

**2001 DRAFTING REQUEST**

**Assembly Substitute Amendment (ASA-AB584)**

Received: **10/30/2001**

Received By: **jkreye**

Wanted: **Today**

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**  
**john.stolzenberg@legis.state.wi.us**  
**dhuegel@dor.state.wi.us**

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Public utility shared revenue distribution

---

**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 10/30/2001	csicilia 10/30/2001		_____			
/1	jkreye 10/31/2001	csicilia 10/31/2001	jfrantze 10/30/2001	_____	lrb_docadmin 10/30/2001	lrb_docadmin 10/30/2001	

Vers.    Drafted    Reviewed    Typed    Proofed    Submitted    Jacketed    Required

/2			haugeca _____		lrb_docadmin	lrb_docadmin	
			10/31/2001 _____		10/31/2001	10/31/2001	

FE Sent For:

<END>

2001 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB584)

Received: 10/30/2001

Received By: jkreye

Wanted: Today

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 ✓  
john.stolzenberg@legis.state.wi.us ✓  
dhuegel@dor.state.wi.us ✓

Pre Topic:

No specific pre topic given

Topic:

Public utility shared revenue distribution

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 10/30/2001	csicilia 10/30/2001					
/1		1/2 gjs 10/31 01	jfrantze 10/30/2001 CH 10-31	<del>CH 10-31</del> DWH	lrb_docadmin 10/30/2001	lrb_docadmin 10/30/2001	

Vers.    Drafted    Reviewed    Typed    Proofed    Submitted    Jacketed    Required

FE Sent For:

<END>

**2001 DRAFTING REQUEST**

**Assembly Substitute Amendment (ASA-AB584)**

Received: 10/30/2001

Received By: jkreye

Wanted: Today

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: John Stolzenberg - LC  
Daniel P. Huegel - DOR

Submit via email: YES

Requester's email: Rep.Hoven@legis.state.wi.us

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

**Pre Topic:**

No specific pre topic given

**Topic:**

Public utility shared revenue distribution

**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	1/15 10/30/01	10/30	10/30			

FE Sent For:

<END>

ON THE FLOOR THURSDAY

AB 584 — prep a sub.

① location of new plants p 12

include site adjacent to... " (plant or brownfields) } part of sub.  
existing or decom

② Section 20

fall, estimated notice — concern that payment would be substantially less than the estimate

p 14 — line 6 "in the year of the statement"

↙ rather than in that year

"in the year before the year of the statement under"

③ page 4 — change calculation language

④ p 14 — need "comparison" in formula

⑤ p 12 public utility and electric cooperative

↙ add back in language to parallel existing

⑥ delayed effective date for section 1 & 3 (x-ref to 79.04)

⑦ 79.04(5)(a) & (5)(b) Beginning with payments 2003...  
→ build after Jan 1, 2002

- ⑧ roll the amendment into a substitute
- ⑨ p. 7 line 9 - need "cooperative" etc language  
(p. 11 line 25)

e-mail to John H  
& DOR (Merrin & Dorel Huegel)



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRBs0226/1

JK:.....

js  
RM not R

ASSEMBLY SUBSTITUTE AMENDMENT,  
TO 2001 ASSEMBLY BILL 584

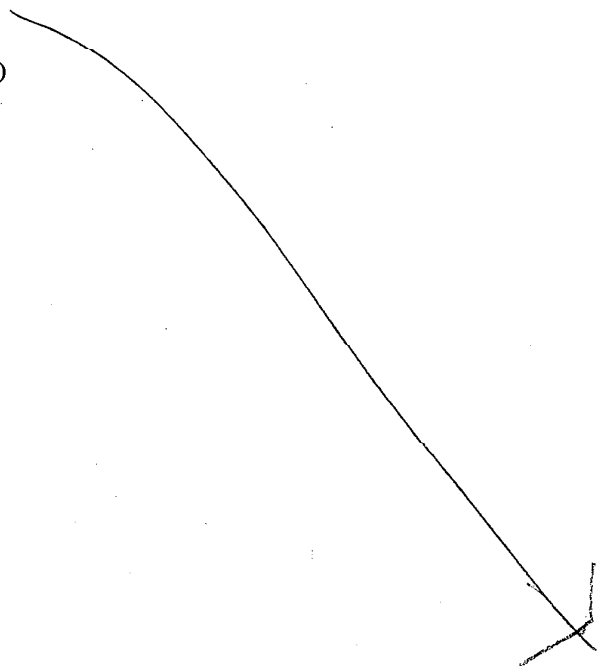
in 10-30-01  
TODAY

gen

1 AN ACT ...; relating to: public utility shared revenue distributions and making  
2 an appropriation.

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

3 (END)





