

2001 Jr2 DRAFTING REQUEST

Assembly Amendment (AA-AB1)

Received: 03/07/2002

Received By: jkreye

Wanted: Today

Identical to LRB:

For: Legislative Fiscal Bureau 6-9916

By/Representing: Olin

This file may be shown to any legislator: NO

Drafter: jkreye

May Contact:

Addl. Drafters: champra

Subject: Sharcd Revenue

Extra Copies:

Submit via email: NO

Pre Topic:

LFB:.....Olin -

Topic:

Omnibus motion: shared revenue and public utility distribution payments

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 03/08/2002	gilfokm 03/08/2002	kfollet 03/08/2002	_____	lrb_docadmin 03/08/2002		
	jkreye 03/10/2002	chanaman 03/10/2002		_____			
/2	jkreye 03/10/2002	gilfokm 03/11/2002	pgreensl 03/10/2002	_____	lrb_docadmin 03/10/2002		
/3			pgreensl 03/11/2002	_____	lrb_docadmin 03/11/2002		

FE Sent For:

<END>

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/1	jkreye 03/08/2002	gilfokm 03/08/2002	kfollet 03/08/2002	<u> </u> 7/11	lrb_docadmin 03/08/2002		
	jkreye 03/10/2002	chanaman 03/10/2002		<u> </u> P8/13			
/2		13 - 3/11 kmj	pgreensl 03/10/2002	<u> </u> 3/11 P8	lrb_docadmin 03/10/2002		

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FE Sent For:		cm H 3/10 /v	3/10 Pg	<END>			

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May Contact:

Addl. Drafters: champra

Subject: Shared Revenue

Extra Copies: KMG

Submit via email: NO

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LFB:.....Olin -

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Omnibus motion: shared revenue and public utility distribution payments

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See Attached

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/1	jkreye	3/8 KMG	3/8 KJ	3/8 KJ/hmk			

FE Sent For:

<END>

BUDGET MODIFICATIONS

Omnibus Budget Package

*Call Fred
if cannot contact
RKR*

more plate capacity

*to be specified by
future legislature*

Motion:

Move to do the following:

A. Shared Revenue and Related Programs. Delete the Governor's recommendations regarding shared revenue and related aid programs and, instead, adopt the following:

1. Establish a sunset after 2002 for distributions under the three non-utility components of the shared revenue program (per capita, aidable revenues and minimum guarantee/maximum growth) and the county mandate relief, expenditure restraint and small municipalities shared revenue programs. Establish a December 31, 2003, sunset for encumbrances and expenditures from the current law appropriations for shared revenue and the other three affected programs. Delete references under current law to distributions under these four programs for 2003 and thereafter. Delete the current law provision establishing each municipality's 2003 shared revenue payment at 101% of the amount received in 2002.

2. Create a new, GPR sum sufficient appropriation for county and municipal shared revenue. Specify that the amount distributed under this appropriation would equal \$750,000,000 in 2003 and \$487,000,000 in 2004 and thereafter, plus any additional amounts determined under Item #3. Distribute 15% of the aid payments made from this appropriation on the fourth Monday in July and 85% of the aid payments on the third Monday in November.

3. Provide additional funding for county and municipal shared revenue in 2004 by multiplying the amount specified for that year by the lesser of the percentage growth in general fund taxes from 2002-03 to 2003-04, as estimated in the 2003-05 biennial budget act, and the percentage change in the consumer price index for the year ending in June, 2003, plus 1%. For distributions in 2005 and thereafter, provide additional funding for county and municipal shared revenue by multiplying the amount distributed in the prior year by the lesser of the percentage growth in general fund taxes from the fiscal year two years prior to the fiscal year of the distribution to the fiscal year prior to the fiscal year of the distribution and the percentage change in the consumer price index for the year ending in June prior to the year of the distribution plus 1%. For the general fund taxes for the fiscal year prior to the fiscal year of the distribution use the amount as estimated in either the biennial budget act (first year of the biennium) or the final version of Chapter 20 of the statutes (second year of the biennium).

12-month period

*governor's language ought to
not - change dates - add
the minimum - change \$*

4. Specify that each county and municipality would receive a payment from the new county and municipal shared revenue appropriation in 2003 based on the actual amounts received by the county or municipality for the 2002 distribution under the four components of shared revenue and the other three programs. Specify that the 2003 amount for each county and municipality would be determined by reducing the 2002 amount by an amount based on population, as determined by DOR, so that the statewide distribution equals the total amount appropriated for 2003. Provide that the 2003 payment calculated under this procedure could not be less than 35% of a county's or municipality's 2002 total payment. Require DOR, in consultation with DOA, to estimate populations using the results of the 2000 federal decennial census. Require DOR to notify counties and municipalities of estimated payments by September 15 of the year preceding the distribution.

5. Modify the public utility aid distribution as follows:

a. *Appropriations.* Create a separate, sum sufficient appropriation for making utility aid payments, beginning with the distribution for 2004.

b. *Distribution Formula.* Sunset the current law formula for distributing utility aid on the basis of net book value and rates of three mills or six mills, effective following payments for 2002. Create a distributional formula, effective with payments for 2004, based on the capacity of light, heat and power production plants as follows: (1) extend payments to municipalities and counties that contain, within their boundaries, light, heat and power production plants used by a light, heat and power company, a qualified wholesale electric company, a wholesale merchant plant or an electric cooperative subject to state license fees imposed under Chapter 76 of the statutes or by municipal electric companies subject to ad valorem payments in lieu of taxes under s. 66.0825(16) of the statutes; (2) exclude property of municipal light, heat and power companies from the payments unless the production plant is located outside the municipality owning the plant; (3) specify that payments be calculated on the basis of total megawatt capacity of eligible production plants within each municipality, as reported by the plant's owner or operator, but distribute two-thirds of each municipal payment to the county where the municipality is located if the municipality is a town and distribute one-third of each municipal payment to the county where the municipality is located if the municipality is a city or village; (4) set municipal payments equal to \$2,000,000 if capacity is over 3,000 megawatts, \$1,500,000 if capacity is over 2,400, but not more than 3,000, megawatts, \$1,300,000 if capacity is over 1,800, but not more than 2,400, megawatts, \$1,150,000 if capacity is over 1,300, but not more than 1,800, megawatts, \$1,000,000 if capacity is over 800, but not more than 1,300, megawatts, \$800,000 if capacity is over 400, but not more than 800, megawatts, \$700,000 if capacity is over 300, but not more than 400, megawatts, \$500,000 if capacity is over 200, but not more than 300, megawatts, \$300,000 if capacity is over 100, but not more than 200, megawatts, \$150,000 if capacity is over 50, but not more than 100, megawatts, \$50,000 if capacity is over 25, but not more than 50, megawatts, \$25,000 if capacity is over 10, but not more than 25, megawatts, and \$10,000 if capacity is 10 megawatts, or less; (5) specify that if a production plant is located in more than one municipality or county, the capacity associated with that plant shall be attributed to the municipality where the majority of the plant is located; however, provide that the resulting municipal payment be divided between the two municipalities based on the net book value of the plant as of December 31, 2003, or as of the

