2003, an amount equal to the municipality's  
6 population multiplied by \$450.

7 3. For the distribution in 2004, an amount equal to the municipality's  
8 population multiplied by \$650.

9 4. For the distribution in 2005, an amount equal to the municipality's  
10 population multiplied by \$950.

11 5. For the distribution in 2006 and subsequent years, an amount equal to the  
12 municipality's population multiplied by \$1,200.

13 SECTION ~~2284m~~ 79.04 (1) (c) 4. of the statutes is created to read:

14 ✓ 79.04 (1) (c) 4. Beginning with the distributions in 2003, if property that was  
15 exempt from the property tax under s. 70.112 (4) and that was used to generate power  
16 by a light, heat, or power company, except property under s. 66.0813, is  
17 decommissioned, the municipality shall be paid an amount calculated by subtracting  
18 the property taxes paid for that property during the current year to the municipality  
19 for its general operations from the following percentages of the payment that the  
20 municipality received under this section during the last year that the property was  
21 exempt from the property tax:

22 a. In the first year that the property is taxable, 100%.

23 b. In the 2nd year that the property is taxable, 80%.

24 c. In the 3rd year that the property is taxable, 60%.

25 d. In the 4th year that the property is taxable, 40%.

↓

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END OF INJERS A

1 e. In the 5th year that the property is taxable, 20%.

2 ~~SECTION 2284n.~~ 79.04 (2) (c) of the statutes is created to read:

3 79.04 (2) (c) Beginning with the distributions in 2003, if property that was  
4 exempt from the property tax under s. 70.112 (4) and that was used to generate power  
5 by a light, heat, or power company, except property under s. 66.0813, is  
6 decommissioned, the county shall be paid an amount calculated by subtracting the  
7 property taxes paid for that property during the current year to the county for its  
8 general operations from the following percentages of the payment the county  
9 received under this section during the last year that the property was exempt from  
10 the property tax:

- 11 1. In the first year that the property is taxable, 100%.
- 12 2. In the 2nd year that the property is taxable, 80%.
- 13 3. In the 3rd year that the property is taxable, 60%.
- 14 4. In the 4th year that the property is taxable, 40%.
- 15 5. In the 5th year that the property is taxable, 20%.”.

16 **3.** Page 852, line 23: delete “Annually” and substitute “Annually Except as  
17 provided in par. (ad) and sub. (5), annually”.

18 **4.** Page 853, line 8: delete lines 8 and 9 and substitute “in the case of property  
19 in a city or village, for the distribution in 2002, the first \$125,000,000 of the amount  
20 shown in the account; for the distribution in 2003, the first \$140,000,000 of the  
21 amount shown in the account; for the distribution in 2004, the first \$160,000,000 of  
22 the amount shown in the account; for the distribution in 2005, the first \$185,000,000  
23 of the amount shown in the account; and for the distribution in 2006 and subsequent

1 years, the first \$250,000,000 of the amount shown in the account; plus leased  
2 property, of each public utility except qualified wholesale”.

3 **5.** Page 854, line 1: delete lines 1 to 3 and substitute “utilities for the same  
4 (production plant is also limited to not more than the first \$125,000,000. The amount  
5 distributable to a county in any year shall not exceed \$100 times the population of  
6 the county, for the distribution in 2002; the first \$140,000,000, for the distribution  
7 in 2003; the first \$160,000,000, for the distribution in 2004; the first \$185,000,000,  
8 for the distribution in 2005; and the first \$250,000,000, for the distribution in 2006  
9 and subsequent years.”.

10 **6.** Page 854, line 3: after that line insert:

11 “**SECTION 2285d.** 79.04 (2) (ad) of the statutes is created to read:

12 79.04 (2) (ad) The amount distributable to a county under par. (a) shall not  
13 exceed the following:

14 1. For the distribution in 2002, an amount equal to the county’s population  
15 multiplied by \$100.

16 2. For the distribution in 2003, an amount equal to the county’s population  
17 multiplied by \$225.

18 3. For the distribution in 2004, an amount equal to the county’s population  
19 multiplied by \$325.

20 4. For the distribution in 2005, an amount equal to the county’s population  
21 multiplied by \$475.

22 5. For the distribution in 2006 and subsequent years, an amount equal to the  
23 county’s population multiplied by \$600.

24 **SECTION 2285m.** 79.04 (5) of the statutes is created to read:

1           79.04 (5) (a) If a production plant, other than a coal-powered or  
2 nuclear-powered production plant, is built on the site of an existing or  
3 decommissioned production plant or on brownfields, as defined in s. 560.13 (1) (a),  
4 after the effective date of this paragraph ... [revisor inserts date], and is operating  
5 at a total power production capacity of at least 50 megawatts, the city, village, or town  
6 in which the plant is located shall receive annually an additional payment from the  
7 department of administration equal to the amount in the account, as determined  
8 under sub. (1) (a), for the "production plant, exclusive of land" multiplied by one mill,  
9 and the county in which the plant is located shall receive annually an additional  
10 payment from the department of administration equal to the amount in the account,  
11 as determined under sub. (2) (a), for the "production plant, exclusive of land"  
12 multiplied by one mill.

13           (b) If a coal-powered production plant is built on the site of an existing or  
14 decommissioned production plant or on brownfields, as defined in s. 560.13 (1) (a),  
15 after the effective date of this paragraph ... [revisor inserts date], and is operating  
16 at a total power production capacity of at least 50 megawatts, the city, village, or town  
17 in which the plant is located shall receive annually an additional payment from the  
18 department of administration equal to the amount in the account, as determined  
19 under sub. (1) (a), for the "production plant, exclusive of land" multiplied by 2 mills,  
20 and the county in which the plant is located shall receive annually an additional  
21 payment from the department of administration equal to the amount in the account,  
22 as determined under sub. (2) (a), for the "production plant, exclusive of land"  
23 multiplied by one mill."

24   (END)



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-3598/6  
JK&MES:f:....

