

2001 ASSEMBLY BILL 335

April 18, 2001 – Introduced by Representatives M. LEHMAN, STARZYK, POWERS, BLACK, FREESE, WARD, ALBERS, LOEFFELHOLZ, MUSSER, PETTIS, KESTELL, TOWNSEND and HAHN, cosponsored by Senators HARSDORF, DARLING, GROBSCHMIDT and ROSENZWEIG. Referred to Committee on Ways and Means.

1 **AN ACT** *to renumber and amend* 74.11 (7) and 74.12 (7); *to amend* 74.11 (7)
2 (title), 74.11 (8), 74.12 (7) (title), 74.12 (8), 74.47 (title) and 74.47 (1); and *to*
3 **create** 74.11 (7) (b) and 74.12 (7) (b) of the statutes; **relating to:** late
4 installment payments of property taxes.

Analysis by the Legislative Reference Bureau

Under current law, a person who owes property taxes may either pay the taxes in full no later than January 31 or in two equal installments with the first installment to be paid no later than January 31 and the second installment to be paid no later than July 31. Payments not received on the due date are considered delinquent and are subject to interest and penalties.

Under this bill, a governing body of a unit of government to which property taxes are to be paid may, by ordinance, provide that a first property tax installment that is not paid by January 31 is not delinquent, but is still subject to interest and penalties, if the installment is paid no later than three business days after January 31, the taxpayer made timely property tax payments in each of the previous five years, and the taxpayer paid property taxes by installments in the previous year. Under the bill, a governing body of a unit of government to which property taxes are to be paid may, by ordinance, provide that a late second property tax installment is not delinquent but is subject to interest and penalties.

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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.** 74.11 (7) (title) of the statutes is amended to read:

2 74.11 (7) (title) DELINQUENT OR LATE FIRST INSTALLMENT.

3 **SECTION 2.** 74.11 (7) of the statutes is renumbered 74.11 (7) (a) and amended
4 to read:

5 74.11 (7) (a) ~~If Except as provided in par. (b), if the first instalment~~ installment
6 of taxes on real property or improvements on leased land is not paid on or before
7 January 31, the entire amount of the taxes remaining unpaid is delinquent as of
8 February 1.

9 **SECTION 3.** 74.11 (7) (b) of the statutes is created to read:

10 74.11 (7) (b) The governing body of a unit of government to which the taxes are
11 to be paid under par. (a) may authorize, by ordinance, that a payment under par. (a)
12 that is received no later than 3 business days after January 31 is not delinquent and
13 does not render the balance delinquent, if the taxpayer made timely property tax
14 payments in each of the previous 5 years and the taxpayer made payments under
15 sub. (2) (b) in the previous year. A governing body shall collect interest and penalties
16 charged from February 1 on any payment made under this paragraph based on the
17 full amount of the taxes due.

18 **SECTION 4.** 74.11 (8) of the statutes is amended to read:

19 74.11 (8) DELINQUENT OR LATE 2ND INSTALLMENT. If the 2nd ~~instalment~~
20 installment of taxes on real property or improvements on leased land is not paid on
21 or before July 31, the entire amount of the taxes remaining unpaid is delinquent as

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1 of August 1 and interest and penalties are due under sub. (11), except that if the
2 governing body of the unit of government to which taxes are to be paid so authorizes
3 by ordinance and if the first installment was timely paid the 2nd installment is not
4 delinquent, but the installment shall be collected, together with interest and
5 penalties on the unpaid installment at the applicable rate under s. 74.47 (1), from
6 July 31.

7 **SECTION 5.** 74.12 (7) (title) of the statutes is amended to read:

8 74.12 (7) (title) DELINQUENT FIRST OR LATE INSTALLMENT.

9 **SECTION 6.** 74.12 (7) of the statutes is renumbered 74.12 (7) (a) and amended
10 to read:

11 74.12 (7) (a) ~~If~~ Except as provided in par. (b), if the first instalment installment
12 of real property taxes, personal property taxes on improvements on leased land or
13 special assessments to which an instalment installment option pertains is not paid
14 on or before January 31, the entire amount of the remaining unpaid taxes or special
15 assessments to which an instalment installment option pertains on that parcel is
16 delinquent as of February 1.

17 **SECTION 7.** 74.12 (7) (b) of the statutes is created to read:

18 74.12 (7) (b) The governing body of a unit of government to which the taxes are
19 to be paid under par. (a) may authorize, by ordinance, that a payment under par. (a)
20 that is received no later than 3 business days after January 31 is not delinquent and
21 does not render the balance delinquent, if the taxpayer made timely property tax
22 payments in each of the previous 5 years and the taxpayer made payments under
23 sub. (2) (b) in the previous year. A governing body shall collect interest and penalties
24 charged from February 1 on any payment made under this paragraph based on the
25 full amount of the taxes due.

