

2001 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB584)

Received: **10/31/2001**

Received By: **jkreye**

Wanted: **Today**

Identical to LRB:

For: **Jeffrey Plale (608) 266-0610**

By/Representing:

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.Plale@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Guarantee that municipalities will receive public utility payments throughout the life of the plant located in the municipality

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>
/1	jkreye 10/31/2001	jdyer 10/31/2001	rschlue 10/31/2001	_____	lrb_docadmin 10/31/2001	lrb_docadmin 10/31/2001	

FE Sent For:

<END>

2001 DRAFTING REQUEST

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/1	jkreye	1 10/31 jld					

10-31-01

FE Sent For:

<END>

**ASSEMBLY SUBSTITUTE AMENDMENT ,
TO 2001 ASSEMBLY BILL 584**

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), 79.01 (2) and (2m), and
20 79.04 (6) of the statutes takes effect on January 1, 2003.

21

(END)



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBa0895/1

JK:.....

Jld

ASSEMBLY AMENDMENT ,
TO ASSEMBLY SUBSTITUTE AMENDMENT (LRBs0266/2),
TO 2001 ASSEMBLY BILL 584

due thru
11-1
9AM

- 1 At the locations indicated, amend the substitute amendment[✓] as follows:
- 2 1. Page 6, line 14: after that line insert:
- 3 "SECTION 12m.^X 79.04 (1) (d) of the statutes is created to read:
- 4 79.04 (1) (d) Every municipality in which a production plant or general
- 5 structure as described under par. (a)[✓] is located shall annually receive a payment
- 6 under this section[✓] until such time that the production plant or general structure is
- 7 decommissioned, subject to par. (c) 4.,[✓] or no longer used as utility property."[✓]

8

(END)



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBa0895/1
JK:jld:rs

ASSEMBLY AMENDMENT,
TO ASSEMBLY SUBSTITUTE AMENDMENT (LRBs~~0266/2~~),
TO 2001 ASSEMBLY BILL 584

~~LRBs0266/2~~
fix
(wrong #)

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

2 1. Page 6, line 14: after that line insert:

3 "SECTION 12m. 79.04 (1) (d) of the statutes is created to read:

4 79.04 (1) (d) Every municipality in which a production plant or general
5 structure as described under par. (a) is located shall annually receive a payment
6 under this section until such time that the production plant or general structure is
7 decommissioned, subject to par. (c) 4., or no longer used as utility property."

8 (END)