~~cjs~~ PMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

in 9-4-01

due FRI. 9-7-01

D-N

INSERTS

-you

1 AN ACT ...; relating to: public utility shared revenue payments.

*Analysis by the Legislative Reference Bureau*

Under current law, generally, the property of a public utility is subject to a state tax rather than local property taxes. Instead of collecting property taxes on such property, municipalities and counties receive payments from the shared revenue account based on the value of public utility property located in the municipalities and counties. The amount of a municipality's payment is equal to the value of public utility property located in the municipality, not exceeding \$125,000,000 for each utility, multiplied by either three mills, for a town, or six mills, for a city or village. However, the payment may not exceed an amount that is equal to \$300 multiplied by the municipality's population. The amount of a county's payment is equal to the value of public utility property located in each municipality within the county, not exceeding \$125,000,000 for each utility, multiplied by either three mills, for a city or village located within the county, or six mills, for a town located within the county. However, the amount of the county's payment may not exceed an amount that is equal to \$100 multiplied by the county's population.

Under this bill, the amount of a municipality's payment related to public utility property is equal to the value of public utility property located in the municipality, not exceeding the following amounts for each utility, multiplied by either three mills, for a town, or six mills, for a city or village: in 2003, \$140,000,000; in 2004, \$160,000,000; in 2005, \$185,000,000; in 2006 and subsequent years, \$250,000,000. However, the amount of the payment may not exceed the following amounts multiplied by the municipality's population: in 2003, \$450; in 2004, \$650; in 2005, \$950; in 2006 and subsequent years, \$1,200.

Under the bill, if a power production plant is built on the site of an existing or decommissioned power production plant or on brownfields, and operates at a power production capacity of at least 50 megawatts, the municipality in which the plant is located receives an additional payment equal to the value of the production plant, not exceeding the following amounts, multiplied by ① mill, for a production plant that is neither coal-powered nor nuclear-powered, or by ② mills, for a production plant that is coal-powered: in 2003, \$140,000,000; in 2004, \$160,000,000; in 2005, \$185,000,000; in 2006 and subsequent years, \$250,000,000.

Under the bill, the amount of a county's payment related to public utility property is equal to the value of public utility property located in the county, not exceeding the following amounts for each utility, multiplied by either three mills, for a city or village located within the county, or six mills, for a town located within the county: in 2003, \$140,000,000; in 2004, \$160,000,000; in 2005, \$185,000,000; in 2006 and subsequent years, \$250,000,000. However, the amount of the payment may not exceed the following amounts multiplied by the county's population: in 2003, \$225; in 2004, \$325; in 2005, \$475; in 2006 and subsequent years, \$600.

Under the bill, if a power production plant is built on the site of an existing or decommissioned power production plant or on brownfields, and operates at a power production capacity of at least 50 megawatts, the county in which the plant is located receives an additional payment equal to the value of the production plant, not exceeding the following amounts, multiplied by ① mill, for any production plant that is not nuclear-powered: in 2003, \$140,000,000; in 2004, \$160,000,000; in 2005, \$185,000,000; in 2006 and subsequent years, \$250,000,000.

Under current law, if public utility property is decommissioned and thereby subject to local property taxes, the municipalities and counties in which the property is located no longer receive shared revenue payments based on the value of that property. Under the bill, shared revenue payments related to decommissioned utility property are phased out over five years.

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:***

1           SECTION 1. 79.03 (4) of the statutes, as affected by 2001 Wisconsin Act 16, is  
2 amended to read:

3           79.03 (4) In 1991, the total amount to be distributed under ss. 79.03, 79.04, and  
4 79.06 from s. 20.835 (1) (d) is \$869,000,000. In 1992, the total amount to be  
5 distributed under ss. 79.03, 79.04, and 79.06 from s. 20.835 (1) (d) is \$885,961,300.

6 In 1993, the total amount to be distributed under ss. 79.03, 79.04, and 79.06 from s.

1 20.835 (1) (d) is \$903,680,500. In 1994, the total amounts to be distributed under this  
 2 section and ss. 79.04 and 79.06 from s. 20.835 (1) (d) are \$746,547,500 to  
 3 municipalities and \$168,981,800 to counties. Beginning in 1995 and ending in 2001,  
 4 the total amounts to be distributed under ss. 79.03, 79.04 and 79.06 from s. 20.835  
 5 (1) (d) are \$761,478,000 to municipalities and \$168,981,800 to counties. In 2002, the  
 6 total amounts to be distributed under ss. 79.03, 79.04, and 79.06 from s. 20.835 (1)  
 7 (d) are \$769,092,800 to municipalities and \$170,671,600 to counties. In 2003 and  
 8 subsequent years, the total ~~amounts~~ amount to be distributed under ss. 79.03, 79.04,  
 9 and 79.06 from s. 20.835 (1) (d) are to municipalities is the sum of \$776,783,700 and  
 10 the difference between the amount that would be distributed to municipalities under  
 11 s. 79.04, ~~2001~~<sup>1999</sup> stats., and the amount distributed to municipalities under s. 79.04.  
 12 In 2003 and subsequent years, the total amount to be distributed under ss. 79.03,  
 13 79.04, and 79.06 from s. 20.835 (1) (d) to counties is the sum of \$172,378,300 and the  
 14 difference between the amount that would be distributed to counties under s. 79.04,  
 15 ~~2001~~<sup>1999</sup> stats., and the amount distributed to counties under s. 79.04.

History: 2001 a. 16.

SECTION 2. 79.04 (1) (a) of the statutes is amended to read:

17 79.04 (1) (a) ~~An~~ Except as provided in par. (am) and sub. (5), an amount from  
 18 the shared revenue account determined by multiplying by 3 mills in the case of a  
 19 town, and 6 mills in the case of a city or village, for the distribution in 2002, the first  
 20 \$125,000,000 of the amount shown in the account, <sup>plain</sup> for the distribution in 2003, the  
 21 first \$140,000,000 of the amount shown in the account, for the distribution in 2004,  
 22 the first \$160,000,000 of the amount shown in the account, for the distribution in  
 23 2005, the first \$185,000,000 of the amount shown in the account, and for the  
 24 distribution in 2006 and subsequent years, the first \$250,000,000 of the amount