**2001 ASSEMBLY BILL 584**

October 18, 2001 - Introduced by Representatives HOVEN, BIES, DUFF, HAHN, HUNDERTMARK, LADWIG, LASSA, LIPPERT, MONTGOMERY, MUSSER, OTT, STARZYK, STEINBRINK, STONE, SUDER, TOWNSEND, UNDERHEIM, URBAN and VRAKAS, cosponsored by Senators MOEN, ROESSLER, SCHULTZ, SHIBILSKI and WELCH. Referred to Committee on Energy and Utilities.

1 **AN ACT to repeal** 79.04 (1) (c) 3. **to amend** 20.835 (1) (d), 79.01 (2), 79.03 (3) (a),  
 2 79.03 (4), 79.04 (1) (a), 79.04 (1) (b) 3., 79.04 (1) (c) 1., 79.04 (2) (a), 79.04 (2) (am)  
 3 3. and 79.04 (2) (b); **to repeal and recreate** 79.04 (2) (a); and **to create** 20.835  
 4 (1) (dm), 79.01 (2m), 79.04 (1) (am), 79.04 (1) (c) 4., 79.04 (2) (ad), 79.04 (2) (c),  
 5 79.04 (5) and 79.04 (6) of the statutes; **relating to:** public utility shared revenue  
 6 payments and making an appropriation.

---

***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.

**ASSEMBLY BILL 584**

Under this bill, beginning in 2003, the payments to municipalities and counties related to public utility property is paid from the public utility distribution account, which is created by the bill, instead of the shared revenue account. Under the 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.

---

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

**ASSEMBLY BILL 584**

1           **SECTION 1.** 20.835 (1) (d) of the statutes is amended to read:

2           20.835 (1) (d) *Shared revenue account.* A sum sufficient to meet the  
3 requirements of the shared revenue account established under s. 79.01 (2) to provide  
4 for the distributions from the shared revenue account to counties, towns, villages and  
5 cities under ss. 79.03, ~~79.04~~ and 79.06.

6           **SECTION 2.** 20.835 (1) (dm) of the statutes is created to read:

7           20.835 (1) (dm) *Public utility distribution account.* A sum sufficient to make  
8 the payments under s. 79.04.

9           **SECTION 3.** 79.01 (2) of the statutes is amended to read:

10          79.01 (2) There is established an account in the general fund entitled the  
11 “Municipal and County Shared Revenue Account”, referred to in this chapter as the  
12 “shared revenue account”. There shall be appropriated to the shared revenue  
13 account the sums specified in ~~ss. s. 79.03 and 79.04.~~

14          **SECTION 4.** 79.01 (2m) of the statutes is created to read:

15          79.01 (2m) There is established an account in the general fund entitled the  
16 “Public Utility Distribution Account,” referred to in this chapter as the “public utility  
17 account.” There shall be appropriated to the public utility account the sums specified  
18 in s. 79.04.

19          **SECTION 5.** 79.03 (3) (a) of the statutes is amended to read:

20          79.03 (3) (a) The amount in the shared revenue account for municipalities and  
21 the amount in the shared revenue account for counties, less the payments under sub.  
22 (2) and, for distributions before the distribution in 2003, less the payments under s.  
23 79.04, shall be allocated to each municipality and county respectively in proportion  
24 to its entitlement. In this paragraph, “entitlement” means the product of aidable  
25 revenues and tax base weight.

