



State of Wisconsin
2001 - 2002 LEGISLATURE

January 2002 Special Session

LRBb23394
JK&RAC:kmg:kjf

RM mit R

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

Sunday
in 3-10

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 substitute
3 "December 31, 2003".

4 2. Page 47, line 14: 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 3. Page 48, line 5: delete "(2) (b) and (c)" and substitute "(3)".

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).” ⁽⁴⁾.

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 **8.** Page 162, line 17: after “79.03,” insert “79.035.”

2 **9.** Page 162, line 18: delete the underscored material beginning with “, except”
3 and ending with “(rb)” on line 25.

4 **10.** Page 163, line 1: delete lines 1 to 8.

5 **11.** Page 163, line 12: after “79.03,” insert “79.035.”

79.04, 79.05

6 **12.** Page 163, line 13: delete the material beginning with “or,” and ending with
7 “\$679,415,800.” on line 16 and substitute “. In November 2002, the amount of the

8 payments to each municipality and county under ss. ~~79.04 and 79.058~~ to be paid from
9 the appropriation account under s. 20.855 (4) (rb) shall be the amount of such
10 payments to the municipality or county multiplied by the quotient of ~~79.04 and 79.058~~
11 divided by \$826,068,930.”

12 **13.** Page 163, line 18: delete “2003” and substitute “2002”.

13 **14.** Page 163, line 22: delete “2003” and substitute “2002”.

14 **15.** Page 164, line 7: after “1999;” insert “and”.

15 **16.** Page 164, line 7: delete “2001;” and substitute “2001;”.

16 **17.** Page 164, line 8: delete lines 8 and 9 and substitute “The total amount to
17 be distributed under this subsection from ss. 20.835 (1) (b) and 20.855 (4) (rb) is
18 \$11,110,000 in 2002; and \$11,221,100 in 2003 and in each year thereafter.”

19 **18.** Page 164, line 22: delete “, less reductions under”.

20 **19.** Page 164, line 23: delete “s. 79.085”.

21 **20.** Page 164, line 23: delete “, less reductions under s. 79.085. In 2003” and
22 substitute “. In 2003”.

an amount equal to the moneys available, as determined by the department
of administration, from the appropriation account under s. 20.855 (4) (rb)

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

5 **22.** Page 165, line 7: delete "and less reductions under s. 79.085".

6 **23.** Page 165, line 9: delete "2004" and substitute "2003".

7 **24.** Page 165, line 10: after that line insert:

8 "**SECTION 244d.** 79.035 of the statutes is created to read:

9 **79.035 County and municipal aid.** (1) (a) 1. Subject to par. (b), in 2003, each
10 county shall receive a payment from the county and municipal aid account in an
11 amount equal to the total amount of the payments under ss. 79.03 ~~(1) (a) (3), 79.04,~~
12 79.058, and 79.06 distributed to the county in 2002.

13 2. Subject to par. (b), in 2003, each municipality shall receive a payment from
14 the county and municipal aid account in an amount equal to the ~~total~~^{net} amount of the
15 payment ~~under ss. 79.03 (1) (a) (3) and (5) (a), 79.04, 79.05, and 79.06~~^{under ss. 79.03 (1) (a) (3) and (5) (a), 79.04, 79.05, and 79.06} distributed
16 to the municipality in 2002.

17 (b) The department of revenue shall reduce the amount of each payment to a
18 county and municipality under par. (a) by subtracting from each such payment an
19 amount based on population, as determined by the department, so that the total
20 amount of all such payments is \$750,000,000, except that no county or municipality
21 shall receive a payment in an amount that is less than 35% of the amount of the
22 payments specified in par. (a) that the county or municipality received in 2002.
23 Notwithstanding s. 79.005 (2), to calculate reductions under this paragraph, the

The total amount of all such payments shall

1 department of revenue, in consultation with the department of administration, shall
2 estimate population by using the 2000 federal decennial census.

3 (2) (a) In 2004, ~~each county~~ ^{counties} and ~~municipalities~~ ^{municipalities} shall receive ~~an~~ additional
4 ~~payment in an amount~~ ^{payments.} equal ~~to~~ the amount specified for ~~the county or municipality~~ ^{all counties and}

5 in 2004, multiplied by the lesser of the percentage that represents growth in general
6 fund tax revenue from the 2002-03 fiscal year to the 2003-04 fiscal year, as
7 estimated in the 2003-05 biennial budget act, and the percentage equal to the
8 average annual percentage change in the U.S. consumer price index for all urban
9 consumers, U.S. city average, as determined by the U.S. department of labor, for the
10 12 months ending on June 30, 2003, plus 1%.