Keep Scored Semi

→ i

1 ~~shown in the accounts;~~ plus leased property, of each public utility except qualified  
2 wholesale electric companies, as defined in s. 76.28 (1) (gm), on December 31 of the  
3 preceding year for either “production plant, exclusive of land” and “general  
4 structures”, or “work in progress” for production plants and general structures under  
5 construction, in the case of light, heat and power companies, electric cooperatives or  
6 municipal electric companies, for all property within a municipality in accordance  
7 with the system of accounts established by the public service commission or rural  
8 electrification administration, less depreciation thereon as determined by the  
9 department of revenue and less the value of treatment plant and pollution  
10 abatement equipment, as defined under s. 70.11 (21) (a), as determined by the  
11 department of revenue plus an amount from the shared revenue account determined  
12 by multiplying by 3 mills in the case of a town, and 6 mills in the case of a city or  
13 village, of the first \$125,000,000, for the distribution in 2002; the first \$140,000,000,  
14 for the distribution in 2003; the first \$160,000,000, for the distribution in 2004; the  
15 first \$185,000,000, for the distribution in 2005; and the first \$250,000,000, for the  
16 distribution in 2006 and subsequent years; of the total original cost of production  
17 plant, general structures and work-in-progress less depreciation, land and  
18 approved waste treatment facilities of each qualified wholesale electric company, as  
19 defined in s. 76.28 (1) (gm), as reported to the department of revenue of all property  
20 within the municipality. The total of amounts, as depreciated, from the accounts of  
21 all public utilities for the same production plant is also limited to not more than ~~the~~ *plain*  
22 ~~the~~ \$125,000,000. The amount distributable to a municipality in any year shall not  
23 exceed \$300 times the population of the municipality, for the distribution in 2002; the  
24 ~~the~~ \$140,000,000, for the distribution in 2003; the ~~the~~ \$160,000,000, for the



1 distribution in 2004; ~~the first~~ \$185,000,000, for the distribution in 2005; and ~~the first~~  
2 \$250,000,000, for the distribution in 2006 and subsequent years. ✓

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.

3 SECTION 3. 79.04 (1) (am) of the statutes is created to read:

4 79.04 (1) (am) The amount distributable to a municipality under par. (a) shall  
5 not exceed the following: ✓

6 1. For the distribution in 2002, an amount equal to the municipality's  
7 population multiplied by \$300.

8 2. For the distribution in 2003, an amount equal to the municipality's  
9 population multiplied by \$450:

10 3. For the distribution in 2004, an amount equal to the municipality's  
11 population multiplied by \$650.

12 4. For the distribution in 2005, an amount equal to the municipality's  
13 population multiplied by \$950.

14 5. For the distribution in 2006 and subsequent years, an amount equal to the  
15 municipality's population multiplied by \$1,200. ✓

16 SECTION 4. 79.04 (1) (c) 4. of the statutes is created to read:

17 79.04 (1) (c) 4. Beginning with the distributions in 2003, if property that was  
18 exempt from the property tax under s. 70.112 (4) and that was used to generate power  
19 by a light, heat, or power company, except property under s. 66.0813, is  
20 decommissioned, the municipality shall be paid an amount calculated by subtracting

21 *an amount equal to*  
the property taxes paid for that property during the current year to the municipality ✓  
22 for its general operations from the following percentages of the payment that the  
23 municipality received under this section during the last year that the property was  
24 exempt from the property tax:

INSERT A ✓

- 1 a. In the first year that the property is taxable, 100%.
- 2 b. In the 2nd year that the property is taxable, 80%.
- 3 c. In the 3rd year that the property is taxable, 60%.
- 4 d. In the 4th year that the property is taxable, 40%.
- 5 e. In the 5th year that the property is taxable, 20%.

6 SECTION 5. 79.04 (2) (a) of the statutes ~~as affected by 2001 Wisconsin Act 16~~

7 is amended to read:

8 79.04 (2) (a) Annually <sup>✓</sup> Except as provided in par. (ad) and sub. (5), <sup>✓</sup> annually,  
 9 the department of administration, upon certification by the department of revenue,  
 10 shall distribute from the shared revenue account to any county having within its  
 11 boundaries a production plant or a general structure, including production plants  
 12 and general structures under construction, used by a light, heat or power company

13 assessed under s. 76.28 (2) ~~that is not~~ <sup>keep plain comma</sup> except property described in s. 66.0813 unless  
 14 the production plant is owned or operated by a local governmental unit that is located  
 15 outside of the municipality in which the production plant is located, or by an electric  
 16 cooperative assessed under ss. 76.07 and 76.48, respectively, or by a municipal

17 electric company under s. 66.0825 an amount determined by multiplying by 6 mills  
 18 in the case of property in a town and by 3 mills in the case of property in a city or  
 19 village, for the distribution in 2002, the first \$125,000,000 of the amount shown in

20 the account; <sup>keep scored semi</sup> for the distribution in 2003, the first \$140,000,000 ~~of the amount shown~~  
 21 in the account; for the distribution in 2004, the first \$160,000,000 ~~of the amount~~  
 22 shown in the account; for the distribution in 2005, the first \$185,000,000 ~~of the~~  
 23 amount shown in the account; and for the distribution in 2006 and subsequent years,  
 24 the first \$250,000,000 ~~of the amount shown in the account;~~ <sup>keep scored semi</sup> plus leased property, of

25 each public utility except qualified wholesale electric companies, as defined in s.

1 76.28 (1) (gm), on December 31 of the preceding year for either "production plant,  
 2 exclusive of land" and "general structures", or "work in progress" for production  
 3 plants and general structures under construction, in the case of light, heat and power  
 4 companies, electric cooperatives or municipal electric companies, for all property  
 5 within the municipality in accordance with the system of accounts established by the  
 6 public service commission or rural electrification administration, less depreciation  
 7 thereon as determined by the department of revenue and less the value of treatment  
 8 plant and pollution abatement equipment, as defined under s. 70.11 (21) (a), as  
 9 determined by the department of revenue plus an amount from the shared revenue  
 10 account determined by multiplying by 6 mills in the case of property in a town, and  
 11 3 mills in the case of property in a city or village, of the total original cost of production  
 12 plant, general structures and work-in-progress less depreciation, land and  
 13 approved waste treatment facilities of each qualified wholesale electric company, as  
 14 defined in s. 76.28 (1) (gm), as reported to the department of revenue of all property  
 15 within the municipality. The total of amounts, as depreciated, from the accounts of  
 16 all public utilities for the same production plant is also limited to ~~not more than the~~  
 17 ~~first~~ \$125,000,000. The amount distributable to a county in any year shall not exceed  
 18 \$100 times the population of the county, for the distribution in 2002; ~~the first~~  
 19 \$140,000,000, for the distribution in 2003; ~~the first~~ \$160,000,000, for the distribution  
 20 in 2004; ~~the first~~ \$185,000,000, for the distribution in 2005; and ~~the first~~  
 21 \$250,000,000, for the distribution in 2006 and subsequent years.