2/3 + 1/3
w/pt

wholesale merchant plant — s. 196.491(1)(w)

date the property becomes operational, whichever is later; and finally, specify that only that portion of a municipal payment that is attributable to the plant that is located in two municipalities be divided, if the municipality to which the capacity is attributable contains more than one production plant; ~~(6)~~ specify that the payment division under (5) shall apply to property that is classified as production plant, under the system of accounts established by the PSC, but which is not an electric generating facility if the net book value of the related facility exceeds \$800,000; ~~(7)~~ maintain the current payment structure for substations calculated by multiplying the net book value of the substation by either three or six mills; ~~(8)~~ eliminate aid payments on general structures; ~~(9)~~ retain the per capita payment limits authorized under current law but increase the limits to ~~\$450~~ for municipalities and ~~\$225~~ for counties in ~~2004~~, to \$650 for municipalities and ~~\$325~~ for counties in 2005, to ~~\$950~~ for municipalities and ~~\$475~~ for counties in 2006 and to \$1,200 for municipalities and \$600 for counties in 2007; ~~(10)~~ retain the distribution for nuclear storage facilities, as authorized under current law; ~~(11)~~ specify that in the case of a facility under construction, the megawatts associated with the facility shall be prorated for inclusion in the municipality's capacity based on the percentage of construction completed on December 31 of the prior year, as determined by DOR; and ~~(12)~~ specify that the combined municipal and county payment cannot be less than the amount that would be paid for the plant in 2004 under the current law distribution formula, provided the plant remains in operation.

c. *Incentive Aid.* Beginning in 2004, extend payments to municipalities and counties where production plants are sited that begin operation on, or after, January 1, 2003, provided the plant meets three conditions: (1) the plant must be built on, or adjacent to, the site of an existing or decommissioned plant or on, or adjacent to, the site of a brownfield, as defined under current law; (2) the plant must be operating at a total production capacity of at least 50 megawatts; and (3) the plant cannot be nuclear-powered. Set payments equal to the following amounts based on the total megawatt capacity of the new plant: (1) if the plant has a capacity over 600 megawatts, \$420,000 each for counties and municipalities; (2) if the plant has a capacity over 400 megawatts, but not more than 600 megawatts, \$300,000 each for counties and municipalities; (3) if the plant has a capacity of more than 200 megawatts, but not more than 400 megawatts, \$180,000 each for counties and municipalities; (4) if the plant has a capacity over 100 megawatts, but not more than 200 megawatts, \$90,000 each for counties and municipalities; and (5) if the plant has a capacity of at least 50 megawatts, but not more than 100 megawatts, \$45,000 each for counties and municipalities. Specify that payments would not be made for construction work-in-progress, as under the current law distribution formula. Double the preceding municipal amounts if the production plant is coal-powered.

✓ d. *Payment Structure.* Retain current law provisions with regard to the statement of estimated payments, dates for making payments and percentages of payments.

✓ 6. Create an appropriation from the permanent endowment (tobacco securitization) fund to pay a portion of the November, 2002, distribution under the shared revenue, county mandate relief and small municipalities shared revenue programs, using all available endowment funds, as determined by DOA. Estimate expenditures from this appropriation at \$594,000,000 SEG in 2002-03. Reduce the amounts paid in November, 2002, from the general fund proportionally to reflect the amounts paid from the permanent endowment fund. Establish the percentage of each county's

and municipality's payment in November, 2002, to be made from the permanent endowment fund as follows:

(available endowment funds, as determined by DOA) ÷ \$826,068,930

7. Reduce individual appropriations in 2002-03 as follows to reflect the estimated impact of the use of \$594,000,000 in permanent endowment funds in that year:

Small municipalities shared revenue	-\$6,790,500
Shared revenue account	-574,391,600
County mandate relief	<u>-12,817,900</u>
 TOTAL	 -\$594,000,000

8. Maintain current law regarding Milwaukee County's contribution for child welfare services, which includes a deduction of \$20,101,300 annually from shared revenue payments.

B. County and Municipal Operating Levy Limit. Modify the Governor's recommendation as follows:

1. Change the definition of "inflation" to mean a percentage equal to the average, annual percentage change in the U.S. consumer price index for all urban consumers, U.S. city average, as determined by the U.S. Department of Labor, for the 12 months ending on September 30 of the year of the levy. Modify the date by which DOR would notify political subdivisions from August 15 to November 1. [This is the same measure used for the expenditure restraint program.]

2. Replace the municipal adjustment to the inflation measure based on population with an adjustment set at a percentage equal to 60% of the percentage change in the jurisdiction's equalized value due to new construction, less improvements removed, between the year before the year of the levy and the previous year, but not less than 0% nor greater than 2%. [This is the same measure used for the expenditure restraint program.]

3. Authorize an adjustment to the allowable increase calculated for each county and municipality equal to 50% of the difference between the prior year's allowable and adopted levy.

C. Debt Service Payment from the Permanent Endowment Fund. Delete the Governor's recommendations that would authorize the payment of debt service from the permanent endowment fund, which is estimated at \$200,000,000. Instead, increase the Act 16 transfer from the permanent endowment fund to the general fund in 2001-02 by \$200,000,000, from \$450,000,000 to \$650,000,000.