11 (b) Annually, beginning in 2005, ~~each county~~ ^{counties} and ~~municipality~~ ^{municipalities} shall receive ~~an~~
12 additional ~~payment in an amount~~ ^{payments.} equal ~~to~~ the amount ~~the county or municipality~~ ^{all counties and municipalities}

13 received under this subsection in the prior year, multiplied by the lesser of the
14 percentage that represents growth in general fund tax revenue from the fiscal year
15 2 years prior to the fiscal year in which a payment is distributed under this
16 paragraph to the fiscal year prior to the fiscal year in which a payment is distributed
17 under this paragraph, as estimated by either the biennial budget act or ch. 20 as of
18 the end of the biennium, and the percentage equal to the average annual percentage
19 change in the U.S. consumer price index for all urban consumers, U.S. city average,
20 as determined by the U.S. department of labor, for the 12 months ending on June 30
21 of the year prior to the year in which a payment is distributed under this paragraph,
22 plus 1%.”.

23 **25.** Page 165, line 13: delete “2003” and substitute “2002”.

24 **26.** Page 165, line 24: delete “2003” and substitute “2002”.

and substitute "except for the distribution"

LPS
change
comp
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27. Page 167, line 6: delete "ending with the distributions ~~11/1/2004~~".

28. Page 167, line 7: after "distributed" insert "from the public utility account".

29. Page 167, line 7: delete "sub. (1)" and substitute "sub. (1) subs. (6) and (7)".

30. Page 167, line 14: delete "ending with the distributions ~~11/1/2004~~".

31. Page 167, line 15: after "distributed" insert "from the public utility account".

32. Page 167, line 15: delete "sub. (2)" and substitute "sub. (2) subs. (6) and (7)".

33. Page 167, line 23: delete "2004" and substitute "2003".

34. Page 167, line 24: delete "this section" and substitute "subs. (1) and (2)".

35. Page 167, line 24: after that line insert:

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

79.04 (6) (a) Annually, beginning in 2004, the department of administration, upon certification by the department of revenue, shall distribute payments from the public utility account, as determined under par. (b), to each municipality and county in which a production plant is located, if the production plant is used by a light, heat, or power company assessed under s. 76.28 (2) or 76.29 (2); except property described in s. 66.0813, unless the production plant is owned or operated by a local governmental unit located outside of the municipality; a qualified wholesale electric company, as defined in s. 76.28 (1) (gm), a wholesale merchant plant, as defined in s. 196.49 (1) (w), an electric cooperative assessed under ss. 76.07 and 76.48, respectively, or a municipal electric company under s. 66.0825.

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

6 1. If the ^{total} name-plate capacity of the production plant^s located in the
7 municipality is no more than 10 megawatts, \$10,000.

8 2. If the ^{total} name-plate capacity of the production plant^s located in the
9 municipality exceeds 10 megawatts but is no more than 25 megawatts, \$25,000.

10 3. If the name-plate capacity of the production plant^s located in the
11 municipality exceeds 25 megawatts but is no more than 50 megawatts, \$50,000.

12 4. If the name-plate capacity of the production plant^s located in the
13 municipality exceeds 50 megawatts but is no more than 100 megawatts, \$150,000.

14 5. If the name-plate capacity of the production plant^s located in the
15 municipality exceeds 100 megawatts but is no more than 200 megawatts, \$300,000.

16 6. If the name-plate capacity of the production plant^s located in the
17 municipality exceeds 200 megawatts but is no more than 300 megawatts, \$500,000.

18 7. If the name-plate capacity of the production plant^s located in the
19 municipality exceeds 300 megawatts but is no more than 400 megawatts, \$700,000.

20 8. If the name-plate capacity of the production plant^s located in the
21 municipality exceeds 400 megawatts but is no more than 800 megawatts, \$800,000.

22 9. If the name-plate capacity of the production plant^s located in the
23 municipality exceeds 800 megawatts but is no more than 1,300 megawatts,
24 \$1,000,000.

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

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

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

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

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

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

¹⁹ If a municipality is located in more than one county, the county in which the production plant is located shall receive the county portion of the payment.

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 ^{total} 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.

as if there are no other plants in

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,~~ ^{and} the payment amount ^{that would result} ~~determined~~ under par. (b) ~~shall be~~ 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~~ ^{property} 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 ^{par. (b)} under ~~this subsection and sub. (h)~~ may not be less than the amount of the ^{combined} payments
 21 the ~~municipality and~~ ^{municipality and} county would have received under s. 79.04, 1999 stats., in 2004.

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

*on the value of production plants,
exclusive of substations,*

*provided such production plants
remain in operation*

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

*to the municipality and \$45,000
to the county*

- 1 2. If the production plant's name-plate capacity exceeds 100 megawatts but is
2 no more than 200 megawatts, ~~\$18,000~~ *\$180,000 to the municipality and*
3 3. If the production plant's name-plate capacity exceeds 200 megawatts but is
4 no more than 400 megawatts, ~~\$360,000~~ *to the municipality and \$180,000*
5 4. If the production plant's name-plate capacity exceeds 400 megawatts but is
6 no more than 600 megawatts, ~~\$600,000~~ *to the municipality and \$300,000 to*
7 5. If the production plant's name-plate capacity exceeds 600 megawatts,
8 ~~\$840,000~~ *to the municipality and \$420,000 to the county*

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

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

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

14 **39.** 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 **40.** 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 **41.** Page 168, line 19: delete "2004" and substitute "2003".

