



2007 ASSEMBLY BILL 662

January 3, 2008 – Introduced by Representatives HIXSON, ZIEGELBAUER, SHERIDAN, STASKUNAS, BENEDICT, SEIDEL and A. OTT, cosponsored by Senators OLSEN and ROESSLER. Referred to Committee on Ways and Means.

1 **AN ACT** *to amend* 74.41 (1) (intro.) and 74.42 (1); and *to create* 74.41 (1) (e) of
2 the statutes; **relating to:** the charge-back of refunded or rescinded taxes and
3 of personal property taxes and sharing certain collected taxes.

Analysis by the Legislative Reference Bureau

Under current law, no later than October 1 of each year, a taxation district clerk may submit to the Department of Revenue (DOR) a list of property taxes on the district's tax roll that have been refunded to taxpayers or rescinded. The list may also include property taxes that the district collected as a result of certain errors in the district's tax roll. Under current law, the taxation district must distribute a proportionate share of the amount of any such collected taxes to the taxing jurisdictions that are part of the taxation district. Under this bill, a taxation district clerk must submit the district's list of refunded or rescinded taxes to DOR and must include on the list the amount of any property taxes collected on property that was omitted from the property tax roll in the previous two years and distribute a proportionate share of that amount to the taxing jurisdictions that are part of the taxation district.

Under current law, no earlier than February 2 and no later than April 1, a taxation district treasurer may charge back to each taxing jurisdiction its proportionate share of personal property taxes that the taxation district settled in full the previous February, that were delinquent at the time of settlement, that have not been collected in the year following the settlement, and that remain delinquent. Under this bill, the personal property taxes that a taxation district may charge back

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to the taxing jurisdictions are personal property taxes owed by an entity that has ceased operations or due on personal property that has been removed from the next assessment roll.

Under current law, a taxing jurisdiction must pay the taxation district the amount of any charge-back within 30 days of receiving the charge-back notice from the taxation district. Under the bill, a taxing jurisdiction must pay the taxation district the amount of any charge-back no later than May 1.

For further information see the *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:

1 **SECTION 1.** 74.41 (1) (intro.) of the statutes is amended to read:

2 74.41 (1) SUBMISSION OF REFUNDED OR RESCINDED TAXES TO DEPARTMENT. (intro.)

3 By October 1 of each year, the clerk of a taxation district ~~may~~ shall submit to the
4 department of revenue, on a form prescribed by the department of revenue, a listing
5 of all general property taxes on the district's tax roll which, subject to sub. (2), meet
6 any of the following conditions:

7 **SECTION 2.** 74.41 (1) (e) of the statutes is created to read:

8 74.41 (1) (e) Have been collected under s. 70.44.

9 **SECTION 3.** 74.42 (1) of the statutes is amended to read:

10 74.42 (1) CHARGE BACK. No earlier than February 2 and no later than April 1,
11 the taxation district treasurer may charge back to each taxing jurisdiction within the
12 taxation district, except this state, its proportionate share of those personal property
13 taxes for which the taxation district settled in full the previous February, which were
14 delinquent at the time of settlement, which have not been collected in the intervening
15 year, and which remain delinquent, if the taxes are owed by an entity that has ceased
16 operations or are due on personal property that has been removed from the next
17 assessment roll. At the same time, if there are charge-backs, the taxation district

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1 treasurer shall charge back to the county the state's proportionate share of those
2 taxes. ~~Within 30 days~~ No later than the first May 1 after receipt of a notice of a
3 charge-back, the taxing jurisdiction shall pay to the taxation district treasurer the
4 amount due, and the state shall pay to the proper county treasurer the amount due.

5 **SECTION 4. Initial applicability.**

6 (1) This act first applies to the property tax assessments as of January 1, 2008.

7 (END)