D. Wisconsin Technical College System. Delete the proposed educational assistance for dislocated workers program and the related funding of \$4,200,000 GPR in 2002-03. Increase funding for WTCS general aid by \$5,328,700 GPR in 2002-03, which would restore the funding reduction proposed by the Governor. Delete the proposed mill rate and levy limit changes in the bill,

but retain the current levy rate limit of 1.5 mills on the levy for all purposes except debt service. Delete the proposed 10% limit on increases in program fees charged students in 2002-03.

E. Wage Claim Liens. Modify the state wage payment and collection law to delete the requirement that a lien of a financial institution that originates before a wage claim lien takes effect takes precedence over the wage claim lien. Require that the change in precedence applies retroactively beginning with wage claim liens filed after February 1, 1998.

F. Earned Income Tax Credit. Utilize TANF funding for the eligible portion of the projected increase in the cost of the EITC in 2002-03 by: (a) providing \$2,960,000 in additional TANF funds in 2002-03; and (b) reducing estimated expenditures from the GPR sum sufficient EITC appropriation by \$2,960,000 in that year. [The TANF funds would be budgeted as FED in DWD and also as PR-S under Shared Revenue and Tax Relief.]

✓ **G. Sales Factor of Apportionment Formula.** Starting with tax years beginning on or after January 1, 2004, increase the sales factor to represent 55% of the apportionment formula used under the state income and franchise tax to apportion the income of corporations (including insurance companies, financial institutions, and gas, electric and telecommunications utilities), nonresidential individuals, and estate and trusts. Decrease the payroll and property factors to each represent 22.5% of the apportionment formula. [There would be no fiscal effect in the current biennium. However, it is estimated that state income and franchise tax revenues would be reduced by \$4.0 million in 2003-04 and \$8.8 million annually thereafter.]

✓ **H. State References to Federal Depreciation Provisions.** Delete current law provisions that permit taxpayers to compute amortization or depreciation under the federal Internal Revenue Code in effect for the tax year for which the return is filed and provide that federal amortization and depreciation provisions could be adopted for state tax purposes only after action by the Legislature.

[Change to Bill: \$134,168,700 GPR, \$200,000,000 GPR-REV, -\$200,000,000 GPR-Lapse, \$2,960,000 FED and \$2,960,000 PR]

*check the amendment
senate - done.*



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBb2339/1
JK&RAC:

January 2002 Special Session

NOW

King

LFB:.....Olin - Omnibus motion: shared revenue and public utility distribution payments

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT,

TO ASSEMBLY BILL 1

in 3-8-02

D-N

1 At the locations indicated, amend the bill as follows:

2 ✓ 1. Page 47, line 3: on lines 3, 7, 13, and 17, delete "June 30, 2004" and
3 substitute "December 31, 2003".

4 ✓ 2. Page 47, line 13: ¹⁴ ~~after~~ before that line insert:

5 "SECTION 55b. 20.835 (1) (db) of the statutes is created to read:

6 20.835 (1) (db) *County and municipal aid account.* Beginning in 2003, a sum
7 sufficient to make payments to counties, towns, villages, and cities under s. 79.035.

8 SECTION 55d. 20.835 (1) (dm) of the statutes is created to read:

9 20.835 (1) (dm) *Public utility distribution account.* Beginning in 2004, a sum
10 sufficient to make the payments under s. 79.04 (4), (6), and (7)."
11

1 ✓ **3.** Page 48, line 5: delete "(2) (b) and (c)" and substitute "(3)".

2 ~~4. Page 48, line 6: delete lines 6 and 7~~

3 ✓ **5.** Page 161, line 25: after that line insert:

4 "SECTION 233m. 79.005 (3) of the statutes is amended to read:

5 79.005 (3) "Production plant" ~~also includes~~ does not include substations and
6 general structures."

History: 1971 c. 125, 215; 1975 c. 39; 1981 c. 20 s. 1169; 1989 a. 336.

7 ✓ **6.** Page 162, line 7: delete lines 7 and 8 and substitute "in the year 2001; and
8 \$57,570,000 in 2002; and ~~\$58,145,700 in 2003 and in each year thereafter.~~"

9 ✓ **7.** Page 162, line ~~8~~ 8: after that line insert:

10 "SECTION 234b. 79.01 (2d) of the statutes is created to read:

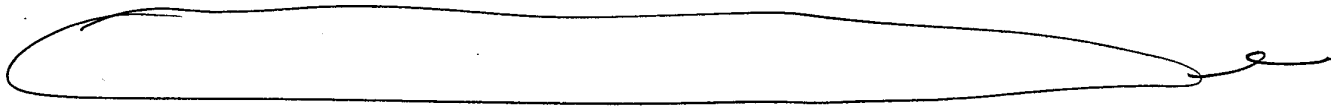
11 79.01 (2d) There is established an account in the general fund entitled the
12 "County and Municipal Aid Account." There shall be appropriated to that account
13 \$750,000,000 in 2003, plus any additional amounts determined under s. 79.035 (2),
14 and \$487,000,000 in 2004 and in each year thereafter, plus any additional amounts
15 determined under s. 79.035 (2).

16 SECTION 234d. 79.01 (2m) of the statutes is created to read:

17 79.01 (2m) There is established an account in the general fund entitled the
18 "Public Utility Distribution Account," referred to in this chapter as the "public utility
19 account." There shall be appropriated to the public utility account the sums specified
20 in s. 79.04 (6) and (7)."

21 ✓ **8.** Page 162, line 9: delete lines 9 to 14 and substitute:

22 "SECTION 233m. 79.015 of the statutes is amended to read:



1 **79.015 Statement of estimated payments.** The department of revenue, on
2 or before September 15 of each year, shall provide to each municipality and county
3 a statement of estimated payments to be made in the next calendar year to the
4 municipality or county under ss. 79.03, 79.035, 79.04, 79.05, 79.058, and 79.06.”.

History: 1981 c. 20, 61, 93; 1983 a. 27 ss. 1294, 2202 (45); 1985 a. 29; 1987 a. 27; 1989 a. 336; 1993 a. 16.

5 ✓ **9.** Page 162, line 17: after “79.03,” insert “79.035.”

6 ✓ **10.** Page 162, line 18: delete the underscored material beginning with “the comma and
7 ending with “(rb)” on line 25. “, except”

8 ✓ **11.** Page 163, line 1: delete lines 1 to 8.