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

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

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

3 **45.** Page 458, line 10: after that line insert:

4 “(2z) PUBLIC UTILITY DISTRIBUTION PAYMENTS. The treatment of section 79.04 (4)

5 (a) and (b) of the statutes first applies to payments distributed in 2004.”

6

(END)

*, as it applies to payments under section
79.04 (6) and (7) of the statutes,*

* Page 454, line 26: delete “6,750,100” and substitute “6,790,500”.

* Page 455, line 2: delete “668,614,700” and substitute
“574,391,600”.

* Page 455, line 3: delete “20,971,400” and substitute
“12,817,900”.

Olin, Rick

To: Kreye, Joseph
Subject: LRBb2339/2

- ✓ Page 3, line 7 Please restore the cross-reference to 79.03 between "ss." and "79.04"
 - ✓ Page 5, line 11 insert "from the account" after "received"
delete "this subsection" and insert "79.01(2d)"
otherwise, only the growth increment, as opposed to the entire distribution, would be used to calculate the added distribution
 - ~~Page 6 We're not sure why items 28 and 31 were dropped from the original draft. We had asked you to fix a type in these items~~
Including these items would maintain parallel construction with other provisions, for example 79.04(6)(a) [See lines 12 & 13, page 6]
 - Page 13, line 4 The following item should be inserted "Page 455, line 1: delete the line."
Our instructions were somewhat unclear in this area. Because the tobacco cash is applied to the November payment, and ERP is distributed entirely in July, no reference to ERP is necessary. The Governor used a different mechanism which resulted in a reduction. Therefore, the Governor's reduction needs to be deleted from the original bill.
- Thanks for your help. If you have any questions, please let me know. 266-9916 (direct) 266-3847 (general)

Rick

B



State of Wisconsin
2001 - 2002 LEGISLATURE

January 2002 Special Session

LRBb2339/3
JK&RAC:kmg&cmh:pg

RM mtr

~~Today~~

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 3-10

- 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 substitute
- 3 "December 31, 2003".
- 4 **2.** Page 47, line 14: 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 **3.** Page 48, line 5: delete "(2) (b) and (c)" and substitute "(3)".

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 and \$487,000,000 in 2004 and in each year thereafter, plus any
12 additional amounts determined under s. 79.035 (2).

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

14 79.01 (2m) There is established an account in the general fund entitled the
15 “Public Utility Distribution Account,” referred to in this chapter as the “public utility
16 account.” There shall be appropriated to the public utility account the sums specified
17 in s. 79.04 (4), (6), and (7).”.

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

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

20 **79.015 Statement of estimated payments.** The department of revenue, on
21 or before September 15 of each year, shall provide to each municipality and county
22 a statement of estimated payments to be made in the next calendar year to the
23 municipality or county under ss. 79.03, 79.035, 79.04, 79.05, 79.058, and 79.06.”.

24 **8.** Page 162, line 17: after “79.03,” insert “79.035.”.

1 **9.** Page 162, line 18: delete the underscored material beginning with “except”
2 and ending with “(rb)” on line 25.

3 **10.** Page 163, line 1: delete lines 1 to 8.

4 **11.** Page 163, line 12: after “79.03,” insert “79.035.”

79.03

5 **12.** Page 163, line 13: delete the material beginning with “or,” and ending with
6 “\$679,415,800.” on line 16 and substitute “. In November 2002, the amount of the
7 payments to each municipality and county under ss. 79.04, 79.05, 79.058, and 79.06
8 to be paid from the appropriation account under s. 20.855 (4) (rb) shall be the amount
9 of such payments to the municipality or county multiplied by the quotient of an
10 amount equal to the moneys available, as determined by the department of
11 administration, from the appropriation account under s. 20.855 (4) (rb) divided by
12 \$826,068,930.”

13 **13.** Page 163, line 18: delete “2003” and substitute “2002”.

14 **14.** Page 163, line 22: delete “2003” and substitute “2002”.

15 **15.** Page 164, line 7: after “1999;” insert “and”.

16 **16.** Page 164, line 7: delete “2001;” and substitute “2001;u”.

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

20 **18.** Page 164, line 22: delete “, less reductions under”.

21 **19.** Page 164, line 23: delete “s. 79.085”.

22 **20.** Page 164, line 23: delete “, less reductions under s. 79.085. In 2003” and
23 substitute “. In 2003”.

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

5 **22.** Page 165, line 7: delete “and less reductions under s. 79.085”.

