



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBs0229/1
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**SENATE SUBSTITUTE AMENDMENT 1,
TO SENATE BILL 446**

January 9, 2014 – Offered by Senator LASEE.

1 **AN ACT** *to amend* 79.04 (4) (a), 79.04 (4) (b), 196.491 (3) (d) (intro.) and 196.493
2 (title); and *to create* 196.493 (3) of the statutes; **relating to:** nuclear power
3 plant dry cask storage, shared revenue payments for spent nuclear fuel storage,
4 and granting rule-making authority.

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

5 **SECTION 1.** 79.04 (4) (a) of the statutes is amended to read:
6 79.04 (4) (a) Annually, in addition to the amounts distributed under subs. (1),
7 (5), (6), and (7), the department of administration shall distribute \$50,000 to ~~a~~ each
8 municipality if where spent nuclear fuel is stored ~~within the municipality~~ on
9 December 31 of the preceding year. ~~If an amount equal to \$50,000 for each facility~~
10 in the municipality where spent nuclear fuel is stored, except that if a spent nuclear
11 fuel storage facility is located within one mile of a municipality, that municipality

1 shall receive \$10,000 annually and the municipality where that storage facility is
2 located shall receive \$40,000 annually.

3 **SECTION 2.** 79.04 (4) (b) of the statutes is amended to read:

4 79.04 (4) (b) Annually, in addition to the amounts distributed under subs. (2),
5 (5), (6), and (7), the department of administration shall distribute ~~\$50,000~~ \$100,000
6 to a county if spent nuclear fuel is stored within the county on December 31 of the
7 preceding year. If a spent nuclear fuel storage facility is located at a production plant
8 located in more than one county, the payment shall be apportioned according to the
9 formula under sub. (1) (c) 2., except that the formula, as it applies to municipalities
10 in that subdivision, applies to counties in this paragraph. The payment under this
11 paragraph may not be less than \$10,000 annually.

12 **SECTION 3.** 196.491 (3) (d) (intro.) of the statutes is amended to read:

13 196.491 (3) (d) (intro.) Except as provided under par. (e) and s. 196.493 (2), the
14 commission shall approve an application filed under par. (a) 1. for a certificate of
15 public convenience and necessity only if the commission determines all of the
16 following:

17 **SECTION 4.** 196.493 (title) of the statutes is amended to read:

18 **196.493 (title) ~~Construction of nuclear~~ Nuclear power plants limited.**

19 **SECTION 5.** 196.493 (3) of the statutes is created to read:

20 196.493 (3) SPENT FUEL OR RADIOACTIVE MATERIAL STORAGE. (a) A public utility
21 or other person that stores spent fuel or radioactive material from a nuclear power
22 plant, whether or not the plant is in operation or decommissioned, and uses dry cask
23 storage for the spent fuel or radioactive material shall do all of the following:

24 1. Pay to the municipality in which the spent fuel or radioactive material is
25 stored \$250,000, or the amount specified in rules promulgated under par. (b), for each

1 year or portion of a year that the spent fuel or radioactive material is stored and pay
2 to the municipality \$5,000, or the amount specified in rules promulgated under par.
3 (b), for each dry cask for each year or portion of a year that the fuel or material is
4 stored in a dry cask in the municipality.

5 2. Pay to the county in which the spent fuel or radioactive material is stored
6 \$150,000, or the amount specified in rules promulgated under par. (b), for each year
7 or portion of a year that the spent fuel or radioactive material is stored in the county.

8 (b) The commission shall promulgate rules to implement this subsection and
9 to adjust the amounts specified in par. (a) every 5 years to account for inflation.

10 **SECTION 6. Initial applicability.**

11 (1) The treatment of section 79.04 (4) (a) and (b) of the statutes first applies to
12 payments made in 2014.

13 (END)