9 ✓ **12.** Page 163, line 12: after “79.03,” insert “79.035.”

10 ✓ **13.** Page 163, line 13: delete the ~~material~~ material beginning with “or” and ending with
11 “\$679,415,800” on line 16 ^{← plain} and substitute ← plain ΔΔ

12 ~~14.~~ Page 163, line 16 after the period insert “In November 2002, the amount
13 of the payments to each municipality and county under ss. 79.03 and 79.058 to be
14 paid from the appropriation account under s. 20.855 (4) (rb) shall be the amount of
15 such payments to the municipality or county multiplied by the quotient of
16 \$594,000,000 divided by \$826,068,930.”.

17 ✓ **15.** Page 163, line 18: delete “2003” and substitute “2002”.

18 ✓ **16.** Page 163, line 22: delete “2003” and substitute “2002”.

19 ✓ **17.** Page 164, line 7: after “1999;” insert “and”.

20 ✓ **18.** Page 164, line 7: delete “2001;” and substitute “2001;.”.

21 ✓ **19.** Page 164, line 8: delete lines 8 and 9 and substitute “The total amount
22 to be distributed under this subsection from ss. 20.835 (1) (b) and 20.855 (4) (rb) is
23 \$11,110,000 in 2002; and \$11,221,100 in 2003 and in each year thereafter.”.

1 ✓20. Page 164, line 22: delete “, less reductions under”.

2 ✓21. Page 164, line 23: delete “s. 79.085”.

3 ✓22. Page 164, line 23: delete “, less reductions under s. 79.085”³, and substitute

4 ✓23. Page 165, line 23: delete “In 2003” and substitute “In 2003”.

5 24. Page 164, line 24: delete the material beginning with that line and ending
6 on page 165, line 2, and substitute “subsequent years, the total amounts to be
7 distributed under ss. 79.03, 79.04, and 79.06 from s. 20.835 (1) (d) are \$776,783,700
8 to municipalities and \$172,378,300 to counties.”

9 ✓25. Page 165, line 7: delete “and less reductions under s. 79.085”.

10 ✓26. Page 165, line 9: delete “2004” and substitute “2003”.

11 ✓27. Page 165, line 10: after that line insert:

12 “SECTION 24⁴d. 79.035 of the statutes is created to read:

13 79.035 County and municipal aid. (1) (a) 1. Subject to par. (b), in 2003, each
14 county shall receive a payment from the county and municipal aid account in an
15 amount equal to the total amount of the payments under ss. 79.03 (2) and (3), 79.04,
16 79.058, and 79.06 distributed to the county in 2002.

17 2. Subject to par. (b), in 2003, each municipality shall receive a payment from
18 the county and municipal aid account in an amount equal to the total amount of the
19 payments under ss. 79.03 (2), (3), (3c), and (5) (a), 79.04, 79.05, and 79.06 distributed
20 to the municipality in 2002.

21 (b) The department of revenue shall reduce the amount of each payment to a
22 county and municipality under par. (a) by subtracting from each such payment an
23 amount based on population, as determined by the department, so that the total

• AA In 2003
plain
• AA

1 amount of all such payments is \$750,000,000, except that no county or municipality
2 shall receive a payment in an amount that is less than 35% of the amount of the
3 payments specified in par. (a) that the county or municipality received in 2002.
4 Notwithstanding s. 79.005 (2), to calculate reductions under this paragraph, the
5 department of revenue, in consultation with the department of administration, shall
6 estimate population by using the 2000 federal decennial census.

7 (2) (a) In 2004, each county and municipality shall receive an additional
8 payment in an amount equal to the amount specified for the county or municipality
9 in 2004, multiplied by the lesser of the percentage that represents growth in general
10 fund tax revenue from the 2002–03 fiscal year to the 2003–04 fiscal year, as
11 estimated in the 2003–05 biennial budget act, and the percentage equal to the
12 average annual percentage change in the U.S. consumer price index for all urban
13 consumers, U.S. city average, as determined by the U.S. department of labor, for the
14 12 months ending on June 30, 2003, plus 1%.

15 (b) Annually, beginning in 2005, each county and municipality shall receive an
16 additional payment in an amount equal to the amount the county or municipality
17 received under this subsection in the prior year, multiplied by the lesser of the
18 percentage that represents growth in general fund tax revenue from the fiscal year
19 ~~two~~² years prior to the fiscal year in which a payment is distributed under this
20 paragraph to the fiscal year prior to the fiscal year in which a payment is distributed
21 under this paragraph, as estimated by either the biennial budget act or ch. 20 as of
22 the end of the biennium, and the percentage equal to the average annual percentage
23 change in the U.S. consumer price index for all urban consumers, U.S. city average,
24 as determined by the U.S. department of labor, for the 12 months ending on June 30

1 of the year prior to the year in which a payment is distributed under this paragraph,
2 plus 1%.”.

3 ✓ **28.** Page 165, line 13: delete “2003” and substitute “2002”.

4 ✓ **29.** Page 165, line 24: delete “2003” and substitute “2002”.

5 ✓ **30.** Page 167, line 6: delete “ending with the distributions in 2003.”.

6 ✓ **31.** Page 167, line 7: after “distributed” insert “from the public utility
7 account”.

8 ✓ **32.** Page 167, line 7: delete “sub. (1)” and substitute “sub. (1) subs. (6) and (7)”.

9 ✓ **33.** Page 167, line 14: delete “ending with the distributions in 2003.”.

10 ✓ **34.** Page 167, line 15: after “distributed” insert “from the public utility
11 account”.

12 ✓ **35.** Page 167, line 15: delete “sub. (2)” and substitute “sub. (2) subs. (6) and
13 (7)”.

14 ✓ **36.** Page 167, line 23: delete “2004” and substitute “2003”.

15 ✓ **37.** Page 167, line 24: delete “this section” and substitute “subs. (1) and (2)”.