## ASSEMBLY BILL 584

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

20 SECTION 7. 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 in 2002, and from the public utility distribution account  
23 in 2003 and subsequent years, determined by multiplying by 3 mills in the case of  
24 a town, and 6 mills in the case of a city or village, for the distribution in 2002, the first  
25 \$125,000,000; for the distribution in 2003, the first \$140,000,000; for the distribution

**ASSEMBLY BILL 584**

1 in 2004, the first \$160,000,000; for the distribution in 2005, the first \$185,000,000;  
2 and for the distribution in 2006 and subsequent years, the first \$250,000,000; of the  
3 amount shown in the account, plus leased property, of each public utility except  
4 qualified wholesale electric companies, as defined in s. 76.28 (1) (gm), on December  
5 31 of the preceding year for either “production plant, exclusive of land” and “general  
6 structures”, or “work in progress” for production plants and general structures under  
7 construction, in the case of light, heat and power companies, electric cooperatives or  
8 municipal electric companies, for all property within a municipality in accordance  
9 with the system of accounts established by the public service commission or rural  
10 electrification administration, less depreciation thereon as determined by the  
11 department of revenue and less the value of treatment plant and pollution  
12 abatement equipment, as defined under s. 70.11 (21) (a), as determined by the  
13 department of revenue plus an amount from the shared revenue account in 2002, and  
14 from the public utility distribution account in 2003 and subsequent years,  
15 determined by multiplying by 3 mills in the case of a town, and 6 mills in the case  
16 of a city or village, of the first \$125,000,000, for the distribution in 2002; the first  
17 \$140,000,000, for the distribution in 2003; the first \$160,000,000, for the distribution  
18 in 2004; the first \$185,000,000, for the distribution in 2005; and the first  
19 \$250,000,000, for the distribution in 2006 and subsequent years; 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 municipality in any year~~

**ASSEMBLY BILL 584**

1 ~~shall not exceed \$300 times the population of the municipality, for the distribution~~  
2 ~~in 2002; \$140,000,000, for the distribution in 2003; \$160,000,000, for the distribution~~  
3 ~~in 2004; \$185,000,000, for the distribution in 2005; and \$250,000,000, for the~~  
4 ~~distribution in 2006 and subsequent years.~~

5 **SECTION 8.** 79.04 (1) (am) of the statutes is created to read:

6 79.04 (1) (am) The amount distributable to a municipality under par. (a) shall  
7 not exceed the following:

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

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

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

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

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

18 **SECTION 9.** 79.04 (1) (b) 3. of the statutes is amended to read:

19 79.04 (1) (b) 3. The amount of a distribution under this paragraph, as affected  
20 by subd. 1., may not exceed the per capita amount established under par. ~~(a)~~ (am).

21 **SECTION 10.** 79.04 (1) (c) 1. of the statutes is amended to read:

22 79.04 (1) (c) 1. The payment for any municipality in which a production plant  
23 is located, which the public service commission certifies to the department of revenue  
24 will produce a nominal rated capacity of 200 megawatts or more, shall be no less than  
25 \$75,000 annually, except that the amount distributable to a municipality in any year

## ASSEMBLY BILL 584

1 shall not exceed the per capita limit specified in par. (a). ~~Payments under this~~  
2 ~~paragraph may be extended to decommissioned production plants as provided in~~  
3 ~~subd. 3 (am).~~

4 SECTION 11. 79.04 (1) (c) 3. of the statutes is repealed.

5 SECTION 12. 79.04 (1) (c) 4. of the statutes is created to read:

6 79.04 (1) (c) 4. Beginning with the distributions in 2003, if property that was  
7 exempt from the property tax under s. 70.112 (4) and that was used to generate power

8 by a light, heat, or power company, except property under s. 66.0813, ~~or~~ by an electric  
9 cooperative, is decommissioned, the municipality shall be paid an amount calculated

10 by subtracting an amount equal to the property taxes paid for that property during  
11 the current year to the municipality for its general operations from the following  
12 percentages of the payment that the municipality received under this section during  
13 the last year that the property was exempt from the property tax:

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

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

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

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

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

19 SECTION 13. 79.04 (2) (a) of the statutes is amended to read:

20 79.04 (2) (a) ~~Annually~~ Except as provided in par. (ad) and sub. (5), annually,  
21 the department of administration, upon certification by the department of revenue,  
22 shall distribute from the shared revenue account in 2002, and from the public utility  
23 distribution account in 2003 and subsequent years, to any county having within its  
24 boundaries a production plant or a general structure, including production plants  
25 and general structures under construction, used by a light, heat or power company