History: 2001 a. 16.

22 SECTION 6. 79.04 (2) (ad) of the statutes is created to read:

23 79.04 (2) (ad) The amount distributable to a county under par. (a) shall not  
 24 exceed the following:

INSERT B ✓

INSERT C ✓

- 1           1. For the distribution in 2002, an amount equal to the county's population
- 2 multiplied by \$100.
- 3           2. For the distribution in 2003, an amount equal to the county's population
- 4 multiplied by \$225.
- 5           3. For the distribution in 2004, an amount equal to the county's population
- 6 multiplied by \$325.
- 7           4. For the distribution in 2005, an amount equal to the county's population
- 8 multiplied by \$475.
- 9           5. For the distribution in 2006 and subsequent years, an amount equal to the
- 10 county's population multiplied by \$600.

11           **SECTION 7.** 79.04 (2) (c) of the statutes is created to read:

12           79.04 (2) (c) Beginning with the distributions in 2003, if property that was  
13 exempt from the property tax under s. 70.112 (4) and that was used to generate power  
14 by a light, heat, or power company, except property under s. 66.0813, is  
15 decommissioned, the county shall be paid an amount calculated by subtracting the  
16 property taxes paid for that property during the current year to the county for its  
17 general operations from the following percentages of the payment the county  
18 received under this section during the last year that the property was exempt from  
19 the property tax:

- 20           1. In the first year that the property is taxable, 100%.
- 21           2. In the 2nd year that the property is taxable, 80%.
- 22           3. In the 3rd year that the property is taxable, 60%.
- 23           4. In the 4th year that the property is taxable, 40%.
- 24           5. In the 5th year that the property is taxable, 20%.

25           **SECTION 8.** 79.04 (5) of the statutes is created to read:

*an amount equal to*

that is used to calculate a payment under sub. (1)(a)

1 79.04 (5) (a) If a production plant, other than a coal-powered or  
2 nuclear-powered production plant, is built on the site of an existing or  
3 decommissioned production plant or on brownfields, as defined in s. 560.13 (1) (a),  
4 after the effective date of this paragraph ... [revisor inserts date], and is operating  
5 at a total power production capacity of at least 50 megawatts, the city, village, or town  
6 in which the plant is located shall receive annually an additional payment from the  
7 department of administration equal to the <sup>portion of the</sup> amount in the account ~~to be determined~~

8 ~~under sub. (1)(a)~~ for the "production plant, exclusive of land" multiplied by one mill,  
9 and the county in which the plant is located shall receive annually an additional  
10 payment from the department of administration equal to the amount in the account

11 ~~to be determined under sub. (1)(a)~~ for the "production plant, exclusive of land"  
12 multiplied by one mill.

that is used to calculate a payment under sub. (2)(a)

13 (b) If a coal-powered production plant is built on the site of an existing or  
14 decommissioned production plant or on brownfields, as defined in s. 560.13 (1) (a),  
15 after the effective date of this paragraph ... [revisor inserts date], and is operating  
16 at a total power production capacity of at least 50 megawatts, the city, village, or town  
17 in which the plant is located shall receive annually an additional payment from the  
18 department of administration equal to the <sup>portion of the</sup> amount in the account ~~to be determined~~

19 ~~under sub. (1)(a)~~ for the "production plant, exclusive of land" multiplied by 2 mills,  
20 and the county in which the plant is located shall receive annually an additional  
21 payment from the department of administration equal to the amount in the account

22 ~~to be determined under sub. (2)(a)~~ for the "production plant, exclusive of land"  
23 multiplied by one mill.

that is used to calculate a payment under sub. (2)(a)

(END)

that is used to calculate a payment under sub. (1)(a)

INSERT D

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3598/?dn  
JK&MES:./:....

✓  
GS

Representative Hoven:

Please review this draft carefully to ensure that it is consistent with your intent. The bill is based on LRBb1811/3. Please note that 2001 Wisconsin Act 16 increased the total amount of the shared revenue distribution under s. 79.03 (4). ✓ The bill maintains that increase. Is that okay? Please contact me if you have any questions.

Joseph T. Kreye  
Legislative Attorney  
Phone: (608) 266-2263  
E-mail: josph.kreye@legis.state.wi.us

✓

2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3598/P1ins  
JK&MES:.....

Insert A

1 SECTION 1. 79.04 (1) (b) 3. of the statutes is amended to read:

2 79.04 (1) (b) 3. The amount of a distribution under this paragraph, as affected  
3 by subd. 1., may not exceed the per capita amount established under par. (a) (am). ✓

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.

4 SECTION 2. 79.04 (1) (c) 1. of the statutes is amended to read:

5 79.04 (1) (c) 1. The payment for any municipality in which a production plant  
6 is located, which the public service commission certifies to the department of revenue  
7 will produce a nominal rated capacity of 200 megawatts or more, shall be no less than  
8 \$75,000 annually, except that the amount distributable to a municipality in any year  
9 shall not exceed the per capita limit specified in par. (a) (am). ✓ Payments under this  
10 paragraph may be extended to decommissioned production plants as provided in  
11 subd. 3.

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.

