

1993 Wisconsin Act 471

(Vetoed in Part)

AN ACT to repeal 71.07 (9r) (j) 1; to renumber and amend 71.07 (9r) (k); to amend 62.23 (7) (em), 71.07 (9r) (a), 71.07 (9r) (b) 2, 71.07 (9r) (b) 3. a. and 101.121 (2) (c) 1 and 2; and to create 20.245 (3) (u), 44.02 (27), 44.15 (3) (a) 4, 71.07 (9r) (b) 8, 71.07 (9r) (k) 1 to 5, 101.121 (2) (c) 2m and 101.1215 of the statutes, relating to requiring certain counties to regulate historic structures, the calculation and adjustment of the recapture provisions of the state historic rehabilitation tax credit and eligibility for individuals and eligibility criteria for that credit, regulating the use of abrasives to clean historic buildings, historical markers, granting rule-making authority, making an appropriation and providing a penalty.

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

SECTION 1c. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

	<u>1993-94</u>	<u>1994-95</u>
20.245 Historical society		
(3) HISTORIC AND BURIAL		
SITES PRESERVATION		
(u) Historic preservation;		
transportation fund	SEG C	-0-
		39,000

SECTION 1f. 20.245 (3) (u) of the statutes is created to read:

20.245 (3) (u) *Historic preservation; transportation fund.* From the transportation fund, as a continuing appropriation, the amounts in the schedule for performing the duties of the historical society under s. 44.02 (27).

SECTION 1m. 44.02 (27) of the statutes is created to read:

44.02 (27) Administer the historical markers program under s. 44.15 and provide staff to assist the historical markers council in performing its duties under s. 44.15.

SECTION 2. 44.15 (3) (a) 4 of the statutes is created to read:

44.15 (3) (a) 4. Prepare the text for a book listing the locations and text of all markers in this state.

SECTION 3. 62.23 (7) (em) of the statutes is amended to read:

62.23 (7) (em) *Historic preservation.* Any A city, as an exercise of its zoning and police powers for the purpose of promoting the health, safety and general welfare of the community and of the state, may regulate by ordinance, or if a city contains any property that is listed on the national register of historic places in Wisconsin or the state register of historic places shall, not later than January 1, 1995, enact an ordinance to regulate, any place, structure or object with a special character, historic interest, archaeological or aesthetic interest, or other significant value, for the purpose of preserving the place, structure or object and its signifi-

cant characteristics. The A city may create a landmarks commission to designate historic or archaeological landmarks and establish historic districts. The city may regulate, or if the city contains any property that is listed on the national register of historic places in Wisconsin or the state register of historic places shall regulate, all historic or archaeological landmarks and all property within each historic district to preserve the historic or archaeological landmarks and property within the district and the character of the district.

SECTION 4. 71.07 (9r) (a) of the statutes is amended to read:

71.07 (9r) (a) For taxable years beginning on or after August 1, 1988, any natural person may credit against taxes otherwise due under this chapter s. 71.02 an amount equal to 25% of the costs of preservation or rehabilitation of historic property located in this state, including architectural fees and costs incurred in preparing nomination forms for listing in the national register of historic places in Wisconsin or the state register of historic places, if the nomination is made within 5 years prior to submission of a preservation or rehabilitation plan under par. (b) 3. b., and if the physical work of construction or destruction in preparation for construction begins after December 31, 1988, except that the credit may not exceed \$10,000, or \$5,000 for married persons filing separately, for any preservation or rehabilitation project.

SECTION 5. 71.07 (9r) (b) 2 of the statutes is amended to read:

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71.07 (9r) (b) 2. The historic property, including outbuildings that contribute to the significance of the historic property, is an owner-occupied personal residence if the residence is not actively used in a trade or business, held for the production of income or held for sale or other disposition in the ordinary course of the claimant's trade or business.

SECTION 6. 71.07 (9r) (b) 3. a. of the statutes is amended to read:

71.07 (9r) (b) 3. a. The property is listed on the national register of historic places in Wisconsin or the state register of historic places, or is determined by the state historical society to be eligible for listing on the national register of historic places in Wisconsin or the state register of historic places, or is located in a historic district which is listed in the national register of historic places in Wisconsin or the state register of historic places and is certified by the state historic preservation officer as being of historic significance to the district, or is an outbuilding of an otherwise eligible property certified by the state historic preservation officer as contributing to the historic significance of the property.

SECTION 7. 71.07 (9r) (b) 8 of the statutes is created to read:

71.07 (9r) (b) 8. The costs were not incurred before the state historical society approved the proposed preservation or rehabilitation plan under subd. 3. b.

SECTION 8. 71.07 (9r) (j) 1 of the statutes is repealed.

