

1999 DRAFTING REQUEST

Assembly Amendment (AA-AB133)

Received: 05/14/99

Received By: jkreye

Wanted: Soon

Identical to LRB:

For: Legislative Fiscal Bureau 6-9916

By/Representing: Olin

This file may be shown to any legislator: NO

Drafter: jkreye

May Contact:

Alt. Drafters:

Subject: Tax - property

Extra Copies:

Pre Topic:

LFB:.....Olin -

Topic:

County treasurers to charge back on tax levy all canceled property taxes and canceled taxes apportioned among taxing jurisdictions that levied the property taxes

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	jkreye 05/14/99	gilfokm 05/17/99	martykr 05/18/99	_____	lrb_docadmin 05/18/99		
	jkreye 06/8/99	gilfokm 06/8/99		_____			
/1			ismith 06/8/99	_____	lrb_docadmin 06/8/99		

FE Sent For:

<END>

1999 DRAFTING REQUEST

Assembly Amendment (AA-AB133)

Received: 05/14/99

Received By: jkreye

Wanted: Soon

Identical to LRB:

For: Legislative Fiscal Bureau 6-9916

By/Representing: Olin

This file may be shown to any legislator: NO

Drafter: jkreye

May Contact:

Alt. Drafters:

Subject: Tax - property

Extra Copies:

Pre Topic:

LFB:.....Olin -

Topic:

County treasurers to charge back on tax levy all canceled property taxes and canceled taxes apportioned among taxing jurisdictions that levied the property taxes

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	jkreye 05/14/99	gilfokm 05/17/99	martykr 05/18/99	_____	lrb_docadmin 05/18/99		
		1-6-8-99 KMG	IS 6/8/99	IS/df 6/8/99			
FE Sent For:				<END>			

1999 DRAFTING REQUEST

Assembly Amendment (AA-AB133)

Received: 05/14/99

Received By: jkreye

Wanted: Soon

Identical to LRB:

For: Legislative Fiscal Bureau 6-9916

By/Representing: Olin

This file may be shown to any legislator: NO

Drafter: jkreye

May Contact:

Alt. Drafters:

Subject: Tax - property

Extra Copies:

Pre Topic:

LFB:.....Olin -

Topic:

County treasurers to charge back on tax levy all cancelled property taxes and cancelled taxes apportioned among taxing jurisdictions that levied the property taxes.

Instructions:

See Attached

PLEASE SUBMIT

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1?	jkreye	1/1-5-17-99 kmg	kmj/8	JAS kmj/8			

FE Sent For:

<END>

Post-it® Fax Note	7671	Date	14 May	# of pages	3
To	Joe Kreue	From	Rick Olin		
Co./Dept	LRB1	Co.	Rick Olin		
Phone #		Phone #			
Fax #		Fax #	LFB		

Drafting Instructions Re Paper #876

Joe:

I've talked to Ken Schuck at DOR (6-0204) re charge backs. I hope you find the following material helpful. Please consider the language in s. 70.74, although the directive should be to the treasurer, as in the bill, rather than to the board, as in 70.74. Similar language exists under s. 75.25(2). Additional language is needed re other taxing jurisdictions.

One option would be to instruct taxation districts to proceed under s. 74.41(4)(b). However, a provision would be needed to specify that cancelled taxes are to be treated like rescinded or refunded taxes. Finally, if you establish some sort of cross reference to s. 74.41, please avoid the requirements under (1) - (3), which specify that DOR determines amounts to be charged back based on the impact on equalized values. All cancelled taxes under s. 75.105 should be charged back, without DOR approval.

Another option would be to copy the language in s. 74.42 re charge back of personal property taxes. The advantage of this language is that it bypasses DOR. However, this language is not as artful and includes some provisions that relate only to personal property that would have to be excluded. Also, the dates don't work since they imply that the amounts should be charged back between February and April, rather than through the next tax apportionment.

Thanks,

Rick

70.74 Lien of reassessed tax.

(2) Whenever any tax or assessment or any part thereof levied on real estate shall have been set aside or determined to be illegal or void or the collection thereof prevented by the judgment of a court or the action of the county board and such tax or assessment shall not be justly reassessable, the county board may order such tax or assessment to be charged back to the respective town, city or village wherein such lands are situated in the next apportionment of county taxes, provided that the amount so charged back shall not include any tax or assessment the illegality of which is solely attributable to erroneous action by the county or its officers.

74.41 Charging back refunded or rescinded taxes; sharing certain collected taxes.

(4) (intro.) Amount determined. If the department of revenue determines under sub. (3) that the equalized value of the taxation district is changed as a result of consideration of the valuation represented by the taxes under sub. (1), the department of revenue shall do one of the following:

(a) Adjust the equalized value of the taxation district under s. 70.57.

(b) 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. The amount determined may not include any interest.

74.42 Charge back of personal property taxes; subsequent distributions.

(1) Charge back. No earlier than February 2 and no later than April 1, the taxation district treasurer may charge back to each taxing jurisdiction within the taxation district, except this state, its proportionate share of those personal property taxes for which the taxation district settled in full the previous February, which were delinquent at the time of settlement, which have not been collected in the intervening year and which remain delinquent. At the same time, if there are charge-backs, the taxation district treasurer shall charge back to the county the state's proportionate share of those taxes. Within 30 days after receipt of a notice of a charge-back, the taxing jurisdiction shall pay to the taxation district treasurer the amount due, and the state shall pay to the proper county treasurer the amount due.