Insert B

12 SECTION 3. 79.04 (2) (a) of the statutes, as affected by 2001 Wisconsin Act... (this  
13 act) is repealed and recreated to read: Acts 16 and Δ  
↙ ↘  
parens

14 79.04 (2) (a) Except as provided in par. (ad) and sub. (5), annually, the  
15 department of administration, upon certification by the department of revenue, shall  
16 distribute from the shared revenue account to any county having within its  
17 boundaries a production plant or a general structure, including production plants  
18 and general structures under construction, used by a light, heat or power company  
19 assessed under s. 76.28 (2) or 76.29 (2), except property described in s. 66.0813 unless  
20 the production plant is owned or operated by a local governmental unit that is located  
21 outside of the municipality in which the production plant is located, or by an electric

1 cooperative assessed under ss. 76.07 and 76.48, respectively, or by a municipal  
 2 electric company under s. 66.0825 an amount determined by multiplying by 6 mills  
 3 in the case of property in a town and by 3 mills in the case of property in a city or  
 4 village, for the distribution in 2002, the first \$125,000,000; for the distribution in  
 5 2003, the first \$140,000,000; for the distribution in 2004, the first \$160,000,000; for  
 6 the distribution in 2005, the first \$185,000,000; and for the distribution in 2006 and  
 7 subsequent years, the first \$250,000,000; of the amount shown in the account, plus  
 8 leased property, of each public utility except qualified wholesale electric companies,  
 9 as defined in s. 76.28 (1) (gm), on December 31 of the preceding year for either  
 10 "production plant, exclusive of land" and "general structures", or "work in progress"  
 11 for production plants and general structures under construction, in the case of light,  
 12 heat and power companies, electric cooperatives or municipal electric companies, for  
 13 all property within the municipality in accordance with the system of accounts  
 14 established by the public service commission or rural electrification administration,  
 15 less depreciation thereon as determined by the department of revenue and less the  
 16 value of treatment plant and pollution abatement equipment, as defined under s.  
 17 70.11 (21) (a), as determined by the department of revenue plus an amount from the  
 18 shared revenue account determined by multiplying by 6 mills in the case of property  
 19 in a town, and 3 mills in the case of property in a city or village, of the total original  
 20 cost of production plant, general structures and work-in-progress less depreciation,  
 21 land and approved waste treatment facilities of each qualified wholesale electric  
 22 company, as defined in s. 76.28 (1) (gm), as reported to the department of revenue of  
 23 all property within the municipality. The total of amounts, as depreciated, from the  
 24 accounts of all public utilities for the same production plant is also limited to  
 25 \$125,000,000, for the distribution in 2002; \$140,000,000, for the distribution in 2003;

^ close up  
v

6

not more than  
↑  
plain



1 \$160,000,000, for the distribution in 2004; \$185,000,000, for the distribution in 2005;  
2 and \$250,000,000, for the distribution in 2006 and subsequent years. ✓

**Insert C**

3 **SECTION 4.** 79.04 (2) (am) 3. of the statutes is amended to read:

4 79.04 (2) (am) 3. The amount of a distribution under this paragraph, as affected  
5 by subd. 1., may not exceed the per capita amount established under par. (a) (ad). ✓

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.

6 **SECTION 5.** 79.04 (2) (b) of the statutes is amended to read:

7 79.04 (2) (b) The payment under par. (a) for any county in which a production  
8 plant is located, which the public service commission certifies to the department of  
9 revenue will produce a nominal rated capacity of 200 megawatts or more, shall be  
10 not less than \$75,000 annually, except that the amount distributable to a county in  
11 any year shall not exceed the per capita limit specified in par. (a) (ad). ✓

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.

**Insert D**

12 **SECTION 6. Effective date** <sup>(S)</sup> This act takes effect on the day  
13 (1) The repeal and recreation of section 79.04 (2) (a) of the statutes takes effect after publication, except as follows.  
14 on January 1, 2002. ✓

LPS: Fix component —  
use create → action → \*NS: → effdate E

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3598/P1dn

JK:cjs:pg

September 6, 2001

Representative Hoven:

Please review this draft carefully to ensure that it is consistent with your intent. The bill is based on LRBb1811/3. Please note that 2001 Wisconsin Act 16 increased the total amount of the shared revenue distribution under s. 79.03 (4). The bill maintains that increase. Is that okay? Please contact me if you have any questions.

Joseph T. Kreye  
Legislative Attorney  
Phone: (608) 266-2263  
E-mail: joseph.kreye@legis.state.wi.us

## Kreye, Joseph

---

**From:** Welsh, Michael  
**Sent:** Monday, September 10, 2001 10:28 AM  
**To:** Kreye, Joseph  
**Subject:** RE: 01-3598

Joe,

The draft looks great. Could you take the preliminary "tag" off of it and send me an e-copy.

Thanks

-----Original Message-----

**From:** Kreye, Joseph  
**Sent:** Friday, September 07, 2001 8:47 AM  
**To:** Welsh, Michael  
**Subject:** 01-3598

<< File: 01-3598/P1 >>

**Joseph T. Kreye**  
Legislative Attorney  
Legislative Reference Bureau  
(608) 266-2263



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-3598/F1  
JK&MES:cjs:pg

RMR

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

m 9-10-01  
Today  
LPS:  
no changes  
except LRB no

1 AN ACT to amend 79.03 (4), 79.04 (1) (a), 79.04 (1) (b) 3., 79.04 (1) (c) 1., 79.04  
2 (2) (a), 79.04 (2) (am) 3. and 79.04 (2) (b); to repeal and recreate 79.04 (2) (a);  
3 and to create 79.04 (1) (am), 79.04 (1) (c) 4., 79.04 (2) (ad), 79.04 (2) (c) and 79.04  
4 (5) of the statutes; relating to: public utility shared revenue payments.

**Analysis by the Legislative Reference Bureau**

Under current law, generally, the property of a public utility is subject to a state tax rather than local property taxes. Instead of collecting property taxes on such property, municipalities and counties receive payments from the shared revenue account based on the value of public utility property located in the municipalities and counties. The amount of a municipality's payment is equal to the value of public utility property located in the municipality, not exceeding \$125,000,000 for each utility, multiplied by either three mills, for a town, or six mills, for a city or village. However, the payment may not exceed an amount that is equal to \$300 multiplied by the municipality's population. The amount of a county's payment is equal to the value of public utility property located in each municipality within the county, not exceeding \$125,000,000 for each utility, multiplied by either three mills, for a city or village located within the county, or six mills, for a town located within the county. However, the amount of the county's payment may not exceed an amount that is equal to \$100 multiplied by the county's population.

