

State of Wisconsin



2021 Senate Bill 396

Date of enactment: **March 11, 2022**

Date of publication*: **March 12, 2022**

2021 WISCONSIN ACT 162

AN ACT *to amend* 74.35 (4) and 74.41 (4) of the statutes; **relating to:** interest on claims of excessive assessment and for recovery of unlawful property taxes.

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

SECTION 1. 74.35 (4) of the statutes is amended to read:

74.35 (4) INTEREST. The amount of a claim filed under sub. (2) or an action commenced under sub. (3) may include interest ~~computed from the date of filing the claim against the taxation district, at the rate of 0.8 percent per month at the average annual discount rate determined by the last auction of 6-month U.S. treasury bills before the date of filing the claim per day for the period between the time when the tax was due and the date that the claim was paid.~~

SECTION 2. 74.41 (4) of the statutes is amended to read:

74.41 (4) CHARGE-BACK AMOUNT DETERMINED. The department of revenue shall, by the November 15 following submission of the form under sub. (1), determine the

amount of rescinded or refunded taxes to be charged back to, and collected from, each taxing jurisdiction for which taxes were collected by the taxation district and determine the amount of taxes collected under s. 74.33 to be shared with each taxing jurisdiction for which taxes were collected by the taxation district. Except for interest on refunds under s. 70.511 (2) (b) that is paid with respect to property that was assessed under s. 70.995 and that is not paid by the department of administration under s. 70.511 (2) (bm), and except for interest on refunds under ss. 74.35 and 74.37, the amount determined may not include any interest. The determination of the department of revenue under this subsection is reviewable only under s. 227.53.

SECTION 3. Initial applicability.

(1) This act first applies to claims paid on the effective date of this subsection.

SECTION 3m. Effective date.

(1) This act takes effect on January 1, 2023.

* 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."