

2003 DRAFTING REQUEST

Bill

Received: **02/23/2004**

Received By: **jkreye**

Wanted: **Today**

Identical to LRB:

For: **Julie Lassa (608) 266-3123**

By/Representing: **jessica**

This file may be shown to any legislator: **NO**

Drafter: **jkreye**

May Contact:

Addl. Drafters:

Subject: **Tax - property
Econ. Development - housing**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Lassa@legis.state.wi.us**

Carbon copy (CC:) to: **joseph.kreye@legis.state.wi.us**

Pre Topic:

No specific pre topic given

Topic:

Property tax deferral loans under WHEDA

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> |
|--------------|----------------------|-----------------------|------------------------|----------------|----------------------|-----------------|-----------------|
| /? | jkreye 02/23/2004 | kgilfoy 02/23/2004 | | _____ | | | S&L |
| /1 | | | pgreensl 02/23/2004 | _____ | lemery 02/23/2004 | | S&L |
| /2 | jkreye | kgilfoy | jfrantze | _____ | sbasford | lemery | |

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
| | 02/26/2004 | 02/26/2004 | 02/26/2004 | _____ | 02/26/2004 | 03/02/2004 | |

FE Sent For:

<END>

At
intro.

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| /? | jkreye 02/23/2004 | kgilfoy 02/23/2004 | | | | | S&L |
| /1 | | 12-2/26 KMG | pgreensl 02/23/2004 2/24 | | lemery 02/23/2004 | | |

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|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
| /? | jkreye | 1-2/23 KMG | 2/23 JK | 2/23 | | | |
| FE Sent For: | | | | <END> | JK/15 | | |

Shovers, Marc

From: Kelly, Jessica
Sent: Monday, February 23, 2004 12:39 PM
To: Shovers, Marc
Subject: RE: Drafting Request

Marc -

LFB just got back to me with numbers on our WHEDA Property Tax Deferral Bill. The Maximum income limit should be \$26,200 (was \$20,000) and the maximum loan amount should be \$3,300 (was \$2,500).

Jessica Ford Kelly
Office of Senator Julie Lassa
State Capitol, 3-South
P.O. Box 7882
Madison, WI 53707-7882
608-266-3123 (Madison)
1-800-925-7491 (Toll Free)
608-267-6797 (Facsimile)

-----Original Message-----

From: Shovers, Marc
Sent: Monday, February 16, 2004 3:31 PM
To: Kelly, Jessica
Subject: RE: Drafting Request

Hi Jessica:

Could you please let me know the LRB number of the bill or amendment on which you'd like this request based? I don't really have any idea if the numbers are correct, and I'm not sure what you mean by "correct." Are you asking whether increasing \$20,000 to \$33,500 and \$2,500 to \$3,200 reflects inflationary increases, based on changes to the Consumer Price Index, from 1993 to 2004? If so, you may want to ask the Fiscal Bureau -- I wouldn't have that information. Thanks.

Marc

Marc E. Shovers

Senior Legislative Attorney
Legislative Reference Bureau
Phone: (608) 266-0129
Fax: (608) 264-8522
e-mail: marc.shovers@legis.state.wi.us

-----Original Message-----

From: Kelly, Jessica
Sent: Monday, February 16, 2004 3:17 PM
To: Shovers, Marc
Subject: Drafting Request

Marc -

We have a drafting request that is exactly the same as a portion of a bill/amendment that you drafted back when the property tax freeze override was going on...some Dems (including my boss) had a three tier property tax plan and this request was part of it.

The bill expands income eligibility limits under the Property Tax Deferral Program which gives low and moderate-income senior citizens 65 or older loans from the Wisconsin Housing and Economic Development Authority (WHEDA) to help them pay their property taxes. We want to increase the income eligibility limits for the Property Tax Deferral Loan Program from \$20,000 to \$33,500 and increase the maximum amount that can be borrowed from \$2,500 to \$3,200 per year.

The numbers that we got for this bill were from 1993 WI Act 16 and were adjusted for inflation....are these numbers still correct? If not, we need them to be adjusted for 2004 CPI.

Let me know if you have any questions. Thanks.