*by a municipal electric company, or by a qualified wholesale electric company,*

**ASSEMBLY BILL 584**

1 assessed under s. 76.28 (2), except property described in s. 66.0813 unless the  
2 production plant is owned or operated by a local governmental unit that is located  
3 outside of the municipality in which the production plant is located, or by an electric  
4 cooperative assessed under ss. 76.07 and 76.48, respectively, or by a municipal  
5 electric company under s. 66.0825 an amount determined by multiplying by 6 mills  
6 in the case of property in a town and by 3 mills in the case of property in a city or  
7 village, for the distribution in 2002, the first \$125,000,000; for the distribution in  
8 2003, the first \$140,000,000; for the distribution in 2004, the first \$160,000,000; for  
9 the distribution in 2005, the first \$185,000,000; and for the distribution in 2006 and  
10 subsequent years, the first \$250,000,000; of the amount shown in the account, plus  
11 leased property, of each public utility except qualified wholesale electric companies,  
12 as defined in s. 76.28 (1) (gm), on December 31 of the preceding year for either  
13 “production plant, exclusive of land” and “general structures”, or “work in progress”  
14 for production plants and general structures under construction, in the case of light,  
15 heat and power companies, electric cooperatives or municipal electric companies, for  
16 all property within the municipality in accordance with the system of accounts  
17 established by the public service commission or rural electrification administration,  
18 less depreciation thereon as determined by the department of revenue and less the  
19 value of treatment plant and pollution abatement equipment, as defined under s.  
20 70.11 (21) (a), as determined by the department of revenue plus an amount from the  
21 shared revenue account in 2002, and from the public utility distribution account in  
22 2003 and subsequent years, determined by multiplying by 6 mills in the case of  
23 property in a town, and 3 mills in the case of property in a city or village, of the total  
24 original cost of production plant, general structures and work-in-progress less  
25 depreciation, land and approved waste treatment facilities of each qualified



**ASSEMBLY BILL 584**

1 wholesale electric company, as defined in s. 76.28 (1) (gm), as reported to the  
2 department of revenue of all property within the municipality. The total of amounts,  
3 as depreciated, from the accounts of all public utilities for the same production plant  
4 is also limited to not more than \$125,000,000. ~~The amount distributable to a county~~  
5 ~~in any year shall not exceed \$100 times the population of the county, for the~~  
6 distribution in 2002; \$140,000,000, for the distribution in 2003; \$160,000,000, for the  
7 distribution in 2004; \$185,000,000, for the distribution in 2005; and \$250,000,000,  
8 for the distribution in 2006 and subsequent years.

9 **SECTION 14.** 79.04 (2) (a) of the statutes, as affected by 2001 Wisconsin Acts 16  
10 and .... (this act) is repealed and recreated to read:

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

**ASSEMBLY BILL 584**

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

24 **SECTION 15.** 79.04 (2) (ad) of the statutes is created to read:

1           79.04 (2) (ad) The amount distributable to a county under par. (a) shall not  
2 exceed the following:

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

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

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

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

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

13           **SECTION 16.** 79.04 (2) (am) 3. of the statutes is amended to read:

14           79.04 (2) (am) 3. The amount of a distribution under this paragraph, as affected  
15 by subd. 1., may not exceed the per capita amount established under par. (a) (ad).

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

17           79.04 (2) (b) The payment under par. (a) for any county in which a production  
18 plant is located, which the public service commission certifies to the department of  
19 revenue will produce a nominal rated capacity of 200 megawatts or more, shall be  
20 not less than \$75,000 annually, except that the amount distributable to a county in  
21 any year shall not exceed the per capita limit specified in par. (a) (ad).

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

23           79.04 (2) (c) Beginning with the distributions in 2003, if property that was  
24 exempt from the property tax under s. 70.112 (4) and that was used to generate power  
25 by a light, heat, or power company, except property under s. 66.0813, ~~///~~ by an electric

ASSEMBLY BILL 584

*by a municipal electric company, or by a qualified wholesale electric company,*

1

cooperative), is decommissioned, the county shall be paid an amount calculated by subtracting an amount equal to the property taxes paid for that property during the current year to the county for its general operations from the following percentages of the payment the county received under this section during the last year that the property was exempt from the property tax:

2  
3  
4  
5

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

6  
7  
8  
9  
10

SECTION 19. 79.04 (5) of the statutes is created to read:

*Beginning with payments in 2003, if*

11

79.04 (5) (a) ~~is~~ a production plant, other than a coal-powered or nuclear-powered production plant, is built on the site of an existing or decommissioned production plant or on brownfields, as defined in s. 560.13 (1) (a), after the effective date of this paragraph. [revisor inserts date], and is operating at a total power production capacity of at least 50 megawatts, the city, village, or town in which the plant is located shall receive annually an additional payment from the department of administration equal to the portion of the amount in the account for the "production plant, exclusive of land," less depreciation and less the value of

12  
13  
14  
15  
16  
17  
18  
19

treatment plant and pollution abatement equipment, as described under s. 70.11 (21) (a); and for the total original cost of <sup>the</sup> production plant, ~~general structures,~~ and ~~work in progress~~ of each qualified wholesale electric company, as defined in s. 76.28 (1) (gm), less depreciation, land, and approved waste facilities; that is used to calculate a payment under sub. (1) (a) multiplied by one mill, and the county in which the plant is located shall receive annually an additional payment from the

20  
21  
22  
23  
24  
25

*for light, heat, and power companies, electric cooperatives, or municipal electric companies,*

ASSEMBLY BILL 584

*for light, heat, and power companies, electric cooperatives, or municipal electric companies,*

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

department of administration equal to the portion of the amount in the account for the "production plant, exclusive of land," less depreciation and less the value of treatment plant and pollution abatement equipment, as described under s. 70.11 (21) (a); and for the total original cost of <sup>the</sup> production plant, ~~general structures, and work-in-progress~~ of each qualified wholesale electric company, as defined in s. 76.28 (1) (gm), less depreciation, land, and approved waste facilities; that is used to calculate a payment under sub. (2) (a) multiplied by one mill.

(b) <sup>Beginning with payments in 2003, if</sup> a coal-powered production plant is built on the site of an existing or decommissioned production plant or on <sup>or on a site adjacent to,</sup> brownfields, as defined in s. 560.13 (1) (a), after ~~the effective date of this paragraph ... [reviser inserts date]~~ <sup>January 1, 2002</sup>, and is operating at a total power production capacity of at least 50 megawatts, the city, village, or town in which the plant is located shall receive annually an additional payment from the department of administration equal to the portion of the amount in the account for

the "production plant, exclusive of land," less depreciation and less the value of treatment plant and pollution abatement equipment, as described under s. 70.11 (21) (a); and for the total original cost of <sup>the</sup> production plant, ~~general structures, and work-in-progress~~ of each qualified wholesale electric company, as defined in s. 76.28 (1) (gm), less depreciation, land, and approved waste facilities; that is used to calculate a payment under sub. (1) (a) multiplied by 2 mills, and the county in which the plant is located shall receive annually an additional payment from the department of administration equal to the portion of the amount in the account for

the "production plant, exclusive of land," less depreciation and less the value of treatment plant and pollution abatement equipment, as described under s. 70.11 (21) (a); and for the total original cost of <sup>the</sup> production plant, ~~general structures, and work-in-progress~~ of each qualified wholesale electric company, as defined in s. 76.28

*for light, heat, and power companies, electric cooperatives, or municipal electric companies,*

**ASSEMBLY BILL 584**

**SECTION 19**

*as compared to the total amount of payments to municipalities and counties under this section in 2001*

(1) (gm), less depreciation, land, and approved waste facilities; that is used to calculate a payment under sub. (2) (a) multiplied by one mill.

**SECTION 20.** 79.04 (6) of the statutes is created to read:

79.04 (6) (a) Any increase in the total amount of payments to municipalities and counties under this section in any year may not exceed an amount equal to the sum of the revenue collected under ss. 76.28, 76.29, and 76.48 in ~~that~~ <sup>the</sup> year, less an amount equal to the sum of the revenue collected under ss. 76.28 and 76.48 in ~~that~~ <sup>the</sup> year 2000-01 <sup>2001</sup>.

(b) The total amount of the payments to municipalities and counties under this section shall be allocated to each municipality and county in proportion to the total amount of the payments to municipalities and counties calculated under this section in any year in which the total amount of the payments to municipalities and counties calculated under this section exceeds the limit under par. (a).