16 ✓ **38.** Page 167, line 24: after that line insert:

17 “SECTION 249b. 79.04 (6) of the statutes is created to read:

18 79.04 (6) (a) Annually, beginning in 2004, the department of administration,
19 upon certification by the department of revenue shall distribute payments from the
20 public utility account, as determined under par. (b), to each municipality and county

21 in which a production plant is located, if the production plant is used by a light, heat
22 or power company assessed under s. 76.28 (2) or 76.29 (2); except property described
23 in s. 66.0813, unless the production plant is owned or operated by a local

1 governmental unit located outside of the municipality; a qualified wholesale electric
2 company, as defined in s. 76.28 (1) (gm), a wholesale merchant plant, as defined in
3 s. 196.49 (1) (w), an electric cooperative assessed under ss. 76.07 and 76.48,
4 respectively, or a municipal electric company under s. 66.0825.

5 (b) Subject to pars. (c) and (e) to (i), each municipality entitled to a payment
6 under par. (a) shall receive a payment equal to a portion of the amount determined
7 as follows; and, subject to pars. (c) and (f) to (i), each county in which such a
8 municipality is located shall receive a payment equal to a portion of the amount
9 determined as follows:

10 1. \$10,000 if the nameplate capacity of the production plant located in the
11 municipality is no more than 10 megawatts.

12 2. \$25,000 if the nameplate capacity of the production plant located in the
13 municipality exceeds 10 megawatts but is no more than 25 megawatts.

14 3. \$50,000 if the nameplate capacity of the production plant located in the
15 municipality exceeds 25 megawatts but is no more than 50 megawatts.

16 4. \$150,000 if the nameplate capacity of the production plant located in the
17 municipality exceeds 50 megawatts but is no more than 100 megawatts.

18 5. \$300,000 if the nameplate capacity of the production plant located in the
19 municipality exceeds 100 megawatts but is no more than 200 megawatts.

20 6. \$500,000 if the nameplate capacity of the production plant located in the
21 municipality exceeds 200 megawatts but is no more than 300 megawatts.

22 7. \$700,000 if the nameplate capacity of the production plant located in the
23 municipality exceeds 300 megawatts but is no more than 400 megawatts.

24 8. \$800,000 if the nameplate capacity of the production plant located in the
25 municipality exceeds 400 megawatts but is no more than 800 megawatts.

1 9. \$1,000,000, if the nameplate capacity of the production plant located in the
2 municipality exceeds 800 megawatts but is no more than 1,300 megawatts.

3 10. \$1,150,000, if the nameplate capacity of the production plant located in the
4 municipality exceeds 1,300 megawatts but is no more than 1,800 megawatts.

5 11. \$1,300,000, if the nameplate capacity of the production plant located in the
6 municipality exceeds 1,800 megawatts but is no more than 2,400 megawatts.

7 12. \$1,500,000, if the nameplate capacity of the production plant located in the
8 municipality exceeds 2,400 megawatts but is no more than 3,000 megawatts.

9 13. \$2,000,000, if the nameplate capacity of the production plant located in the
10 municipality exceeds 3,000 megawatts.

11 (c) If the production plant is located in a city or village, the city or village
12 receives a payment equal to two-thirds of the amount determined under par. (b) and
13 the county in which the city or village is located receives a payment equal to
14 one-third of the amount determined under par. (b). If the production plant is located
15 in a town, the town receives a payment equal to one-third of the amount determined
16 under par. (b) and the county in which the town is located receives a payment equal
17 to two-thirds of the amount determined under par. (b).

18 (d) Subject to pars. (e), (f), and (i), annually, beginning in 2004, the department
19 of administration, upon certification by the department of revenue, shall distribute
20 payments from the public utility account, as determined under par. (b), to each
21 municipality and county in which a substation is located in an amount based on the
22 net book value of the substation and as determined under sub. (1), for a municipality,
23 or sub. (2), for a county, if the substation is used by a light, heat, or power company
24 assessed under s. 76.28 (2) or 76.29 (2); except property described in s. 66.0813,
25 unless the substation is owned or operated by a local governmental unit located

1 outside of the municipality; a qualified wholesale electric company, as defined in s.
2 76.28 (1) (gm), a wholesale merchant plant, as defined in s. 196.49 (1) (w), an electric
3 cooperative assessed under ss. 76.07 and 76.48, respectively, or a municipal electric
4 company under s. 66.0825.

5 (e) Except as provided in par. (i), the total amount distributable to a
6 municipality under this subsection shall not exceed the following:

7 1. For the distribution in 2004, an amount equal to the municipality's
8 population multiplied by \$450.

9 2. For the distribution in 2005, an amount equal to the municipality's
10 population multiplied by \$650.

11 3. For the distribution in 2006, an amount equal to the municipality's
12 population multiplied by \$950.

13 4. For the distribution in 2007 and subsequent years, an amount equal to the
14 municipality's population multiplied by \$1,200.

15 (f) Except as provided in par. (i), the amount distributable to a county under
16 this subsection shall not exceed the following:

17 1. For the distribution in 2004, an amount equal to the county's population
18 multiplied by \$225.

19 2. For the distribution in 2005, an amount equal to the county's population
20 multiplied by \$325.

21 3. For the distribution in 2006, an amount equal to the county's population
22 multiplied by \$475.

23 4. For the distribution in 2007 and subsequent years, an amount equal to the
24 county's population multiplied by \$600.

1 (g) For the purpose of determining the amount of the payment under par. (b),
2 if a production plant is located in more than one municipality, the name-plate
3 capacity of the production plant is attributable to the municipality in which the
4 majority of the plant is physically located, except that, if the municipality to which
5 such capacity is attributed has more than one production plant within its
6 boundaries, the payment amount determined under pars. (b) and (c) for that
7 municipality shall be divided among the municipalities in which the plant is located
8 based on the net book value of that portion of the plant located in each municipality
9 as of December 31, 2003, or as of the date on which the plant is operational,
10 whichever is later. This paragraph applies to property classified as "production
11 plant" under the system of accounts established by the public service commission
12 that is not an electric generating facility, if the net book value of the electric
13 generating facility related to such production plant exceeds \$800,000.

14 (h) For the purpose of determining the amount of the payment under par. (b),
15 the name-plate capacity associated with a production plant under construction shall
16 be attributed to the municipality in which the production plant is located based on
17 the percentage of construction completed on December 31 of the year prior to the year
18 of a distribution under this subsection, as determined by the department of revenue.