Jessica Ford Kelly
Office of Senator Julie Lassa
State Capitol, 3-South
P.O. Box 7882
Madison, WI 53707-7882
608-266-3123 (Madison)
1-800-925-7491 (Toll Free)
608-267-6797 (Facsimile)

4349/11

King
RM

2003 BILL

Today

2-23-04

re you

1 **AN ACT to renumber and amend** 74.11 (7), 74.12 (7) and 74.12 (8); **to amend**
 2 74.11 (10) (a), 74.11 (10) (b), 74.11 (11) (a), 74.11 (11) (b), 74.12 (9) (a), 74.12 (9)
 3 (b), 74.12 (10) (a), 74.12 (10) (b), 74.12 (12) (a), 234.623 (5) and 234.625 (1); and
 4 **to create** 74.11 (7) (b), 74.11 (10) (c), 74.11 (11) (c), 74.12 (7) (b), 74.12 (8) (b),
 5 74.12 (10) (c) and (d) and 74.12 (12) (c) of the statutes; **relating to: late**
 6 ~~payments of property tax installments,~~ increasing the income limit and
 7 maximum annual loan amount under a program of the Wisconsin Housing and
 8 Economic Development Authority ~~and providing penalties.~~

Analysis by the Legislative Reference Bureau

Under current law, a person may pay his or her real property taxes in an annual payment, due by January 31, or in two installments, the first due by January 31 and the second by July 31. Current law also authorizes a municipality (city, village, or town) to enact an ordinance that allows real property taxes to be paid in three or more installments, and to enact an ordinance that allows special assessments to be paid in two or more installments or, in some cases, in three or more installments. Installment payments of real property taxes that are paid after the due date are delinquent and are, therefore, subject to interest and penalties.

In addition to interest and penalties, a person who is delinquent with respect to an installment payment of real property taxes loses the right to make any

BILL

~~subsequent payment of real property taxes in installments. Interest and penalties on delinquent real property taxes are charged from the previous February 1 on the entire amount of unpaid real property taxes. Similarly, interest and penalties on a delinquent special assessment are charged from the previous February 1 on the entire amount of the unpaid special assessment and on any unpaid real property taxes. These provisions continue to apply to a person who is delinquent on real property tax payments or special assessment payments more than twice.~~

~~Under this bill, if an installment payment of real property taxes or special assessments is delinquent, not more than twice, interest and penalties are charged only on the amount of the delinquent installment payment, not the amount of unpaid real property taxes or special assessments, and only from the day after the delinquent installment payment was due, not from the preceding February 1. Under the bill, a person who is delinquent, not more than twice, in an installment payment of real property taxes or special assessments would retain the right to make subsequent installment payments of real property taxes or special assessments without interest and penalty.~~

Under current law, a homeowner 65 years of age or older with total household income of no more than \$20,000 may annually apply to the Wisconsin Housing and Economic Development Authority for a loan to pay all or a portion of the individual's current property taxes and special assessments, and any interest or penalties on delinquent property taxes. The maximum annual loan amount is \$2,500. This bill increases the income limit under this program to ~~\$20,000~~ ~~\$22,500~~ and increases the maximum annual loan amount to ~~\$2,500~~ ~~\$3,300~~ ~~\$26,200~~

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

3 74.11 (7) (a) If the first installment of taxes on real property or improvements
4 on leased land is not paid on or before January 31, the entire amount of the taxes
5 remaining unpaid is delinquent as of February 1. This paragraph applies only to a
6 person's 3rd or subsequent delinquency.

7 **SECTION 2.** 74.11 (7) (b) of the statutes is created to read:

BILL

1 74.11 (7) (b) If the first installment of taxes on real property or improvements
2 on leased land is not paid on or before January 31, the amount of the unpaid
3 installment is delinquent and shall be paid, together with interest and penalties on
4 the unpaid installment at the applicable rates under s. 74.47 (1) and (2) from
5 February 1. This paragraph only applies to a person's 1st or 2nd delinquency.

6 **SECTION 3.** 74.11 (10) (a) of the statutes is amended to read:

7 74.11 (10) (a) If all special assessments, special charges, special taxes and
8 personal property taxes due under sub. (3) or (4) are not paid in full on or before the
9 due date, the amounts unpaid are delinquent as of the day after the due date of the
10 first installment or of the lump-sum payment. This paragraph applies only to a
11 person's 3rd or subsequent delinquency.

12 **SECTION 4.** 74.11 (10) (b) of the statutes is amended to read:

13 74.11 (10) (b) If any special assessments, special charges and special taxes are
14 entered in the tax roll as charges against a parcel of real property and are delinquent
15 under par. (a), the entire annual amount of real property taxes on that parcel which
16 is unpaid is delinquent as of the day after the due date of the first installment or of
17 the lump-sum payment. This paragraph applies only to a person's 3rd or subsequent
18 delinquency.