6 **23.** Page 165, line 9: delete “2004” and substitute “2003”.

7 **24.** Page 165, line 10: after that line insert:

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

9 **79.035 County and municipal aid.** (1) (a) 1. Subject to par. (b), in 2003, each
10 county shall receive a payment from the county and municipal aid account in an
11 amount equal to the total amount of the payments under ss. 79.03 (3), 79.04, 79.058,
12 and 79.06 distributed to the county in 2002.

13 2. Subject to par. (b), in 2003, each municipality shall receive a payment from
14 the county and municipal aid account in an amount equal to the amount of the
15 payment under s. 79.03 (5) (a) distributed to the municipality in 2002.

16 (b) The department of revenue shall reduce the amount of each payment to a
17 county and municipality under par. (a) by subtracting from each such payment an
18 amount based on population, as determined by the department, so that the total
19 amount of all such payments is \$750,000,000, except that no county or municipality
20 shall receive a payment in an amount that is less than 35% of the amount of the
21 payments specified in par. (a) that the county or municipality received in 2002.
22 Notwithstanding s. 79.005 (2), to calculate reductions under this paragraph, the
23 department of revenue, in consultation with the department of administration, shall
24 estimate population by using the 2000 federal decennial census.

1 (2) (a) In 2004, counties and municipalities shall receive additional payments.
2 The total amount of all such payments shall equal the amount specified for all
3 counties and municipalities in 2004, multiplied by the lesser of the percentage that
4 represents growth in general fund tax revenue from the 2002–03 fiscal year to the
5 2003–04 fiscal year, as estimated in the 2003–05 biennial budget act, and the
6 percentage equal to the average annual percentage change in the U.S. consumer
7 price index for all urban consumers, U.S. city average, as determined by the U.S.
8 department of labor, for the 12 months ending on June 30, 2003, plus 1%.

9 (b) Annually, beginning in 2005, counties and municipalities shall receive
10 additional payments. The total amount of all such payments shall equal the amount
11 all counties and municipalities received ^{from the county and municipal aid} ~~under this subsection~~ ^{account} in the prior year,
12 multiplied by the lesser of the percentage that represents growth in general fund tax
13 revenue from the fiscal year 2 years prior to the fiscal year in which a payment is
14 distributed under this paragraph to the fiscal year prior to the fiscal year in which
15 a payment is distributed under this paragraph, as estimated by either the biennial
16 budget act or ch. 20 as of the end of the biennium, and the percentage equal to the
17 average annual percentage change in the U.S. consumer price index for all urban
18 consumers, U.S. city average, as determined by the U.S. department of labor, for the
19 12 months ending on June 30 of the year prior to the year in which a payment is
20 distributed under this paragraph, plus 1%.”.

21 **25.** Page 165, line 13: delete “2003” and substitute “2002”.

22 **26.** Page 165, line 24: delete “2003” and substitute “2002”.

23 **27.** Page 167, line 6: delete “ending with the distributions” and substitute
24 “except for the distribution”.

shall

Page 167, line 7: after "distribute" insert "from the public utility account".

1 **28.** Page 167, line 7: delete "sub. (1)" and substitute "~~sub. (1)~~ subs. (1), (6), and
2 (7)".

3 **29.** Page 167, line 14: delete "ending with the distributions" and substitute
4 "except for the distribution".

5 **30.** Page 167, line 15: delete "sub. (2)" and substitute "~~sub. (2)~~ subs. (2), (6),
6 and (7)".

7 **31.** Page 167, line 23: delete "2004" and substitute "2003".

8 **32.** Page 167, line 24: delete "this section" and substitute "subs. (1) and (2)".

9 **33.** Page 167, line 24: after that line insert:

10 **"SECTION 249b.** 79.04 (6) of the statutes is created to read:

11 79.04 (6) (a) Annually, beginning in 2004, the department of administration,
12 upon certification by the department of revenue, shall distribute payments from the
13 public utility account, as determined under par. (b), to each municipality and county
14 in which a production plant is located, if the production plant is used by a light, heat,
15 or power company assessed under s. 76.28 (2) or 76.29 (2); except property described
16 in s. 66.0813, unless the production plant is owned or operated by a local
17 governmental unit located outside of the municipality; a qualified wholesale electric
18 company, as defined in s. 76.28 (1) (gm), a wholesale merchant plant, as defined in
19 s. 196.49 (1) (w), an electric cooperative assessed under ss. 76.07 and 76.48,
20 respectively, or a municipal electric company under s. 66.0825.

21 (b) Subject to pars. (c) and (e) to (i), each municipality entitled to a payment
22 under par. (a) shall receive a payment equal to a portion of the amount determined
23 as follows; and, subject to pars. (c) and (f) to (i), each county in which such a

Page 167, line 15: * after "distribute" insert "from the public utility account", shall

1 municipality is located shall receive a payment equal to a portion of the amount
2 determined as follows:

3 1. If the total name-plate capacity of the production plants located in the
4 municipality is no more than 10 megawatts, \$10,000.