Under this bill, the amount of a municipality's payment related to public utility property is equal to the value of public utility property located in the municipality, not exceeding the following amounts for each utility, multiplied by either three mills,

for a town, or six mills, for a city or village: in 2003, \$140,000,000; in 2004, \$160,000,000; in 2005, \$185,000,000; in 2006 and subsequent years, \$250,000,000. However, the amount of the payment may not exceed the following amounts multiplied by the municipality's population: in 2003, \$450; in 2004, \$650; in 2005, \$950; in 2006 and subsequent years, \$1,200.

Under the bill, if a power production plant is built on the site of an existing or decommissioned power production plant or on brownfields, and operates at a power production capacity of at least 50 megawatts, the municipality in which the plant is located receives an additional payment equal to the value of the production plant, not exceeding the following amounts, multiplied by one mill, for a production plant that is neither coal-powered nor nuclear-powered, or by two mills, for a production plant that is coal-powered: in 2003, \$140,000,000; in 2004, \$160,000,000; in 2005, \$185,000,000; in 2006 and subsequent years, \$250,000,000.

Under the bill, the amount of a county's payment related to public utility property is equal to the value of public utility property located in the county, not exceeding the following amounts for each utility, multiplied by either three mills, for a city or village located within the county, or six mills, for a town located within the county: in 2003, \$140,000,000; in 2004, \$160,000,000; in 2005, \$185,000,000; in 2006 and subsequent years, \$250,000,000. However, the amount of the payment may not exceed the following amounts multiplied by the county's population: in 2003, \$225; in 2004, \$325; in 2005, \$475; in 2006 and subsequent years, \$600.

Under the bill, if a power production plant is built on the site of an existing or decommissioned power production plant or on brownfields, and operates at a power production capacity of at least 50 megawatts, the county in which the plant is located receives an additional payment equal to the value of the production plant, not exceeding the following amounts, multiplied by one mill, for any production plant that is not nuclear-powered: in 2003, \$140,000,000; in 2004, \$160,000,000; in 2005, \$185,000,000; in 2006 and subsequent years, \$250,000,000.

Under current law, if public utility property is decommissioned and thereby subject to local property taxes, the municipalities and counties in which the property is located no longer receive shared revenue payments based on the value of that property. Under the bill, shared revenue payments related to decommissioned utility property are phased out over five years.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           SECTION 1. 79.03 (4) of the statutes, as affected by 2001 Wisconsin Act 16, is  
2 amended to read:

1           79.03 (4) In 1991, the total amount to be distributed under ss. 79.03, 79.04, and  
2           79.06 from s. 20.835 (1) (d) is \$869,000,000. In 1992, the total amount to be  
3           distributed under ss. 79.03, 79.04, and 79.06 from s. 20.835 (1) (d) is \$885,961,300.  
4           In 1993, the total amount to be distributed under ss. 79.03, 79.04, and 79.06 from s.  
5           20.835 (1) (d) is \$903,680,500. In 1994, the total amounts to be distributed under this  
6           section and ss. 79.04 and 79.06 from s. 20.835 (1) (d) are \$746,547,500 to  
7           municipalities and \$168,981,800 to counties. Beginning in 1995 and ending in 2001,  
8           the total amounts to be distributed under ss. 79.03, 79.04 and 79.06 from s. 20.835  
9           (1) (d) are \$761,478,000 to municipalities and \$168,981,800 to counties. In 2002, the  
10          total amounts to be distributed under ss. 79.03, 79.04, and 79.06 from s. 20.835 (1)  
11          (d) are \$769,092,800 to municipalities and \$170,671,600 to counties. In 2003 and  
12          subsequent years, the total amounts amount to be distributed under ss. 79.03, 79.04,  
13          and 79.06 from s. 20.835 (1) (d) are to municipalities is the sum of \$776,783,700 and  
14          the difference between the amount that would be distributed to municipalities under  
15          s. 79.04, 1999 stats., and the amount distributed to municipalities under s. 79.04.  
16          In 2003 and subsequent years, the total amount to be distributed under ss. 79.03,  
17          79.04, and 79.06 from s. 20.835 (1) (d) to counties is the sum of \$172,378,300 and the  
18          difference between the amount that would be distributed to counties under s. 79.04,  
19          1999 stats., and the amount distributed to counties under s. 79.04.

20           **SECTION 2.** 79.04 (1) (a) of the statutes is amended to read:

21           79.04 (1) (a) An Except as provided in par. (am) and sub. (5), an amount from  
22           the shared revenue account determined by multiplying by 3 mills in the case of a  
23           town, and 6 mills in the case of a city or village, for the distribution in 2002, the first  
24           \$125,000,000; for the distribution in 2003, the first \$140,000,000; for the distribution  
25           in 2004, the first \$160,000,000; for the distribution in 2005, the first \$185,000,000;

1 and for the distribution in 2006 and subsequent years, the first \$250,000,000; 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 either “production plant, exclusive of land” and “general  
5 structures”, or “work in progress” for production plants and general structures under  
6 construction, in the case of light, heat and power companies, electric cooperatives or  
7 municipal electric companies, for all property within a municipality in accordance  
8 with the system of accounts established by the public service commission or rural  
9 electrification administration, less depreciation thereon as determined by the  
10 department of revenue and less the value of treatment plant and pollution  
11 abatement equipment, as defined under s. 70.11 (21) (a), as determined by the  
12 department of revenue plus an amount from the shared revenue account determined  
13 by multiplying by 3 mills in the case of a town, and 6 mills in the case of a city or  
14 village, of the first \$125,000,000, for the distribution in 2002; the first \$140,000,000,  
15 for the distribution in 2003; the first \$160,000,000, for the distribution in 2004; the  
16 first \$185,000,000, for the distribution in 2005; and the first \$250,000,000, for the  
17 distribution in 2006 and subsequent years; of the total original cost of production  
18 plant, general structures and work-in-progress less depreciation, land and  
19 approved waste treatment facilities of each qualified wholesale electric company, as  
20 defined in s. 76.28 (1) (gm), as reported to the department of revenue of all property  
21 within the municipality. The total of amounts, as depreciated, from the accounts of  
22 all public utilities for the same production plant is also limited to not more than  
23 \$125,000,000. ~~The amount distributable to a municipality in any year shall not~~  
24 ~~exceed \$300 times the population of the municipality, for the distribution in 2002;~~  
25 \$140,000,000, for the distribution in 2003; \$160,000,000, for the distribution in 2004;

1 \$185,000,000, for the distribution in 2005; and \$250,000,000, for the distribution in  
2 2006 and subsequent years.

