



1995 ASSEMBLY BILL 107

February 6, 1995 - Introduced by Representatives BLACK, BAUMGART, HAHN, ROBSON, BRANDEMUEHL, BALDWIN, CULLEN, HASENOHRL, RYBA, BOYLE, R. YOUNG, BOCK and MORRIS-TATUM, cosponsored by Senators BURKE, PLEWA and HELBACH. Referred to Joint survey committee on Tax Exemptions.

1 **AN ACT** *to create* 70.11 (38) and 74.48 of the statutes; **relating to:** creating a
2 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:

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

4 **70.11 (38) WETLANDS.** Wetlands, as defined in s. 23.32 (1), that are subject to
5 an ordinance under s. 59.971 (1m) and that are not used for agricultural purposes,
6 as defined in s. 23.33 (1) (ag).

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

8 **74.48 Interest and penalty on rezoned wetlands.** (1) If property that is
9 exempt under s. 70.11 (37) becomes taxable, except as a result of remapping by the

1 department of natural resources, the current owner, on or before January 15, shall
2 pay to the municipality in which the wetlands are located an amount calculated as
3 follows:

4 (a) Increase the assessed value of the property, as determined as of the January
5 1 before the effective date of this paragraph ... [revisor inserts date], by the increase
6 in the consumer price index, all items, U.S. city average, as determined by the U.S.
7 department of labor, for the year beginning on January 1 and determine the property
8 taxes that would have been due on the property if it had been assessed at that amount
9 and if it had been taxable.

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

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

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

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