5 2. If the total name-plate capacity of the production plants located in the
6 municipality exceeds 10 megawatts but is no more than 25 megawatts, \$25,000.

7 3. If the total name-plate capacity of the production plants located in the
8 municipality exceeds 25 megawatts but is no more than 50 megawatts, \$50,000.

9 4. If the total name-plate capacity of the production plants located in the
10 municipality exceeds 50 megawatts but is no more than 100 megawatts, \$150,000.

11 5. If the total name-plate capacity of the production plants located in the
12 municipality exceeds 100 megawatts but is no more than 200 megawatts, \$300,000.

13 6. If the total name-plate capacity of the production plants located in the
14 municipality exceeds 200 megawatts but is no more than 300 megawatts, \$500,000.

15 7. If the total name-plate capacity of the production plants located in the
16 municipality exceeds 300 megawatts but is no more than 400 megawatts, \$700,000.

17 8. If the total name-plate capacity of the production plants located in the
18 municipality exceeds 400 megawatts but is no more than 800 megawatts, \$800,000.

19 9. If the total name-plate capacity of the production plants located in the
20 municipality exceeds 800 megawatts but is no more than 1,300 megawatts,
21 \$1,000,000.

22 10. If the total name-plate capacity of the production plants located in the
23 municipality exceeds 1,300 megawatts but is no more than 1,800 megawatts,
24 \$1,150,000.

1 11. If the total name-plate capacity of the production plants located in the
2 municipality exceeds 1,800 megawatts but is no more than 2,400 megawatts,
3 \$1,300,000.

4 12. If the total name-plate capacity of the production plants located in the
5 municipality exceeds 2,400 megawatts but is no more than 3,000 megawatts,
6 \$1,500,000.

7 13. If the total name-plate capacity of the production plants located in the
8 municipality exceeds 3,000 megawatts, \$2,000,000.

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (g) For the purpose of determining the amount of the payment under par. (b),
25 if a production plant is located in more than one municipality, the name-plate

1 capacity of the production plant is attributable to the municipality in which the
2 majority of the plant is physically located and the payment amount that would result
3 under par. (b) as if there are no other plants in that municipality shall be divided
4 among the municipalities in which the plant is located based on the net book value
5 of that portion of the plant located in each municipality as of December 31, 2003, or
6 as of the date on which the plant is operational, whichever is later. This paragraph
7 applies to property classified as “production plant” under the system of accounts
8 established by the public service commission that is not an electric generating
9 facility, if the net book value of the property exceeds \$800,000.

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

15 (i) The total amount of the combined payments distributed to a municipality
16 and county under par. (b) may not be less than the amount of the combined payments
17 the municipality and county would have received on the value of production plants,
18 exclusive of substations, under s. 79.04, 1999 stats., in 2004, provided such
19 production plants remain in operation.

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

21 79.04 (7) (a) Beginning with payments in 2004, if a production plant, as
22 described in sub. (6) (a), other than a coal-powered or nuclear-powered production
23 plant, is built on the site of, or on a site adjacent to, an existing or decommissioned
24 production plant or on, or on a site adjacent to, brownfields, as defined in s. 560.13
25 (1) (a), after January 1, 2003, and is operating at a name-plate capacity of at least

1 50 megawatts, each municipality and county in which such a production plant is
2 located shall receive annually from the public utility account a payment equal to the
3 amount determined as follows:

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

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

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

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

12 5. If the production plant's name-plate capacity exceeds 600 megawatts,
13 \$420,000.

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

21 1. If the production plant's name-plate capacity is at least 50 megawatts but
22 is no more than 100 megawatts, \$90,000 to the municipality and \$45,000 to the
23 county.

1 2. If the production plant's name-plate capacity exceeds 100 megawatts but is
2 no more than 200 megawatts, \$180,000 to the municipality and \$90,000 to the
3 county.

4 3. If the production plant's name-plate capacity exceeds 200 megawatts but is
5 no more than 400 megawatts, \$360,000 to the municipality and \$180,000 to the
6 county.

7 4. If the production plant's name-plate capacity exceeds 400 megawatts but is
8 no more than 600 megawatts, \$600,000 to the municipality and \$300,000 to the
9 county.

10 5. If the production plant's name-plate capacity exceeds 600 megawatts,
11 \$840,000 to the municipality and \$420,000 to the county.”.

12 **34.** Page 168, line 1: delete “2003” and substitute “2002”.

13 **35.** Page 168, line 4: delete “2004” and substitute “2003”.

14 **36.** Page 168, line 7: delete “2003” and substitute “2002”.

15 **37.** Page 168, line 13: delete “reductions under s. 79.085” and substitute
16 “amounts paid from the appropriation account under s. 20.855 (4) (rb)”.

