

1999 SENATE BILL 423

March 1, 2000 – Introduced by Senators DECKER, BURKE, ROSENZWEIG, PLACHE, ROESSLER, DARLING and ERPENBACH, cosponsored by Representatives M. LEHMAN, HAHN, GOETSCH, GUNDERSON, LEIBHAM, SKINDRUD, PETROWSKI, KELSO, PETTIS, GUNDRUM, HUNDERTMARK, KESTELL, RHOADES, TOWNSEND, SYKORA and SUDER. Referred to Economic Development, Housing and Government Operations.

1 **AN ACT to renumber and amend** 79.10 (10) (bm); **to amend** 79.10 (10) (bn); and
2 **to create** 20.835 (3) (s) and 79.10 (10) (bm) 2. of the statutes; **relating to:**
3 applying for the lottery and gaming property tax credit and making an
4 appropriation.

Analysis by the Legislative Reference Bureau

Under current law, a property owner may claim the lottery and gaming property tax credit against the property taxes on the owner's property, if the owner uses the property as the owner's principal dwelling. If a person is eligible to receive the credit but the person's property tax bill does not reflect the credit, the person may apply for the credit by January 31 following the issuance of the person's property tax bill. The person must apply to the treasurer of the taxation district in which the property is located. Under current law, the state reimburses, from the lottery fund, each municipality that grants the lottery and gaming property tax credit to eligible property owners.

Under this bill, if a person is eligible to receive the credit but the person's property tax bill does not reflect the credit, the person may apply for the credit by October 1 following the issuance of the person's property tax bill. If the person applies for the credit by January 31, the application must be sent to the treasurer of the taxation district in which the property is located. If the person applies after January 31 but no later than October 1, the application must be sent to the department of revenue (DOR). DOR then issues a check to the person for the amount

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of the credit and notifies the treasurer of the county or the taxation district in which the property is located that DOR paid the credit.

Under current law, a person who purchases or is granted property after January 1 of the year in which property taxes are levied may also apply for and receive the lottery and gaming property tax credit, if the former property owner used the property as the former owner's principal dwelling. If the person applies for the credit by January 31, the application must be sent to the treasurer of the taxation district in which the property is located. If the person applies after January 31 but no later than October 1, the application must be sent to DOR. DOR then issues a check to the person for the amount of the credit and notifies the treasurer of the county or the taxation district in which the property is located that DOR paid the credit.

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:

1 **SECTION 1.** 20.835 (3) (s) of the statutes is created to read:

2 20.835 (3) (s) *Lottery and gaming credit; late applications.* From the lottery
3 fund, a sum sufficient to make payments for the lottery and gaming credit under s.
4 79.10 (10) (bm) and (bn).

5 **SECTION 2.** 79.10 (10) (bm) of the statutes, as created by 1999 Wisconsin Act
6 5, is renumbered 79.10 (10) (bm) 1. and amended to read:

7 79.10 (10) (bm) 1. A person who is eligible for a credit under sub. (9) (bm) but
8 whose property tax bill does not reflect the credit may claim the credit by applying
9 to the treasurer of the taxation district in which the property is located for the credit
10 under par. (a) by January 31 following the issuance of the person's property tax bill.
11 ~~The treasurer of the taxation district in which the property is located shall compute~~
12 the amount of the credit; subtract the amount of the credit from the person's property
13 tax bill; notify the person of the reduced amount of the property taxes due; issue a
14 refund to the person if the person has paid the property taxes in full; and enter the

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1 person's property on the next tax roll as property that qualifies for a lottery and
2 gaming credit. Claims made under this paragraph subdivision become invalid when
3 claims made under par. (a) become invalid.

4 **SECTION 3.** 79.10 (10) (bm) 2. of the statutes is created to read:

5 79.10 (10) (bm) 2. A person who may apply for a credit under subd. 1. but who
6 does not timely apply for the credit under subd. 1. may apply to the department of
7 revenue no later than October 1 following the issuance of the person's property tax
8 bill. Subject to review by the department, the department shall compute the amount
9 of the credit; issue a check to the person in the amount of the credit; and notify the
10 treasurer of the county in which the person's property is located or the treasurer of
11 the taxation district in which the person's property is located, if the taxation district
12 collects taxes under s. 74.87. The treasurer shall enter the person's property on the
13 next tax roll as property that qualifies for a lottery and gaming credit. Claims made
14 under this subdivision become invalid when claims made under par. (a) become
15 invalid.

16 **SECTION 4.** 79.10 (10) (bn) of the statutes, as created by 1999 Wisconsin Act 9,
17 is amended to read:

18 79.10 (10) (bn) If a person who owns and uses property as specified under sub.
19 (1) (dm) as of the certification date under par. (a), transfers the property after the
20 certification date, the transferee may apply to the treasurer of the taxation district
21 in which the property is located for the credit under sub. (9) (bm) on a form prescribed
22 by the department of revenue no later than January 31 following the issuance of the
23 person's property tax bill. The transferee shall attest that, to the transferee's
24 knowledge, the transferor used the property in the manner specified under sub. (1)
25 (dm) as of the certification date under par. (a). Claims made after January 31, but

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1 no later than October 1 following the issuance of the person's property tax bill, shall
2 be made to the department. Paragraph (bm), as it applies to claims made under that
3 paragraph, applies to claims made under this paragraph, except that a claim that is
4 made under this paragraph is valid for the year in which the property is transferred.

5 **SECTION 5. Initial applicability.**

6 (1) This act first applies to the property tax assessments as of January 1, 1999.

7 (END)