75.105 Cancellation of delinquent real property taxes on property contaminated by hazardous substances.

(1) (intro.) Definitions. In this section:

- (a) "Department" means the department of natural resources.
- (b) "Discharge" has the meaning given in s. 292.01 (3).
- (c) "Hazardous substance" has the meaning given in s. 292.01 (5).

(2) (intro.) Cancellation authorized. At any time before the recording of a tax deed based on a tax certificate issued on property for nonpayment of taxes, the governing body of a county may cancel all or a portion of the unpaid real property taxes for which a tax certificate has been issued plus interest and penalties on those taxes on the property if all of the following apply:

- (a) The property is contaminated by a hazardous substance.
- (b) An environmental assessment has been conducted and concludes that the property is contaminated by the discharge of a hazardous substance.
- (c) The owner of the property or another person agrees to clean up the property by restoring the environment to the extent practicable and minimizing the harmful effects from a discharge of a hazardous substance in accordance with rules that the department promulgates.
- (d) The owner of the property or another person presents to the county or city an agreement entered into with the department to investigate and clean up the property.
- (e) The owner of the property agrees to maintain and monitor the property as required under rules that the department promulgates and under any contract entered into under those rules.

(3) Administration. Upon the cancellation of all or a portion of real property taxes under sub. (2), the county treasurer shall execute and provide to the owner of the property a statement identifying the property for which taxes have been cancelled and shall enter on the tax certificate the date upon which the taxes were cancelled and the amount of taxes cancelled.

(4) Certain cities authorized. A city authorized to proceed under s. 74.87 may act under this section with respect to unpaid real property taxes for which it has settled with other taxing jurisdictions.

1 75.105 (3) ADMINISTRATION. Upon the cancellation of all or a portion of real
2 property taxes under sub. (2), the county treasurer shall execute and provide to the
3 owner of the property a statement identifying the property for which taxes have been
4 canceled and shall enter on the tax certificate the date upon which the taxes were
5 canceled and the amount of taxes canceled. The county treasurer shall charge back
6 to the taxation district that included the tax-delinquent real property on its tax roll
7 and all of the amount of taxes canceled and shall include the amount of taxes
8 canceled as a special charge in the next tax levy against the taxation district.

9 SECTION 1806. 75.17 of the statutes is created to read:

The taxation district shall

10 75.17 Transfer of contaminated land to a municipality. (1) In this
11 section:

12 (a) "Hazardous substance" has the meaning given in s. 292.01 (5).

13 (b) "Municipality" means a city, village or town.

14 (2) If a county does not take a tax deed for property that is subject to a tax
15 certificate and that is contaminated by a hazardous substance, within 2 years after
16 the expiration of the redemption period that is described under s. 75.14 (1) and
17 specified in s. 74.57 (2) (a) and (b) (intro.), the county shall take a tax deed for such
18 property upon receiving a written request to do so from the municipality in which the
19 property is located. The county may then retain ownership of the property or, if the
20 county does not wish to retain ownership of the property, the county shall transfer
21 ownership of the property to the municipality, for no consideration, within 180 days
22 after receiving the written request from the municipality.

23 SECTION 1807. 76.025 (1) of the statutes is amended to read:

24 76.025 (1) The property taxable under s. 76.13 shall include all franchises, and
25 all real and personal property of the company used or employed in the operation of



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0316?

JK: King
RMK

SOON

in 5-14-99

LFB:.....Olin - County treasurers to charge back on tax levy all canceled property taxes and canceled taxes apportioned among taxing jurisdictions that levied the property taxes

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

WPO:
Fix Request
sheet

1 At the locations indicated, amend the bill as follows:

2 1. Page 905, line 7: delete lines 7 to 8 and substitute: all of the amount of taxes

3 canceled and shall include the amount of taxes canceled as a special charge in the

4 next tax levy against the taxation district. The taxation district shall determine the

5 amount of canceled taxes to be charged back to, and collected from, each taxing

6 jurisdiction for which taxes were collected by the taxation district, and determine the

7 amount of taxes collected under s. 74.33 to be shared with each taxing jurisdiction

8 for which taxes were collected by the taxation district. The amount determined may

9 not include any interest."



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0316/P1
JK:kmg:km

LFB:.....Olin - County treasurers to charge back on tax levy all canceled property taxes and canceled taxes apportioned among taxing jurisdictions that levied the property taxes

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

SOON
in 6-8-99

The county treasurer shall notify the taxation district of the amount of taxes cancelled by October 1.

1 At the locations indicated, amend the bill as follows:

- 2 1. Page 905, line 7: delete lines 7 to 8 and substitute "all of the amount of taxes
- 3 canceled and shall include the amount of taxes canceled as a special charge in the
- 4 next tax levy against the taxation district. The taxation district shall determine the
- 5 amount of canceled taxes to be charged back to, and collected from, each taxing
- 6 jurisdiction for which taxes were collected by the taxation district. ~~and determine the~~
- 7 amount of taxes collected under s. 74.33 to be shared with each taxing jurisdiction
- 8 for which taxes were collected by the taxation district. The amount determined may
- 9 not include any interest."

10

(END)