3 **SECTION 3.** 79.04 (1) (am) of the statutes is created to read:

4 79.04 (1) (am) The amount distributable to a municipality under par. (a) shall  
5 not exceed the following:

6 1. For the distribution in 2002, an amount equal to the municipality's  
7 population multiplied by \$300.

8 2. For the distribution in 2003, an amount equal to the municipality's  
9 population multiplied by \$450.

10 3. For the distribution in 2004, an amount equal to the municipality's  
11 population multiplied by \$650.

12 4. For the distribution in 2005, an amount equal to the municipality's  
13 population multiplied by \$950.

14 5. For the distribution in 2006 and subsequent years, an amount equal to the  
15 municipality's population multiplied by \$1,200.

16 **SECTION 4.** 79.04 (1) (b) 3. of the statutes is amended to read:

17 79.04 (1) (b) 3. The amount of a distribution under this paragraph, as affected  
18 by subd. 1., may not exceed the per capita amount established under par. (a) (am).

19 **SECTION 5.** 79.04 (1) (c) 1. of the statutes is amended to read:

20 79.04 (1) (c) 1. The payment for any municipality in which a production plant  
21 is located, which the public service commission certifies to the department of revenue  
22 will produce a nominal rated capacity of 200 megawatts or more, shall be no less than  
23 \$75,000 annually, except that the amount distributable to a municipality in any year  
24 shall not exceed the per capita limit specified in par. (a) (am). Payments under this



1 paragraph may be extended to decommissioned production plants as provided in  
2 subd. 3.

3 **SECTION 6.** 79.04 (1) (c) 4. of the statutes is created to read:

4 79.04 (1) (c) 4. Beginning with the distributions in 2003, if property that was  
5 exempt from the property tax under s. 70.112 (4) and that was used to generate power  
6 by a light, heat, or power company, except property under s. 66.0813, is  
7 decommissioned, the municipality shall be paid an amount calculated by subtracting  
8 an amount equal to the property taxes paid for that property during the current year  
9 to the municipality for its general operations from the following percentages of the  
10 payment that the municipality received under this section during the last year that  
11 the property was exempt from the property tax:

- 12 a. In the first year that the property is taxable, 100%.  
13 b. In the 2nd year that the property is taxable, 80%.  
14 c. In the 3rd year that the property is taxable, 60%.  
15 d. In the 4th year that the property is taxable, 40%.  
16 e. In the 5th year that the property is taxable, 20%.

17 **SECTION 7.** 79.04 (2) (a) of the statutes is amended to read:

18 79.04 (2) (a) ~~Annually~~ Except as provided in par. (ad) and sub. (5), annually,  
19 the department of administration, upon certification by the department of revenue,  
20 shall distribute from the shared revenue account to any county having within its  
21 boundaries a production plant or a general structure, including production plants  
22 and general structures under construction, used by a light, heat or power company  
23 assessed under s. 76.28 (2), except property described in s. 66.0813 unless the  
24 production plant is owned or operated by a local governmental unit that is located  
25 outside of the municipality in which the production plant is located, or by an electric

1 cooperative assessed under ss. 76.07 and 76.48, respectively, or by a municipal  
2 electric company under s. 66.0825 an amount determined by multiplying by 6 mills  
3 in the case of property in a town and by 3 mills in the case of property in a city or  
4 village, for the distribution in 2002, the first \$125,000,000; for the distribution in  
5 2003, the first \$140,000,000; for the distribution in 2004, the first \$160,000,000; for  
6 the distribution in 2005, the first \$185,000,000; and for the distribution in 2006 and  
7 subsequent years, the first \$250,000,000; of the amount shown in the account, plus  
8 leased property, of each public utility except qualified wholesale electric companies,  
9 as defined in s. 76.28 (1) (gm), on December 31 of the preceding year for either  
10 “production plant, exclusive of land” and “general structures”, or “work in progress”  
11 for production plants and general structures under construction, in the case of light,  
12 heat and power companies, electric cooperatives or municipal electric companies, for  
13 all property within the municipality in accordance with the system of accounts  
14 established by the public service commission or rural electrification administration,  
15 less depreciation thereon as determined by the department of revenue and less the  
16 value of treatment plant and pollution abatement equipment, as defined under s.  
17 70.11 (21) (a), as determined by the department of revenue plus an amount from the  
18 shared revenue account determined by multiplying by 6 mills in the case of property  
19 in a town, and 3 mills in the case of property in a city or village, of the total original  
20 cost of production plant, general structures and work-in-progress less depreciation,  
21 land and approved waste treatment facilities of each qualified wholesale electric  
22 company, as defined in s. 76.28 (1) (gm), as reported to the department of revenue of  
23 all property within the municipality. The total of amounts, as depreciated, from the  
24 accounts of all public utilities for the same production plant is also limited to not  
25 more than \$125,000,000. ~~The amount distributable to a county in any year shall not~~

1 ~~exceed \$100 times the population of the county, for the distribution in 2002;~~  
2 ~~\$140,000,000, for the distribution in 2003; \$160,000,000, for the distribution in 2004;~~  
3 ~~\$185,000,000, for the distribution in 2005; and \$250,000,000, for the distribution in~~  
4 ~~2006 and subsequent years.~~

5       **SECTION 8.** 79.04 (2) (a) of the statutes, as affected by 2001 Wisconsin Acts 16  
6 and .... (this act) is repealed and recreated to read:

7       79.04 (2) (a) Except as provided in par. (ad) and sub. (5), annually, the  
8 department of administration, upon certification by the department of revenue, shall  
9 distribute from the shared revenue account to any county having within its  
10 boundaries a production plant or a general structure, including production plants  
11 and general structures under construction, used by a light, heat or power company  
12 assessed under s. 76.28 (2) or 76.29 (2), except property described in s. 66.0813 unless  
13 the production plant is owned or operated by a local governmental unit that is located  
14 outside of the municipality in which the production plant is located, or by an electric  
15 cooperative assessed under ss. 76.07 and 76.48, respectively, or by a municipal  
16 electric company under s. 66.0825 an amount determined by multiplying by 6 mills  
17 in the case of property in a town and by 3 mills in the case of property in a city or  
18 village, for the distribution in 2002, the first \$125,000,000; for the distribution in  
19 2003, the first \$140,000,000; for the distribution in 2004, the first \$160,000,000; for  
20 the distribution in 2005, the first \$185,000,000; and for the distribution in 2006 and  
21 subsequent years, the first \$250,000,000; of the amount shown in the account, plus  
22 leased property, of each public utility except qualified wholesale electric companies,  
23 as defined in s. 76.28 (1) (gm), on December 31 of the preceding year for either  
24 “production plant, exclusive of land” and “general structures”, or “work in progress”  
25 for production plants and general structures under construction, in the case of light,

1 heat and power companies, electric cooperatives or municipal electric companies, for  
2 all property within the municipality in accordance with the system of accounts  
3 established by the public service commission or rural electrification administration,  
4 less depreciation thereon as determined by the department of revenue and less the  
5 value of treatment plant and pollution abatement equipment, as defined under s.  
6 70.11 (21) (a), as determined by the department of revenue plus an amount from the  
7 shared revenue account determined by multiplying by 6 mills in the case of property  
8 in a town, and 3 mills in the case of property in a city or village, of the total original  
9 cost of production plant, general structures and work-in-progress less depreciation,  
10 land and approved waste treatment facilities of each qualified wholesale electric  
11 company, as defined in s. 76.28 (1) (gm), as reported to the department of revenue of  
12 all property within the municipality. The total of amounts, as depreciated, from the  
13 accounts of all public utilities for the same production plant is also limited to not  
14 more than \$125,000,000, for the distribution in 2002; \$140,000,000, for the  
15 distribution in 2003; \$160,000,000, for the distribution in 2004; \$185,000,000, for the  
16 distribution in 2005; and \$250,000,000, for the distribution in 2006 and subsequent  
17 years.

18 **SECTION 9.** 79.04 (2) (ad) of the statutes is created to read:

19 79.04 (2) (ad) The amount distributable to a county under par. (a) shall not  
20 exceed the following:

21 1. For the distribution in 2002, an amount equal to the county's population  
22 multiplied by \$100.

23 2. For the distribution in 2003, an amount equal to the county's population  
24 multiplied by \$225.

1           3. For the distribution in 2004, an amount equal to the county's population  
2 multiplied by \$325.

3           4. For the distribution in 2005, an amount equal to the county's population  
4 multiplied by \$475.

5           5. For the distribution in 2006 and subsequent years, an amount equal to the  
6 county's population multiplied by \$600.

7           **SECTION 10.** 79.04 (2) (am) 3. of the statutes is amended to read:

8           79.04 (2) (am) 3. The amount of a distribution under this paragraph, as affected  
9 by subd. 1., may not exceed the per capita amount established under par. (a) (ad).

10          **SECTION 11.** 79.04 (2) (b) of the statutes is amended to read:

11          79.04 (2) (b) The payment under par. (a) for any county in which a production  
12 plant is located, which the public service commission certifies to the department of  
13 revenue will produce a nominal rated capacity of 200 megawatts or more, shall be  
14 not less than \$75,000 annually, except that the amount distributable to a county in  
15 any year shall not exceed the per capita limit specified in par. (a) (ad).

16          **SECTION 12.** 79.04 (2) (c) of the statutes is created to read:

17          79.04 (2) (c) Beginning with the distributions in 2003, if property that was  
18 exempt from the property tax under s. 70.112 (4) and that was used to generate power  
19 by a light, heat, or power company, except property under s. 66.0813, is  
20 decommissioned, the county shall be paid an amount calculated by subtracting an  
21 amount equal to the property taxes paid for that property during the current year  
22 to the county for its general operations from the following percentages of the  
23 payment the county received under this section during the last year that the property  
24 was exempt from the property tax:

25          1. In the first year that the property is taxable, 100%.

1           2. In the 2nd year that the property is taxable, 80%.

2           3. In the 3rd year that the property is taxable, 60%.

3           4. In the 4th year that the property is taxable, 40%.

4           5. In the 5th year that the property is taxable, 20%.

5           **SECTION 13.** 79.04 (5) of the statutes is created to read:

6           79.04 (5) (a) If a production plant, other than a coal-powered or  
7 nuclear-powered production plant, is built on the site of an existing or  
8 decommissioned production plant or on brownfields, as defined in s. 560.13 (1) (a),  
9 after the effective date of this paragraph ... [revisor inserts date], and is operating  
10 at a total power production capacity of at least 50 megawatts, the city, village, or town  
11 in which the plant is located shall receive annually an additional payment from the  
12 department of administration equal to the portion of the amount in the account for  
13 the "production plant, exclusive of land" that is used to calculate a payment under  
14 sub. (1) (a) multiplied by one mill, and the county in which the plant is located shall  
15 receive annually an additional payment from the department of administration  
16 equal to the portion of the amount in the account for the "production plant, exclusive  
17 of land" that is used to calculate a payment under sub. (2) (a) multiplied by one mill.

18           (b) If a coal-powered production plant is built on the site of an existing or  
19 decommissioned production plant or on brownfields, as defined in s. 560.13 (1) (a),  
20 after the effective date of this paragraph ... [revisor inserts date], and is operating  
21 at a total power production capacity of at least 50 megawatts, the city, village, or town  
22 in which the plant is located shall receive annually an additional payment from the  
23 department of administration equal to the portion of the amount in the account for  
24 the "production plant, exclusive of land" that is used to calculate a payment under  
25 sub. (1) (a) multiplied by 2 mills, and the county in which the plant is located shall

1 receive annually an additional payment from the department of administration  
2 equal to the portion of the amount in the account for the “production plant, exclusive  
3 of land” that is used to calculate a payment under sub. (2) (a) multiplied by one mill.

4 **SECTION 14. Effective dates.** This act takes effect on the day after publication,  
5 except as follows:

6 (1) The repeal and recreation of section 79.04 (2) (a) of the statutes takes effect  
7 on January 1, 2002.

8 (END)