19 (i) The total amount of the payments distributed to a municipality or county
20 under this subsection and sub. (4) may not be less than the amount of the payments
21 the municipal or county would have received under ~~this section~~, 1999 stats., in 2004.

22 **SECTION 249d.** 79.04 (7) of the statutes is created to read:

s. 79.04

23 79.04 (7) (a) Beginning with payments in 2004, if a production plant, as
24 described in sub. (6) (a), other than a coal-powered or nuclear-powered production
25 plant, is built on the site of, or on a site adjacent to, an existing or decommissioned

✓✓✓✓ ✓
1 production plant or on, or on a site adjacent to, brownfields, as defined in s. 560.13
2 (1) (a), after January 1, 2003, and is operating at a name-plate capacity of at least
3 50 megawatts, each municipality and county in which such a production plant is
4 located shall receive annually from the public utility account a payment equal to the
5 amount determined as follows:

6 1. \$45,000, if the production plant's name-plate capacity is at least 50
7 megawatts but is no more than 100 megawatts.

8 2. \$90,000, if the production plant's name-plate capacity exceeds 100
9 megawatts but is no more than 200 megawatts.

10 3. \$180,000, if the production plant's name-plate capacity exceeds 200
11 megawatts but is no more than 400 megawatts.

12 4. \$300,000, if the production plant's name-plate capacity exceeds 400
13 megawatts but is no more than 600 megawatts.

14 5. \$420,000, if the production plant's name-plate capacity exceeds 600
15 megawatts.

16 (b) Beginning with payments in 2004, if a production plant, as described in sub.

17 (6) (a), that is coal-powered, is built on the site of, or on a site adjacent to, an existing
18 or decommissioned production plant or on, or on a site adjacent to, brownfields, as
19 defined in s. 560.13 (1) (a), after January 1, 2003, and is operating at a name-plate
20 capacity of at least 50 megawatts, each municipality and county in which such a
21 production plant is located shall receive annually from the public utility account a
22 payment equal to the amount determined as follows:

23 1. \$90,000, if the production plant's name-plate capacity is at least 50
24 megawatts but is no more than 100 megawatts.

1 2. \$18,000 if the production plant's name-plate capacity exceeds 100
2 megawatts but is no more than 200 megawatts.

3 3. \$360,000 if the production plant's name-plate capacity exceeds 200
4 megawatts but is no more than 400 megawatts.

5 4. \$600,000 if the production plant's name-plate capacity exceeds 400
6 megawatts but is no more than 600 megawatts.

7 5. \$840,000 if the production plant's name-plate capacity exceeds 600
8 megawatts.

9 (c) This subsection does not apply to property classified as "work in progress"
10 under the system of accounts established by the public service commission."

11 ✓ **39.** Page 168, line 1: delete "2003" and substitute "2002".

12 ✓ **40.** Page 168, line 4: delete "2004" and substitute "2003".

13 ✓ **41.** Page 168, line 7: delete "2003" and substitute "2002".

14 ✓ **42.** Page 168, line 13: delete "reductions under s. 79.085" and substitute
15 "amounts paid from the appropriation account under s. 20.855 (4) (rb)".

16 ✓ **43.** Page 168, line 14: delete lines 14 to 17 and substitute:

17 "SECTION 254b. 79.058 (3) (e) of the statutes, as created by 2001 Wisconsin Act
18 16, is repealed."

19 ✓ **44.** Page 168, line 19: delete "2004" and substitute "2003".

20 ✓ **45.** Page 168, line 21: delete the material beginning with that line and ending
21 on page 169, line 6.

22 ✓ **46.** Page 169, line 8: delete "2004" and substitute "2003".

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✓ **47.** Page 169, line 10: delete the material beginning with that line and ending on page 170, line 18.

✓ **48.** Page 458, line 10: after that line insert:

④ ²“(2) PUBLIC UTILITY DISTRIBUTION PAYMENTS. The treatment of section 79.04 (4) (a) and (b) of the statutes first applies to payments distributed in 2004.”

~~**49.** Page 475, line 22: delete “repeal of section 20.855 (4) (rb)”.~~

~~**50.** Page 475, line 23: delete “of the statutes and the”.~~

(END)

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

LRBb2339/1dn

JK&RAC: *King*

March 8, 2002

Rick:

As per the instructions, the amendment does not specify the basis for calculating municipal and county aid payments beginning in 2004. It is my understanding that this "hole" in the amendment is intentional and is meant to allow the legislature time to weigh the variables related to the calculation and distribution of future aid payments.

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

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

LRBb2339/1dn
JK:kmg:kjf

March 8, 2002

Rick:

As per the instructions, the amendment does not specify the basis for calculating municipal and county aid payments beginning in 2004. It is my understanding that this "hole" in the amendment is intentional and is meant to allow the legislature time to weigh the variables related to the calculation and distribution of future aid payments.

Joseph T. Kreye
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Mar. 9. 2002 9:18PM LFB

No. 5281 P. 1/10



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

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of Pages, Including Cover: 10 Sender's Initials: _____

From: _____

Message: Rick Olin
Utility Aid
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206-9916

222-4636

2001 - 2002 Legislature
Jan. 2002 Spec. Sess.

LRBb2339/1
JK&RAC:kmg:kjf

1 **4.** Page 161, line 25: after that line insert:

2 “**SECTION 233m.** 79.005 (3) of the statutes is amended to read:

3 79.005 (3) “Production plant” ~~also includes~~ does not include substations and
4 general structures.”.

5 **5.** Page 162, line 7: delete lines 7 and 8 and substitute “in the year 2001; and
6 \$57,570,000 in 2002; ~~and \$58,145,700 in 2003 and in each year thereafter.~~”.

7 **6.** Page 162, line 8: after that line insert:

8 “**SECTION 234b.** 79.01 (2d) of the statutes is created to read:

9 79.01 (2d) There is established an account in the general fund entitled the
10 “County and Municipal Aid Account.” There shall be appropriated to that account
11 \$750,000,000 in 2003, plus any additional amounts determined under s. 79.035 (2),
12 and \$487,000,000 in 2004 and in each year thereafter, plus any additional amounts
13 determined under s. 79.035 (2).

14 **SECTION 234d.** 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 (6) and (7).”.



