State of Wisconsin
1995 - 1996 LEGISLATURE

LRB-3925/1
JS:jrd:kaf

1995 SENATE BILL 306

August 23, 1995 – Introduced by Senators BURKE, CHVALA, CLAUSING, C. POTTER and RISSER, cosponsored by Representatives BLACK, BALDUS, BALDWIN, BOCK, BOYLE, CULLEN, HASENOHRL, R. POTTER and SPRINGER. Referred to Joint survey committee on Tax Exemptions.

AN ACT ***to create*** 70.11 (38) and 74.48 of the statutes; **relating to:** creating a property tax exemption for wetlands.

Analysis by the Legislative Reference Bureau

This bill creates a property tax exemption for lands zoned as wetlands by a county and not used for agricultural purposes. If that land becomes taxable, except as a result of remapping by the department of natural resources, the owner is required to pay the equivalent of the property taxes that were saved on the lands, based on an indexing of the most recent assessment before the wetlands became exempt, plus interest at the rate of 6% per year for each year's taxes.

This bill will be referred to the joint survey committee on tax exemptions for a detailed analysis, which will be printed as an appendix to the bill.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 70.11 (38) of the statutes is created to read:

70.11 **(38)** WETLANDS. Wetlands, as defined in s. 23.32 (1), that are subject to an ordinance under s. 59.971 (1m) and that are not used for agricultural purposes, as defined in s. 23.33 (1) (ag).

SECTION 2. 74.48 of the statutes is created to read:

74.48 Interest and penalty on rezoned wetlands. (1) If property that is exempt under s. 70.11 (37) becomes taxable, except as a result of remapping by the department of natural resources, the current owner, on or before January 15, shall pay to the municipality in which the wetlands are located an amount calculated as follows:

(a) Increase the assessed value of the property, as determined as of the January 1 before the effective date of this paragraph .... [revisor inserts date], by the increase in the consumer price index, all items, U.S. city average, as determined by the U.S. department of labor, for the year beginning on January 1 and determine the property taxes that would have been due on the property if it had been assessed at that amount and if it had been taxable.

(b) For each subsequent year that the property was exempt, increase the value determined for the property for the previous year by the increase during the previous year in the consumer price index, all items, U.S. city average, as determined by the U.S. department of labor, and determine the property taxes that would have been due on the property if it had been assessed at that amount and if it had been taxable.

(c) For each of the years for which an amount is calculated under par. (a) or (b), add interest at the rate of 6% per year beginning with the year for which the amount is calculated and ending with the year during which the property is no longer exempt.

(d) Add the amounts determined under pars. (a) to (c) for all of the years during which the current owner owned the property.

(2) As part of the next settlement of taxes under s. 74.25 or 74.30 (1) or under subch. IX, the municipality shall distribute to each taxing jurisdiction for which it collects property taxes its share of the amount collected under sub. (1). On or before January 10, the municipality shall notify the department of revenue if a payment is required under sub. (1).

(4) Any amount due under sub. (1) that is not timely paid is subject to interest at the rate of 0.5% per month or part of a month.

SECTION 3. Effective date.

(1) This act takes effect on the January 1 after publication.

(END)