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

18 “**SECTION 254b.** 79.058 (3) (e) of the statutes, as created by 2001 Wisconsin Act
19 16, is repealed.”.

20 **39.** Page 168, line 19: delete “2004” and substitute “2003”.

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

23 **41.** Page 169, line 8: delete “2004” and substitute “2003”.

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

3 **43.** Page 454, line 26: delete "6,750,100" and substitute "6,790,500".

4 **44.** Page 455, line 2: delete "668,614,700" and substitute "574,391,600".

5 **45.** Page 455, line 3: delete "20,971,400" and substitute "12,817,900".

6 **46.** Page 458, line 10: after that line insert:

7 "(2z) PUBLIC UTILITY DISTRIBUTION PAYMENTS. The treatment of section 79.04 (4)
8 (a) and (b) of the statutes, as it applies to payments under section 79.04 (6) and (7)
9 of the statutes, first applies to payments distributed in 2004."

10

(END)

✓ #. Page 455, line 1: delete that line.



State of Wisconsin
2001 - 2002 LEGISLATURE
January 2002 Special Session

LRBb2339/3
JK&RAC:kmg&cmh:pg

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

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 substitute
3 "December 31, 2003".

4 **2.** Page 47, line 14: 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 **3.** Page 48, line 5: delete "(2) (b) and (c)" and substitute "(3)".

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 and \$487,000,000 in 2004 and in each year thereafter, plus any
12 additional amounts determined under s. 79.035 (2).

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

14 79.01 (2m) There is established an account in the general fund entitled the
15 “Public Utility Distribution Account,” referred to in this chapter as the “public utility
16 account.” There shall be appropriated to the public utility account the sums specified
17 in s. 79.04 (4), (6), and (7).”.

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

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

20 **79.015 Statement of estimated payments.** The department of revenue, on
21 or before September 15 of each year, shall provide to each municipality and county
22 a statement of estimated payments to be made in the next calendar year to the
23 municipality or county under ss. 79.03, 79.035, 79.04, 79.05, 79.058, and 79.06.”.

24 **8.** Page 162, line 17: after “79.03,” insert “79.035.”.

1 **9.** Page 162, line 18: delete the underscored material beginning with “except”
2 and ending with “(rb)” on line 25.

3 **10.** Page 163, line 1: delete lines 1 to 8.

4 **11.** Page 163, line 12: after “79.03,” insert “79.035”.

5 **12.** Page 163, line 13: delete the material beginning with “or” and ending with
6 “\$679,415,800.” on line 16 and substitute “. In November 2002, the amount of the
7 payments to each municipality and county under ss. 79.03, 79.04, 79.05, 79.058, and
8 79.06 to be paid from the appropriation account under s. 20.855 (4) (rb) shall be the
9 amount of such payments to the municipality or county multiplied by the quotient
10 of an amount equal to the moneys available, as determined by the department of
11 administration, from the appropriation account under s. 20.855 (4) (rb) divided by
12 \$826,068,930.”.

13 **13.** Page 163, line 18: delete “2003” and substitute “2002”.

14 **14.** Page 163, line 22: delete “2003” and substitute “2002”.

15 **15.** Page 164, line 7: after “1999;” insert “and”.

16 **16.** Page 164, line 7: delete “2001;” and substitute “2001;”.

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

20 **18.** Page 164, line 22: delete “less reductions under”.

21 **19.** Page 164, line 23: delete “s. 79.085”.

22 **20.** Page 164, line 23: delete “less reductions under s. 79.085. In 2003” and
23 substitute “. In 2003”.

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

5 **22.** Page 165, line 7: delete “and less reductions under s. 79.085”.

6 **23.** Page 165, line 9: delete “2004” and substitute “2003”.

7 **24.** Page 165, line 10: after that line insert:

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

9 **79.035 County and municipal aid.** (1) (a) 1. Subject to par. (b), in 2003, each
10 county shall receive a payment from the county and municipal aid account in an
11 amount equal to the total amount of the payments under ss. 79.03 (3), 79.04, 79.058,
12 and 79.06 distributed to the county in 2002.

13 2. Subject to par. (b), in 2003, each municipality shall receive a payment from
14 the county and municipal aid account in an amount equal to the amount of the
15 payment under s. 79.03 (5) (a) distributed to the municipality in 2002.

16 (b) The department of revenue shall reduce the amount of each payment to a
17 county and municipality under par. (a) by subtracting from each such payment an
18 amount based on population, as determined by the department, so that the total
19 amount of all such payments is \$750,000,000, except that no county or municipality
20 shall receive a payment in an amount that is less than 35% of the amount of the
21 payments specified in par. (a) that the county or municipality received in 2002.
22 Notwithstanding s. 79.005 (2), to calculate reductions under this paragraph, the
23 department of revenue, in consultation with the department of administration, shall
24 estimate population by using the 2000 federal decennial census.

