

State of Wisconsin



2011 Assembly Bill 273

Date of enactment: **November 9, 2011**
Date of publication*: **November 23, 2011**

2011 WISCONSIN ACT 64

AN ACT *to amend* 20.566 (2) (b), 70.57 (4) (a), 70.57 (4) (b) (intro.) and 70.57 (4) (c); and *to create* 70.57 (4) (d) of the statutes; **relating to:** the loan program for property taxes imposed as a result of an error in equalized value and making an appropriation.

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

SECTION 1. 20.566 (2) (b) of the statutes is amended to read:

20.566 (2) (b) *Valuation error loans.* ~~The amounts in the schedule A sum sufficient~~ to make the payments under s. 70.57 (4) (a).

SECTION 2. 70.57 (4) (a) of the statutes is amended to read:

70.57 (4) (a) From the appropriation under s. 20.566 (2) (b), the department shall provide payments to any taxation district that certifies to the department, in the manner prescribed by the department, that the most recent valuation of the taxation district's property under this section is greater than it should be because of a clerical, arithmetic, transpositional, or similar error made by the department, as confirmed by the department, and that the amount of the overvaluation represents ~~40~~ 7.5 percent or more of the taxation district's valuation under this section in the year prior to the year in which the error occurred.

SECTION 3. 70.57 (4) (b) (intro.) of the statutes is amended to read:

70.57 (4) (b) (intro.) ~~-A- If property tax bills for the assessment year in which the error relates have been distributed to property owners, the taxation district receive-~~

ing payments under par. (a) shall use the payments to make loans to persons who own property located in the taxation district and who are paying more property taxes than they should be as a result of the error. A person may receive a loan by applying, in the manner prescribed by the department, to the taxation district in which the person's property is located no later than June 15 of the year following the error. The state shall collect the amount of any loan issued under this paragraph as a state special charge against the taxation district for the year after the year in which the error occurred and the special charge shall not be included in the taxation district's levy. The taxation district shall assess the loan amount as a special charge against the property for which the loan was made on the property tax bill succeeding the loan, as provided under ch. 74 and s. 66.0627 (1) (c). Except for interest and penalties, as provided under s. 74.47, that apply to any delinquent special charge based on the loan amount, neither the department nor the taxation district may charge interest on any loan issued under this paragraph. The maximum loan amount that a person may receive under this paragraph shall be calculated by multiplying the assessed value of the person's property by a decimal determined by the department as follows:

SECTION 4. 70.57 (4) (c) of the statutes is amended to read:

* Section 991.11, WISCONSIN STATUTES 2009-10 : 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 as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

70.57 (4) (c) The With regard to loans made under par. (b), the department shall make the payments under par. (a) monthly, based on the amounts requested in loan applications to the taxation district each month, except that the department shall make no payments to a taxation district after June 30 of the year following the year in which the error occurred.

SECTION 5. 70.57 (4) (d) of the statutes is created to read:

70.57 (4) (d) If property tax bills for the assessment year in which the error relates have not been distributed to property owners, the department may make one payment from the appropriation under s. 20.566 (2) (b) to the taxation district to reduce the property taxes that would otherwise be imposed as a result of the error. The department shall confirm the amount of the payment and provide guidance to the taxation district in allocating the amount to specific parcels. In the year following the error, the taxation district, with the guidance of the department, shall collect from property owners in the

taxation district an amount equal to the amount of the payment and shall remit the amount collected to the department. The department may not charge interest for any payment under this paragraph. Notwithstanding s. 66.0602 or 79.05, payments under this paragraph in both the year the payment is made to the taxation district and the year the taxation district returns the payment to the department shall not be included in determining the taxation district's or the county's levy, or allowable levy under s. 66.0602, or in determining the taxation district's eligibility for, and calculation of payments, under s. 79.05. Solely for purposes of relating annual revenue to estimated expenses, the amounts collected and remitted to the state under this paragraph shall be deemed accrued receipts as of the close of the fiscal year, but no revenue shall be deemed accrued receipts unless it is deposited by this state on or before August 31.

SECTION 6. Initial applicability.

(1) This act first applies to valuations made in 2011.