**SECTION 21. Effective dates.** This act takes effect on the day after publication, except as follows:

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

(END)

*before the year of the statement under s. 79.015*

*(2) The treatment of sections 20.835(1)(d) and (dm) and 79.01(2) and (2m) of the statutes takes effect on January 1, 2003.*

*eff date*

*Sec # initial applicability*

*(1) The treatment of sections 20.835(1)(d) and (dm) and 79.01(2) and (2m) of the statutes first applies to distributions on the 4th Monday in July, 2003.*



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRBs0226/2  
JK:cjs:jf

ASSEMBLY SUBSTITUTE AMENDMENT,  
TO 2001 ASSEMBLY BILL 584

m 10-31-01  
NOW

1 **AN ACT** to repeal 79.04 (1) (c) 3.; to amend 20.835 (1) (d), 79.01 (2), 79.03 (3) (a),  
2 79.03 (4), 79.04 (1) (a), 79.04 (1) (b) 3., 79.04 (1) (c) 1., 79.04 (2) (a), 79.04 (2) (am)  
3 3. and 79.04 (2) (b); to repeal and recreate 79.04 (2) (a); and to create 20.835  
4 (1) (dm), 79.01 (2m), 79.04 (1) (am), 79.04 (1) (c) 4., 79.04 (2) (ad), 79.04 (2) (c),  
5 79.04 (5) and 79.04 (6) of the statutes; relating to: public utility shared revenue  
6 distributions and making an appropriation.

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

7 **SECTION 1.** 20.835 (1) (d) of the statutes is amended to read:  
8 20.835 (1) (d) *Shared revenue account.* A sum sufficient to meet the  
9 requirements of the shared revenue account established under s. 79.01 (2) to provide  
10 for the distributions from the shared revenue account to counties, towns, villages and  
11 cities under ss. 79.03, 79.04 and 79.06.

12 **SECTION 2.** 20.835 (1) (dm) of the statutes is created to read:

1           20.835 (1) (dm) *Public utility distribution account*. A sum sufficient to make  
2 the payments under s. 79.04.

3           **SECTION 3.** 79.01 (2) of the statutes is amended to read:

4           79.01 (2) There is established an account in the general fund entitled the  
5 “Municipal and County Shared Revenue Account” referred to in this chapter as the  
6 “shared revenue account.” There shall be appropriated to the shared revenue  
7 account the sums specified in ~~ss. s.~~ 79.03 and 79.04.

8           **SECTION 4.** 79.01 (2m) of the statutes is created to read:

9           79.01 (2m) There is established an account in the general fund entitled the  
10 “Public Utility Distribution Account,” referred to in this chapter as the “public utility  
11 account.” There shall be appropriated to the public utility account the sums specified  
12 in s. 79.04.

13           **SECTION 5.** 79.03 (3) (a) of the statutes is amended to read:

14           79.03 (3) (a) The amount in the shared revenue account for municipalities and  
15 the amount in the shared revenue account for counties, less the payments under sub.  
16 (2) and, for distributions before the distribution in 2003, less the payments under s.  
17 79.04, shall be allocated to each municipality and county respectively in proportion  
18 to its entitlement. In this paragraph, “entitlement” means the product of aidable  
19 revenues and tax base weight.

20           **SECTION 6.** 79.03 (4) of the statutes, as affected by 2001 Wisconsin Act 16, is  
21 amended to read:

22           79.03 (4) In 1991, the total amount to be distributed under ss. 79.03, 79.04, and  
23 79.06 from s. 20.835 (1) (d) is \$869,000,000. In 1992, the total amount to be  
24 distributed under ss. 79.03, 79.04, and 79.06 from s. 20.835 (1) (d) is \$885,961,300.  
25 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 \$776,783,700, less the amount  
10 that was distributed to municipalities under s. 79.04 in 2001. In 2003 and  
11 subsequent years, the total amount to be distributed under ss. 79.03 and 79.06 from  
12 s. 20.835 (1) (d) to counties is \$172,378,300, less the amount that was distributed to  
13 counties under s. 79.04, in 2001.

14 **SECTION 7.** 79.04 (1) (a) of the statutes is amended to read:

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

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

24 **SECTION 8.** 79.04 (1) (am) of the statutes is created to read:

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 9.** 79.04 (1) (b) 3. of the statutes is amended to read:

14           79.04 (1) (b) 3. The amount of a distribution under this paragraph, as affected  
15 by subd. 1., may not exceed the per capita amount established under par. ~~(a)~~ (am).