19 **7.** Page 162, line 9: delete lines 9 to 14 and substitute:

20 “**SECTION 234r.** 79.015 of the statutes is amended to read:

21 **79.015 Statement of estimated payments.** The department of revenue, on
22 or before September 15 of each year, shall provide to each municipality and county
23 a statement of estimated payments to be made in the next calendar year to the
24 municipality or county under ss. 79.03, 79.035, 79.04, 79.05, 79.058, and 79.06.”.

- 1 **27.** Page 167, line 6: delete "ending with the distributions in 2003.".
- 2 **28.** Page 167, line 7: after "distributed" insert "from the public utility
- 3 account".
- 4 **29.** Page 167, line 7: delete "sub. (1)" and substitute "sub. (1) subs. (6) and (7)".
- 5 **30.** Page 167, line 14: delete "ending with the distributions in 2003.".
- 6 **31.** Page 167, line 15: after "distributed" insert "from the public utility
- 7 account".
- 8 **32.** Page 167, line 15: delete "sub. (2)" and substitute "sub. (2) subs. (6) and
- 9 (7)".
- 10 **33.** Page 167, line 23: delete "2004" and substitute "2003".
- 11 **34.** Page 167, line 24: delete "this section" and substitute "subs. (1) and (2)".
- 12 **35.** Page 167, line 24: after that line insert:
- 13 "SECTION 249b. 79.04 (6) of the statutes is created to read:
- 14 79.04 (6) (a) Annually, beginning in 2004, the department of administration,
- 15 upon certification by the department of revenue, shall distribute payments from the
- 16 public utility account, as determined under par. (b), to each municipality and county
- 17 in which a production plant is located, if the production plant is used by a light, heat,
- 18 or power company assessed under s. 76.28 (2) or 76.29 (2); except property described
- 19 in s. 66.0813, unless the production plant is owned or operated by a local
- 20 governmental unit located outside of the municipality; a qualified wholesale electric
- 21 company, as defined in s. 76.28 (1) (gm), a wholesale merchant plant, as defined in
- 22 s. 196.49 (1) (w), an electric cooperative assessed under ss. 76.07 and 76.48,
- 23 respectively, or a municipal electric company under s. 66.0825.

1 10. If the ^{total} name-plate capacity of the production plant ^s located in the
 2 municipality exceeds 1,300 megawatts but is no more than 1,800 megawatts,
 3 \$1,150,000.

4 11. If the ^{total} name-plate capacity of the production plant ^s located in the
 5 municipality exceeds 1,800 megawatts but is no more than 2,400 megawatts,
 6 \$1,300,000.

7 12. If the ^{total} name-plate capacity of the production plant ^s located in the
 8 municipality exceeds 2,400 megawatts but is no more than 3,000 megawatts,
 9 \$1,500,000.

10 13. If the ^{total} name-plate capacity of the production plant ^s located in the
 11 municipality exceeds 3,000 megawatts, \$2,000,000.

12 (c) If the production plant is located in a city or village, the city or village
 13 receives a payment equal to two-thirds of the amount determined under par. (b) and
 14 the county in which the city or village is located receives a payment equal to
 15 one-third of the amount determined under par. (b). If the production plant is located
 16 in a town, the town receives a payment equal to one-third of the amount determined
 17 under par. (b) and the county in which the town is located receives a payment equal
 18 to two-thirds of the amount determined under par. (b).

19 (d) Subject to pars. (e), (f), and (i), annually, beginning in 2004, the department
 20 of administration, upon certification by the department of revenue, shall distribute
 21 payments from the public utility account, as determined under par. (b), to each
 22 municipality and county in which a substation is located in an amount based on the
 23 net book value of the substation and as determined under sub. (1), for a municipality,
 24 or sub. (2), for a county, if the substation is used by a light, heat, or power company
 25 assessed under s. 76.28 (2) or 76.29 (2); except property described in s. 66.0813,

1 unless the substation is owned or operated by a local governmental unit located
2 outside of the municipality; a qualified wholesale electric company, as defined in s.
3 76.28 (1) (gm), a wholesale merchant plant, as defined in s. 196.49 (1) (w), an electric
4 cooperative assessed under ss. 76.07 and 76.48, respectively, or a municipal electric
5 company under s. 66.0825.

6 (e) Except as provided in par. (i), the total amount distributable to a
7 municipality under this subsection shall not exceed the following:

- 8 1. For the distribution in 2004, an amount equal to the municipality's
9 population multiplied by \$450.
- 10 2. For the distribution in 2005, an amount equal to the municipality's
11 population multiplied by \$650.
- 12 3. For the distribution in 2006, an amount equal to the municipality's
13 population multiplied by \$950.
- 14 4. For the distribution in 2007 and subsequent years, an amount equal to the
15 municipality's population multiplied by \$1,200.

16 (f) Except as provided in par. (i), the amount distributable to a county under
17 this subsection shall not exceed the following:

- 18 1. For the distribution in 2004, an amount equal to the county's population
19 multiplied by \$225.
- 20 2. For the distribution in 2005, an amount equal to the county's population
21 multiplied by \$325.
- 22 3. For the distribution in 2006, an amount equal to the county's population
23 multiplied by \$475.
- 24 4. For the distribution in 2007 and subsequent years, an amount equal to the
25 county's population multiplied by \$600.

2001 - 2002 Legislature
Jan. 2002 Spec. Sess.

- 10 -

LRBb2339/1
JK&RAC:kmg:kjf

1 (g) For the purpose of determining the amount of the payment under par. (b),
 2 if a production plant is located in more than one municipality, the name-plate
 3 capacity of the production plant is attributable to the municipality in which the
 4 majority of the plant is physically located, ~~except that, if the municipality to which~~
 5 ~~such capacity is attributed has more than one production plant within its~~
 6 ~~boundaries, the payment amount determined under pars. (b) and (c) for that~~
 7 ~~municipality shall be divided among the municipalities in which the plant is located~~
 8 based on the net book value of that portion of the plant located in each municipality
 9 as of December 31, 2003, or as of the date on which the plant is operational,
 10 whichever is later. This paragraph applies to property classified as "production
 11 plant" under the system of accounts established by the public service commission
 12 that is not an electric generating facility, if the net book value of the ~~electric~~
 13 ~~generating facility related to such production plant~~ exceeds \$800,000.