1 (2) (a) In 2004, counties and municipalities shall receive additional payments.
2 The total amount of all such payments shall equal the amount specified for all
3 counties and municipalities in 2004, multiplied by the lesser of the percentage that
4 represents growth in general fund tax revenue from the 2002–03 fiscal year to the
5 2003–04 fiscal year, as estimated in the 2003–05 biennial budget act, and the
6 percentage equal to the average annual percentage change in the U.S. consumer
7 price index for all urban consumers, U.S. city average, as determined by the U.S.
8 department of labor, for the 12 months ending on June 30, 2003, plus 1%.

9 (b) Annually, beginning in 2005, counties and municipalities shall receive
10 additional payments. The total amount of all such payments shall equal the amount
11 all counties and municipalities received from the county and municipal aid account
12 in the prior year, multiplied by the lesser of the percentage that represents growth
13 in general fund tax revenue from the fiscal year 2 years prior to the fiscal year in
14 which a payment is distributed under this paragraph to the fiscal year prior to the
15 fiscal year in which a payment is distributed under this paragraph, as estimated by
16 either the biennial budget act or ch. 20 as of the end of the biennium, and the
17 percentage equal to the average annual percentage change in the U.S. consumer
18 price index for all urban consumers, U.S. city average, as determined by the U.S.
19 department of labor, for the 12 months ending on June 30 of the year prior to the year
20 in which a payment is distributed under this paragraph, plus 1%.”.

21 **25.** Page 165, line 13: delete “2003” and substitute “2002”.

22 **26.** Page 165, line 24: delete “2003” and substitute “2002”.

23 **27.** Page 167, line 6: delete “ending with the distributions” and substitute
24 “except for the distribution”.

1 **28.** Page 167, line 7: delete “sub. (1)” and substitute “~~sub. (1)~~ subs. (1), (6), and
2 (7)”.

3 **29.** Page 167, line 7: after “shall distribute” insert “from the public utility
4 account”.

5 **30.** Page 167, line 14: delete “ending with the distributions” and substitute
6 “except for the distribution”.

7 **31.** Page 167, line 15: delete “sub. (2)” and substitute “~~sub. (2)~~ subs. (2), (6),
8 and (7)”.

9 **32.** Page 167, line 15: after “shall distribute” insert “from the public utility
10 account”.

11 **33.** Page 167, line 23: delete “2004” and substitute “2003”.

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

13 **35.** Page 167, line 24: after that line insert:

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

15 79.04 (6) (a) Annually, beginning in 2004, the department of administration,
16 upon certification by the department of revenue, shall distribute payments from the
17 public utility account, as determined under par. (b), to each municipality and county
18 in which a production plant is located, if the production plant is used by a light, heat,
19 or power company assessed under s. 76.28 (2) or 76.29 (2); except property described
20 in s. 66.0813, unless the production plant is owned or operated by a local
21 governmental unit located outside of the municipality; a qualified wholesale electric
22 company, as defined in s. 76.28 (1) (gm), a wholesale merchant plant, as defined in

1 s. 196.49 (1) (w), an electric cooperative assessed under ss. 76.07 and 76.48,
2 respectively, or a municipal electric company under s. 66.0825.

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

8 1. If the total name-plate capacity of the production plants located in the
9 municipality is no more than 10 megawatts, \$10,000.

10 2. If the total name-plate capacity of the production plants located in the
11 municipality exceeds 10 megawatts but is no more than 25 megawatts, \$25,000.

12 3. If the total name-plate capacity of the production plants located in the
13 municipality exceeds 25 megawatts but is no more than 50 megawatts, \$50,000.

14 4. If the total name-plate capacity of the production plants located in the
15 municipality exceeds 50 megawatts but is no more than 100 megawatts, \$150,000.

16 5. If the total name-plate capacity of the production plants located in the
17 municipality exceeds 100 megawatts but is no more than 200 megawatts, \$300,000.

18 6. If the total name-plate capacity of the production plants located in the
19 municipality exceeds 200 megawatts but is no more than 300 megawatts, \$500,000.

20 7. If the total name-plate capacity of the production plants located in the
21 municipality exceeds 300 megawatts but is no more than 400 megawatts, \$700,000.

22 8. If the total name-plate capacity of the production plants located in the
23 municipality exceeds 400 megawatts but is no more than 800 megawatts, \$800,000.

1 9. If the total name-plate capacity of the production plants located in the
2 municipality exceeds 800 megawatts but is no more than 1,300 megawatts,
3 \$1,000,000.

4 10. If the total name-plate capacity of the production plants located in the
5 municipality exceeds 1,300 megawatts but is no more than 1,800 megawatts,
6 \$1,150,000.

7 11. If the total name-plate capacity of the production plants located in the
8 municipality exceeds 1,800 megawatts but is no more than 2,400 megawatts,
9 \$1,300,000.