16           **SECTION 10.** 79.04 (1) (c) 1. of the statutes is amended to read:

17           79.04 (1) (c) 1. The payment for any municipality in which a production plant  
18 is located, which the public service commission certifies to the department of revenue  
19 will produce a nominal rated capacity of 200 megawatts or more, shall be no less than  
20 \$75,000 annually, except that the amount distributable to a municipality in any year  
21 shall not exceed the per capita limit specified in par. ~~(a)~~. ~~Payments under this~~  
22 ~~paragraph may be extended to decommissioned production plants as provided in~~  
23 ~~subd. 3~~ (am).

24           **SECTION 11.** 79.04 (1) (c) 3. of the statutes is repealed.

25           **SECTION 12.** 79.04 (1) (c) 4. of the statutes is created to read:

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

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

15           **SECTION 13.** 79.04 (2) (a) of the statutes is amended to read:

16           79.04 (2) (a) Annually Except as provided in par. (ad) and sub. (5), annually,  
17 the department of administration, upon certification by the department of revenue,  
18 shall distribute from the shared revenue account in 2002, and from the public utility  
19 distribution account in 2003 and subsequent years, to any county having within its  
20 boundaries a production plant or a general structure, including production plants  
21 and general structures under construction, used by a light, heat or power company  
22 assessed under s. 76.28 (2), except property described in s. 66.0813 unless the  
23 production plant is owned or operated by a local governmental unit that is located  
24 outside of the municipality in which the production plant is located, or by an electric  
25 cooperative assessed under ss. 76.07 and 76.48, respectively, or by a municipal

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

1 ~~in any year shall not exceed \$100 times the population of the county, for the~~  
2 ~~distribution in 2002; \$140,000,000, for the distribution in 2003; \$160,000,000, for the~~  
3 ~~distribution in 2004; \$185,000,000, for the distribution in 2005; and \$250,000,000,~~  
4 ~~for the distribution in 2006 and subsequent years.~~

5 **SECTION 14.** 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 in 2002, and from the public utility  
10 distribution account in 2003 and subsequent years, 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) or 76.29 (2), 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; for the distribution in  
20 2003, the first \$140,000,000; for the distribution in 2004, the first \$160,000,000; for  
21 the distribution in 2005, the first \$185,000,000; and for the distribution in 2006 and  
22 subsequent years, the first \$250,000,000; of the amount shown in the account, plus  
23 leased property, of each public utility except qualified wholesale electric companies,  
24 as defined in s. 76.28 (1) (gm), on December 31 of the preceding year for either  
25 “production plant, exclusive of land” and “general structures”, or “work in progress”

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

20 **SECTION 15.** 79.04 (2) (ad) of the statutes is created to read:

21 79.04 (2) (ad) The amount distributable to a county under par. (a) shall not  
22 exceed the following:

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

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

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

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

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

9           **SECTION 16.** 79.04 (2) (am) 3. of the statutes is amended to read:

10           79.04 (2) (am) 3. The amount of a distribution under this paragraph, as affected  
11 by subd. 1., may not exceed the per capita amount established under par. (a) (ad).

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

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

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

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



1 of the payment the county received under this section during the last year that the  
2 property was exempt from the property tax:

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

8 **SECTION 19.** 79.04 (5) of the statutes is created to read:

9 79.04 (5) (a) Beginning with payments in 2003, if a production plant, other than  
10 a coal-powered or nuclear-powered production plant, is built on the site of, or on a  
11 site adjacent to, an existing or decommissioned production plant or on, or on a site  
12 adjacent to, brownfields, as defined in s. 560.13 (1) (a), after January 1, 2002, and is  
13 operating at a total power production capacity of at least 50 megawatts, the city,  
14 village, or town in which the plant is located shall receive annually an additional  
15 payment from the department of administration equal to the portion of the amount  
16 in the account for the “production plant, exclusive of land,” for light, heat, and power  
17 companies, electric cooperatives, or municipal electric companies, less depreciation  
18 and less the value of treatment plant and pollution abatement equipment, as  
19 described under s. 70.11 (21) (a); and for the total original cost of the production plant  
20 of each qualified wholesale electric company, as defined in s. 76.28 (1) (gm), less  
21 depreciation, land, and approved waste facilities; that is used to calculate a payment  
22 under sub. (1) (a) multiplied by one mill, and the county in which the plant is located  
23 shall receive annually an additional payment from the department of administration  
24 equal to the portion of the amount in the account for the “production plant, exclusive  
25 of land,” for light, heat, and power companies, electric cooperatives, or municipal

