



State of Wisconsin
2015 - 2016 LEGISLATURE

LRBa1335/1
JK:kjf

**ASSEMBLY AMENDMENT 1,
TO ASSEMBLY BILL 554**

December 14, 2015 – Offered by Representative AUGUST.

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

2 **1.** Page 1, line 4: after “companies” insert “, imposing a tax on water utilities,”.

3 **2.** Page 1, line 5: delete “to investor-owned public utilities”.

4 **3.** Page 4, line 3: delete “to an investor-owned public utility”.

5 **4.** Page 4, line 19: after that line insert:

6 “**SECTION 3b.** 70.112 (4) (a) of the statutes is amended to read:

7 70.112 (4) (a) All special property assessed under ss. 76.01 to 76.26 and
8 property of any light, heat, and power company taxed under s. 76.28, water utility
9 taxed under s. 76.95, car line company, and electric cooperative association that is
10 used and useful in the operation of the business of such company or association. If
11 a general structure for which an exemption is sought under this section is used and
12 useful in part in the operation of any public utility assessed under ss. 76.01 to 76.26
13 or of the business of any light, heat, and power company taxed under s. 76.28, water

1 utility taxed under s. 76.95, car line company, or electric cooperative association and
2 in part for nonoperating purposes of the public utility or company or association, that
3 general structure shall be assessed for taxation under this chapter at the percentage
4 of its full market value that fairly measures and represents the extent of its use for
5 nonoperating purposes. Nothing provided in this paragraph shall exclude any real
6 estate or any property which is separately accounted for under s. 196.59 from special
7 assessments for local improvements under s. 66.0705.

8 **SECTION 3d.** 76.28 (1) (e) (intro.) of the statutes is amended to read:

9 76.28 (1) (e) (intro.) “Light, heat and power companies” means any person,
10 association, company, or corporation, including corporations described in s. 66.0813,
11 qualified wholesale electric companies, and transmission companies and except only
12 business enterprises carried on exclusively either for the private use of the person,
13 association, company, or corporation engaged in them, or for the private use of a
14 person, association, company, or corporation owning a majority of all outstanding
15 capital stock or who control the operation of business enterprises and except electric
16 cooperatives taxed under s. 76.48 and water utilities taxed under s. 76.95 that
17 engage in any of the following businesses:

18 **SECTION 3f.** Subchapter VI (title) of chapter 76 [precedes 76.94] of the statutes
19 is created to read:

20 **CHAPTER 76**

21 **WATER UTILITY TAX**

22 **SECTION 3g.** 76.94 of the statutes is created to read:

23 **76.94 Definitions.** In this subchapter:

24 (1) “Assessment ratio” means the decimal fraction rounded to the nearest ten
25 thousandth obtained by dividing the assessed value of all taxable nonmanufacturing

1 property, as specified in the clerk's statement of assessment file with the department
2 of revenue, by the value of all taxable nonmanufacturing property in the taxation
3 district as determined by the department of revenue prior to adjustments under s.
4 70.57.

5 (2) "Gross book value for the calender year" means the gross book value as of
6 January 1 of the calendar year.

7 (3) "Municipality" means a city, village, or town.

8 (4) "Water utility" means a public utility, as defined under s. 196.01 (5), not
9 including a municipal public utility as defined under s. 66.0801 (1) (a), that produces,
10 delivers, or furnishes water either directly or indirectly to or for the public and that
11 is authorized to render service under s. 196.49 (1) (am) after the effective date of this
12 subsection [LRB inserts date].

13 (5) "Local and school tax rates for the calendar year" means the local and school
14 tax rates determined by the taxing jurisdictions of the taxation district where the
15 utility is located for the same calendar year.

16 **SECTION 3h.** 76.95 of the statutes is created to read:

17 **76.95 Imposition.** There is imposed on each water utility an annual tax which
18 shall be levied and collected no later than May 1 by the municipality in which the
19 water utility is located in an amount determined by applying the local and school tax
20 rates for the calendar year to the water utility's gross book value for the calendar
21 year, plus the value of the utility's materials and supplies multiplied by the
22 assessment ratio for the taxation district where the utility is located.

23 **SECTION 3i.** 76.96 of the statutes is created to read:

24 **76.96 Reduced tax.** A municipality may levy and collect a tax imposed under
25 s. 76.95 in an amount less than the amount determined under s. 76.95.