10 12. If the total name-plate capacity of the production plants located in the
11 municipality exceeds 2,400 megawatts but is no more than 3,000 megawatts,
12 \$1,500,000.

13 13. If the total name-plate capacity of the production plants located in the
14 municipality exceeds 3,000 megawatts, \$2,000,000.

15 (c) If the production plant is located in a city or village, the city or village
16 receives a payment equal to two-thirds of the amount determined under par. (b) and
17 the county in which the city or village is located receives a payment equal to
18 one-third of the amount determined under par. (b). If the production plant is located
19 in a town, the town receives a payment equal to one-third of the amount determined
20 under par. (b) and the county in which the town is located receives a payment equal
21 to two-thirds of the amount determined under par. (b). If a municipality is located
22 in more than one county, the county in which the production plant is located shall
23 receive the county portion of the payment.

24 (d) Subject to pars. (e) and (f), annually, beginning in 2004, the department of
25 administration, upon certification by the department of revenue, shall distribute

1 payments from the public utility account to each municipality and county in which
2 a substation is located in an amount based on the net book value of the substation
3 and as determined under sub. (1), for a municipality, or sub. (2), for a county, if the
4 substation is used by a light, heat, or power company assessed under s. 76.28 (2) or
5 76.29 (2); except property described in s. 66.0813, unless the substation is owned or
6 operated by a local governmental unit located outside of the municipality; a qualified
7 wholesale electric company, as defined in s. 76.28 (1) (gm), a wholesale merchant
8 plant, as defined in s. 196.49 (1) (w), an electric cooperative assessed under ss. 76.07
9 and 76.48, respectively, or a municipal electric company under s. 66.0825.

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

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

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

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

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

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

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

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

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

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

5 (g) For the purpose of determining the amount of the payment under par. (b),
6 if a production plant is located in more than one municipality, the name-plate
7 capacity of the production plant is attributable to the municipality in which the
8 majority of the plant is physically located and the payment amount that would result
9 under par. (b) as if there are no other plants in that municipality shall be divided
10 among the municipalities in which the plant is located based on the net book value
11 of that portion of the plant located in each municipality as of December 31, 2003, or
12 as of the date on which the plant is operational, whichever is later. This paragraph
13 applies to property classified as "production plant" under the system of accounts
14 established by the public service commission that is not an electric generating
15 facility, if the net book value of the property exceeds \$800,000.

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

21 (i) The total amount of the combined payments distributed to a municipality
22 and county under par. (b) may not be less than the amount of the combined payments
23 the municipality and county would have received on the value of production plants,
24 exclusive of substations, under s. 79.04, 1999 stats., in 2004, provided such
25 production plants remain in operation.

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

2 79.04 (7) (a) Beginning with payments in 2004, if a production plant, as
3 described in sub. (6) (a), other than a coal-powered or nuclear-powered production
4 plant, is built on the site of, or on a site adjacent to, an existing or decommissioned
5 production plant or on, or on a site adjacent to, brownfields, as defined in s. 560.13
6 (1) (a), after January 1, 2003, and is operating at a name-plate capacity of at least
7 50 megawatts, each municipality and county in which such a production plant is
8 located shall receive annually from the public utility account a payment equal to the
9 amount determined as follows:

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

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

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

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

18 5. If the production plant's name-plate capacity exceeds 600 megawatts,
19 \$420,000.

20 (b) Beginning with payments in 2004, if a production plant, as described in sub.
21 (6) (a), that is coal-powered is built on the site of, or on a site adjacent to, an existing
22 or decommissioned production plant or on, or on a site adjacent to, brownfields, as
23 defined in s. 560.13 (1) (a), after January 1, 2003, and is operating at a name-plate
24 capacity of at least 50 megawatts, each municipality and county in which such a

1 production plant is located shall receive annually from the public utility account a
2 payment equal to the amount determined as follows:

3 1. If the production plant's name-plate capacity is at least 50 megawatts but
4 is no more than 100 megawatts, \$90,000 to the municipality and \$45,000 to the
5 county.

6 2. If the production plant's name-plate capacity exceeds 100 megawatts but is
7 no more than 200 megawatts, \$180,000 to the municipality and \$90,000 to the
8 county.

9 3. If the production plant's name-plate capacity exceeds 200 megawatts but is
10 no more than 400 megawatts, \$360,000 to the municipality and \$180,000 to the
11 county.

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

15 5. If the production plant's name-plate capacity exceeds 600 megawatts,
16 \$840,000 to the municipality and \$420,000 to the county.”.

17 **36.** Page 168, line 1: delete “2003” and substitute “2002”.

18 **37.** Page 168, line 4: delete “2004” and substitute “2003”.

19 **38.** Page 168, line 7: delete “2003” and substitute “2002”.

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

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

23 “**SECTION 254b.** 79.058 (3) (e) of the statutes, as created by 2001 Wisconsin Act
24 16, is repealed.”.