1 electric companies, less depreciation and less the value of treatment plant and  
2 pollution abatement equipment, as described under s. 70.11 (21) (a); and for the total  
3 original cost of the production plant of each qualified wholesale electric company, as  
4 defined in s. 76.28 (1) (gm), less depreciation, land, and approved waste facilities;  
5 that is used to calculate a payment under sub. (2) (a) multiplied by one mill.

6 (b) Beginning with payments in 2003, if a coal-powered production plant is  
7 built on the site of, or on a site adjacent to, an existing or decommissioned production  
8 plant or on, or on a site adjacent to, brownfields, as defined in s. 560.13 (1) (a), after  
9 January 1, 2002, and is operating at a total power production capacity of at least 50  
10 megawatts, the city, village, or town in which the plant is located shall receive  
11 annually an additional payment from the department of administration equal to the  
12 portion of the amount in the account for the “production plant, exclusive of land,” for  
13 light, heat, and power companies, electric cooperatives, or municipal electric  
14 companies, less depreciation and less the value of treatment plant and pollution  
15 abatement equipment, as described under s. 70.11 (21) (a); and for the total original  
16 cost of the production plant of each qualified wholesale electric company, as defined  
17 in s. 76.28 (1) (gm), less depreciation, land, and approved waste facilities; that is used  
18 to calculate a payment under sub. (1) (a) multiplied by 2 mills, and the county in  
19 which the plant is located shall receive annually an additional payment from the  
20 department of administration equal to the portion of the amount in the account for  
21 the “production plant, exclusive of land,” for light, heat, and power companies,  
22 electric cooperatives, or municipal electric companies, less depreciation and less the  
23 value of treatment plant and pollution abatement equipment, as described under s.  
24 70.11 (21) (a); and for the total original cost of the production plant of each qualified  
25 wholesale electric company, as defined in s. 76.28 (1) (gm), less depreciation, land,

1 and approved waste facilities; that is used to calculate a payment under sub. (2) (a)  
2 multiplied by one mill.

3 **SECTION 20.** 79.04 (6) of the statutes is created to read:

4 79.04 (6) (a) Any increase in the total amount of payments to municipalities  
5 and counties under this section in any year as compared to the total amount of  
6 payments to municipalities and counties under this section in 2001 may not exceed  
7 an amount equal to the sum of the revenue collected under ss. 76.28, 76.29, and 76.48  
8 in the year before the year of the statement under s. 79.015, less an amount equal  
9 to the sum of the revenue collected under ss. 76.28 and 76.48 in 2001.

10 (b) The total amount of the payments to municipalities and counties under this  
11 section shall be allocated to each municipality and county in proportion to the total  
12 amount of the payments to municipalities and counties calculated under this section  
13 in any year in which the total amount of the payments to municipalities and counties  
14 calculated under this section exceeds the limit under par. (a).

15 **SECTION 21. Effective dates.** This act takes effect on the day after publication,  
16 except as follows:

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

19 (2) The treatment of sections 20.835 (1) (d) and (dm) ~~and~~, 79.01 (2) and (2m) of  
20 the statutes takes effect on January 1, 2003.

21 (END)

and 79.04(6)

## Kreye, Joseph

---

**From:** Welsh, Michael  
**Sent:** Wednesday, October 31, 2001 9:25 AM  
**To:** Kreye, Joseph  
**Subject:** RE: Sub. to AB 584

I talked to Leg. Council about that this morning as well. I think it would be a good idea. I'll send the stripes back over.

Thanks again.

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

**From:** Kreye, Joseph  
**Sent:** Wednesday, October 31, 2001 9:19 AM  
**To:** Welsh, Michael  
**Cc:** Stolzenberg, John  
**Subject:** Sub. to AB 584

I received one comment from Dan at DOR: he recommends making Section 20 of the sub., related to limiting increases in distribution payments, effective January 1, 2003. That recommendation seems to make sense, since the distribution from the new appropriation doesn't kick in until 2003. Let me know what you think.

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