SECTION 9. 71.07 (9r) (k) of the statutes is renumbered 71.07 (9r) (k) (intro.) and amended to read:

71.07 (9r) (k) (intro.) A natural person who receives a credit under this subsection shall add to his or her liability for taxes imposed under ~~this chapter an amount equal to the amount of s. 71.02 one of the following percentages of the amount of the credits received under this subsection for rehabilitating or preserving the property if, within 5 years after the date on which the preservation or rehabilitation work that was the basis of the credit is completed, the person either sells or conveys the property by deed or land contract or the state historical society certifies to the department of revenue that the historic property has been altered to the extent that it does not comply with the standards promulgated under s. 44.02 (24);~~

SECTION 10. 71.07 (9r) (k) 1 to 5 of the statutes are created to read:

71.07 (9r) (k) 1. If the sale, conveyance or noncompliance occurs during the first year after the date on which the preservation or rehabilitation is completed, 100%.

2. If the sale, conveyance or noncompliance occurs during the 2nd year after the date on which the preservation or rehabilitation is completed, 80%.

3. If the sale, conveyance or noncompliance occurs during the 3rd year after the date on which the preservation or rehabilitation is completed, 60%.

4. If the sale, conveyance or noncompliance occurs during the 4th year after the date on which the preservation or rehabilitation is completed, 40%.

5. If the sale, conveyance or noncompliance occurs during the 5th year after the date on which the preservation or rehabilitation is completed, 20%.

SECTION 11. 101.121 (2) (c) 1 and 2 of the statutes are amended to read:

101.121 (2) (c) 1. Is listed on, or has been nominated by the state historical society for listing on, the national register of historic places in Wisconsin or the state register of historic places;

2. Is included in a district which is listed on, or has been nominated by the state historical society for listing on, the national register of historic places in Wisconsin or the state register of historic places, and has been determined by the state historical society to contribute to the historic significance of the district;

SECTION 12. 101.121 (2) (c) 2m of the statutes is created to read:

101.121 (2) (c) 2m. Is determined by the state historical society to be eligible for listing on the national register of historic places in Wisconsin or the state register of historic places;

SECTION 13. 101.1215 of the statutes is created to read:

101.1215 Abrasive cleaning of historic buildings. (1) In this section:

(a) "Abrasive cleaning method" means any cleaning procedure that uses any of the following materials or tools:

1. Abrasive materials, including sand, glass beads, ground slag, volcanic ash, crushed nutshells, rice husks, ground corncobs or crushed eggshells, carried in high-pressure or low-pressure air or water.

2. High-pressure water.

(b) "Qualified historic building" has the meaning given in s. 101.121 (2) (c).

(2) No person may use an abrasive cleaning method on the exterior of qualified historic buildings, except as authorized by department rule.

(3) The department, in consultation with the state historical society and the department of administration, shall promulgate rules on the use of abrasive cleaning methods on the exterior of qualified historic buildings. The department may permit the use of any specific abrasive cleaning method on any specific building material only if it determines that the abrasive cleaning method will not cause irreparable damage to the building material to which it is applied.

(4) (a) Any person who uses an abrasive cleaning method in violation of this section may be required to forfeit not less than \$100 nor more than \$1,000 for each offense. Each day of continued violation constitutes a separate offense.

(b) Any owner of a qualified historic building who causes or permits the use of an abrasive cleaning method in violation of this section may be required to

forfeit not less than \$100 nor more than \$1,000 for each offense. Each day of continued violation constitutes a separate offense.

SECTION 13m. Nonstatutory provisions; historical society. (1) **HISTORICAL MARKERS PROGRAM.** The authorized FTE positions for the historical society are increased by 1.0 SEG project position to perform the duties of the historical society under section 44.02 (27) of the statutes, as created by this act, for the period beginning on July 1, 1994, and ending on June 30, 1996, to be funded from the appropriation under section 20.245 (3) (u) of the statutes, as created by this act.

SECTION 14. Initial applicability; revenue. (1) **HISTORIC REHABILITATION TAX CREDIT.** The treatment of

section 71.07 (9r) (a), (b) 2, 3. a. ~~and~~, (j) 1 and (k) of **Vetoed** the statutes and the creation of section 71.07 (9r) (k) 1 **in Part** to 5 of the statutes first apply to taxable years beginning on January 1 of the year in which this act takes effect.

SECTION 15. Effective dates. This act takes effect on the day after publication, except as follows:

(2) The treatment of section 62.23 (7) (em) of the statutes takes effect on the first day of the 6th month beginning after publication.

(3) The treatment of section 101.1215 (2) and (4) of the statutes takes effect on the first day of the 16th month beginning after publication.