14 (h) For the purpose of determining the amount of the payment under par. (b),
 15 the name-plate capacity associated with a production plant under construction shall
 16 be attributed to the municipality in which the production plant is located based on
 17 the percentage of construction completed on December 31 of the year prior to the year
 18 of a distribution under this subsection, as determined by the department of revenue.

19 (i) The total amount of the ^{combined} payments distributed to a municipality ^{and} county
 20 under ^(b) ~~this subsection and sub. (4)~~ may not be less than the amount of the ^{combined} payments
 21 the municipal ^{ity and} county would have received ^{on the value of production plants,} under s. 79.04, 1999 stats., in 2004. ^{exclusive of substations,}

22 SECTION 249d. 79.04 (7) of the statutes is created to read:

23 79.04 (7) (a) Beginning with payments in 2004, if a production plant, as
 24 described in sub. (6) (a), other than a coal-powered or nuclear-powered production
 25 plant, is built on the site of, or on a site adjacent to, an existing or decommissioned

remains in operation
provided the prod. plant remains in

Insert lines 4-7, p. 10

~~The~~ The payment amount that would result under (b) as ~~assuming there are~~ if there ~~are~~ ^{are} no other plants in ~~either~~ the municipality shall be divided between the municipality where the majority of the plant is physically located and the other municipality

1 production plant or on, or on a site adjacent to, brownfields, as defined in s. 560.13
2 (1) (a), after January 1, 2003, and is operating at a name-plate capacity of at least
3 50 megawatts, each municipality and county in which such a production plant is
4 located shall receive annually from the public utility account a payment equal to the
5 amount determined as follows:

6 1. If the production plant's name-plate capacity is at least 50 megawatts but
7 is no more than 100 megawatts, \$45,000.

8 2. If the production plant's name-plate capacity exceeds 100 megawatts but is
9 no more than 200 megawatts, \$90,000.

10 3. If the production plant's name-plate capacity exceeds 200 megawatts but is
11 no more than 400 megawatts, \$180,000.

12 4. If the production plant's name-plate capacity exceeds 400 megawatts but is
13 no more than 600 megawatts, \$300,000.

14 5. If the production plant's name-plate capacity exceeds 600 megawatts,
15 \$420,000.

16 (b) Beginning with payments in 2004, if a production plant, as described in sub.
17 (6) (a), that is coal-powered is built on the site of, or on a site adjacent to, an existing
18 or decommissioned production plant or on, or on a site adjacent to, brownfields, as
19 defined in s. 560.13 (1) (a), after January 1, 2003, and is operating at a name-plate
20 capacity of at least 50 megawatts, each municipality and county in which such a
21 production plant is located shall receive annually from the public utility account a
22 payment equal to the amount determined as follows:

23 1. If the production plant's name-plate capacity is at least 50 megawatts but
24 is no more than 100 megawatts, \$90,000.

2001 - 2002 Legislature
Jan. 2002 Spec. Sess.

LRBb2339/1
JK&RAC:kmg:kjf

ⓧ

2. If the production plant's name-plate capacity exceeds 100 megawatts but is no more than 200 megawatts, ~~\$18,000.~~ \$180,000

3. If the production plant's name-plate capacity exceeds 200 megawatts but is no more than 400 megawatts, \$360,000.

4. If the production plant's name-plate capacity exceeds 400 megawatts but is no more than 600 megawatts, \$600,000.

5. If the production plant's name-plate capacity exceeds 600 megawatts, \$840,000.

(c) This subsection does not apply to property classified as "work in progress" under the system of accounts established by the public service commission.

36. Page 168, line 1: delete "2003" and substitute "2002".

37. Page 168, line 4: delete "2004" and substitute "2003".

38. Page 168, line 7: delete "2003" and substitute "2002".

39. Page 168, line 13: delete "reductions under s. 79.085" and substitute "amounts paid from the appropriation account under s. 20.855 (4) (rb)".

40. Page 168, line 14: delete lines 14 to 17 and substitute:

"SECTION 254b. 79.058 (3) (e) of the statutes, as created by 2001 Wisconsin Act 16, is repealed."

41. Page 168, line 19: delete "2004" and substitute "2003".

42. Page 168, line 21: delete the material beginning with that line and ending on page 169, line 6.

43. Page 169, line 8: delete "2004" and substitute "2003".

I know it's in the motion but is it necessary?



Legislative Fiscal Bureau

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Rick Olin
Utility Aid
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266-9916

222-4636

①

Page 2, line 11

✓ after 2003 delete " plus any additional amounts determined under s. 79.035 (2), "

Page 3, line 8

✓ replace " and 79.058" with " , 79.04, 79.05, 79.058 and 79.06"

Page 3, line 10

✓ replace "\$594,000,000" with " the moneys available, as determined by the department of administration, from the appropriation account under s. 20.855 (4) (rb), "

Page 4, line 11

✓ delete " (2) and "

Page 4, line 15

only the (5)(a) reference is required

if you run out of time, you can forget these

Page 5 ~~lines~~ lines 3 - 22

(2)

the calculations work as intended but should apply to the total distribution as opposed to pymts of individual counties & municipalities

Page 6 lines 1 + 5

remove "ending with the distributions in 2003"

insert "except for the distribution in 2003"

lines 2 & 6

"distributed" to "distribute"

Page 8

re payments for counties, can you include something like:

"For municipalities in more than one county, the county payment is made to the county in which the production plant is located."

3

Page 8, line 19

✓ remove cross-ref to (i) as it does not apply

✓ line 21

delete "as determined under (b),"

Page 11 beginning line 16

✓ for coal-fired plants, counties should get pymts based on the payment structure under (a) 1-5

municipalities get payments under payment structure (b) 1-5, as drafted

✓ Page 9 line 16, after "the"

insert "total" as in line 6

Page 13 add a provision to

✓ ~~amend the~~ reflect two eff. dates for s. 79.04(a)+(b) lines 4+5 as drafted should refer to the changes on lines 7+15, page 167 of bill

④

the changes on lines 6+14 of page 167 of the bill should take effect immediately

Add a section to amend pages 454 + 455 of the bill, lines 26 + 1-3 to reflect the amounts under item 7 (page 4) of Motion 344

Thanks + good luck