

# State of Wisconsin



2025 Senate Bill 255

Date of enactment: August 8, 2025  
Date of publication\*: August 9, 2025

## 2025 WISCONSIN ACT 31

AN ACT *to renumber* 182.71 (1) (a); *to amend* 182.71 (5) (b), 182.71 (5) (c), 182.71 (5) (f), 182.71 (6) (intro.), 182.71 (6) (a), 182.71 (6) (f), 182.71 (7) (c), 182.71 (7) (d) and 182.71 (8); *to create* 182.71 (1) (ag) of the statutes; **relating to:** regulation of the Chippewa and Flambeau Improvement Company.

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

**SECTION 1.** 182.71 (1) (a) of the statutes is renumbered 182.71 (1) (ar).

**SECTION 2.** 182.71 (1) (ag) of the statutes is created to read:

182.71 (1) (ag) "Capital invested" means capital actually paid in and the par value of all negotiable bonds or other obligations issued by the company.

**SECTION 3.** 182.71 (5) (b) of the statutes is amended to read:

182.71 (5) (b) If the company operates water reservoirs under this section capable of storing and discharging 1.5 billion cubic feet of water that would not be naturally stored, it may charge uniform tolls to the owners, lessees or operators of every improved and operated water power located upon the Chippewa or Flambeau rivers or any of their tributaries below any of these reservoirs and benefited by the operation of these reservoirs. The sum of the tolls may not exceed the reasonable costs of operation and maintenance including taxes, depreciation, and rent paid for leased properties and, plus a net annual return on the ~~cash capital actually paid in on the stock subscriptions to the company and on the par value~~

~~of all negotiable bonds issued by the company~~ capital invested and a reasonable allowance for working capital. The commission shall determine the net annual return.

**SECTION 4.** 182.71 (5) (c) of the statutes is amended to read:

182.71 (5) (c) The commission shall fix the tolls semiannually in proportion to the benefits received from the reservoir system by each improved and operated water power. A water power liable to tolls and operated 2 months or more during a 6-month toll period shall ~~not~~ be subject to tolls for the entire period. A water power operating for less than 2 months during a 6-month toll period shall not be subject to a toll. The company shall employ hydraulic engineers, selected by the commission, to assist the company and the commission in determining the tolls to be charged. The expense of employing the engineers shall be a part of the cost of maintenance and operation of the works.

**SECTION 5.** 182.71 (5) (f) of the statutes is amended to read:

182.71 (5) (f) ~~No tolls shall be levied or used to pay for any part of the original acquisition or improvement of the reservoir system.~~ The tolls shall be a lien on the water power, dam, franchises and flowage rights of the person or corporation charged with the tolls. The com-

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\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

pany may sue to enforce the lien or for the sale of the encumbered property.

**SECTION 6.** 182.71 (6) (intro.) of the statutes is amended to read:

182.71 (6) (intro.) On or before June 15 and December 15 of each year, the company shall provide the commission with a statement showing all of the following:

**SECTION 7.** 182.71 (6) (a) of the statutes is amended to read:

182.71 (6) (a) All expenditures made or necessary to be made for the 6-month period preceding the next July 1 or January 1 for maintenance ~~and~~, operation, and depreciation of the reservoir system.

**SECTION 8.** 182.71 (6) (f) of the statutes is amended to read:

182.71 (6) (f) A recommendation of the amount of tolls necessary to pay the cost of maintenance ~~and~~, operation ~~and~~, taxes and depreciation, a net return of 6 percent per year on the capital invested, ~~including the par value of the outstanding negotiable bonds and a reasonable allowance for working capital~~, together with a recommendation as to the apportionment of the tolls against the owners or operators of improved powers under sub. (5); ~~and~~.

**SECTION 9.** 182.71 (7) (c) of the statutes is amended to read:

182.71 (7) (c) The company may, after certification from the commission according to the procedures under ss. 201.03 to 201.04, issue capital stock or negotiable bonds. The money received by the company upon account of capital stock or sale of its negotiable bonds shall be used to pay the original cost of purchase, construction, or improvement of the reservoir system. ~~All~~

~~tolls collected under sub. (5) shall be applied only to the payment of cost of maintenance and operation of the system and payment of the net return on capital so that the capital stock and bonds of the corporation shall be maintained at par value at all times.~~

**SECTION 10.** 182.71 (7) (d) of the statutes is amended to read:

182.71 (7) (d) Subject to approval of the commission, the company may issue negotiable interest-bearing bonds to provide funds to acquire dams, reservoirs, and rights under this section. ~~The issue shall not exceed one half of the total cost of the improvement.~~ The company may secure payment by mortgage of its property. ~~If any bonds are issued and outstanding, all earnings of the capital stock shall be invested subject to the approval of the commission as a sinking fund for the purpose of retiring outstanding bonds, and while any bonds are outstanding, no dividends shall be paid to the stockholders of record.~~

**SECTION 11.** 182.71 (8) of the statutes is amended to read:

182.71 (8) This state shall have the right at any time, whenever it may have the constitutional power, to take over to itself and become owner of all reservoirs and other works and property acquired by the Chippewa and Flambeau Improvement Company, under this section, by paying therefor the ~~cash capital actually paid on the capital stock of~~ total capital invested by the company theretofore lawfully issued and outstanding or the actual value of the physical properties so taken over and without any allowance for franchises or goodwill of the business, such actual value to be determined by the commission.

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