19 **SECTION 5.** 74.11 (10) (c) of the statutes is created to read:

20 74.11 (10) (c) If all special assessments to which an installment option does not
21 pertain, special charges, special taxes, and personal property taxes due under sub.
22 (3) or (4) are not paid in full on or before the due date, the amounts unpaid are
23 delinquent as of the day after the due date of the lump-sum payment. This
24 paragraph applies only to a person's 1st or 2nd delinquency.

25 **SECTION 6.** 74.11 (11) (a) of the statutes is amended to read:

BILL

1 74.11 (11) (a) All real property taxes, special charges and special taxes that
 2 become delinquent shall be paid, together with interest and penalties charged from
 3 the preceding February 1, to the county treasurer. All special assessments that
 4 become delinquent shall be paid, together with interest and penalties charged from
 5 the day after the due date of the first installment or of the lump-sum payment. This
 6 paragraph applies only to a person's 3rd or subsequent delinquency.

7 **SECTION 7.** 74.11 (11) (b) of the statutes is amended to read:

8 74.11 (11) (b) All personal property taxes that become delinquent shall be paid,
 9 together with interest and penalties charged from the preceding February 1, to the
 10 taxation district treasurer. This paragraph applies only to a person's 3rd or
 11 subsequent delinquency.

12 **SECTION 8.** 74.11 (11) (c) of the statutes is created to read:

13 74.11 (11) (c) All real property taxes, special charges, and special taxes that
 14 become delinquent shall be paid, together with interest and penalties charged from
 15 the day after the date on which the real property taxes, special charges, and special
 16 taxes are due, to the county treasurer. All special assessments to which an
 17 installment option does not pertain that become delinquent shall be paid, together
 18 with interest and penalties charged from the day after the due date of the lump-sum
 19 payment. This paragraph applies only to a person's 1st or 2nd delinquency.

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

22 74.12 (7) (a) If the first installment of real property taxes, personal property
 23 taxes on improvements on leased land or special assessments to which an
 24 installment option pertains is not paid on or before January 31, the entire amount
 25 of the remaining unpaid taxes or special assessments to which an installment option

BILL

1 pertains on that parcel is delinquent as of February 1. This paragraph applies only
2 to a person's 3rd or subsequent delinquency.

3 **SECTION 10.** 74.12 (7) (b) of the statutes is created to read:

4 74.12 (7) (b) If the first installment of real property taxes, personal property
5 taxes on improvements on leased land, or special assessments to which an
6 installment option pertains is not paid on or before January 31, the amount of the
7 unpaid installment is delinquent and shall be paid, together with interest and
8 penalties on the unpaid installment at the applicable rates under s. 74.47 (1) and (2)
9 from February 1. This paragraph applies only to a person's 1st or 2nd delinquency.

10 **SECTION 11.** 74.12 (8) of the statutes is renumbered 74.12 (8) (a) and amended
11 to read:

12 74.12 (8) (a) If the 2nd or any subsequent installment payment of real property
13 taxes, personal property taxes on improvements on leased land or special
14 assessments to which an installment option pertains is not paid by the due date
15 specified in the ordinance, the entire amount of the remaining unpaid taxes or
16 special assessments to which an installment option pertains on that parcel is
17 delinquent as of the first day of the month after the payment is due and interest and
18 penalties are due under sub. (10). This paragraph applies only to a person's 3rd or
19 subsequent delinquency.

20 **SECTION 12.** 74.12 (8) (b) of the statutes is created to read:

21 74.12 (8) (b) If the 2nd or any subsequent installment payment of real property
22 taxes, personal property taxes on improvements on leased land, or special
23 assessments to which an installment option pertains is not paid by the due date
24 specified in the ordinance, the amount of the unpaid installment is delinquent and
25 shall be paid, together with interest and penalties on the unpaid installment at the

BILL

1 applicable rate under s. 74.47 (1) and (2) from the day after the installment is due.

2 This paragraph applies only to a person's 1st or 2nd delinquency.

3 **SECTION 13.** 74.12 (9) (a) of the statutes is amended to read:

4 74.12 (9) (a) If all special assessments to which an installment option does not
5 pertain, special charges, special taxes and personal property taxes that are due
6 under sub. (5) or (6) are not paid in full on or before January 31, the amounts unpaid
7 are delinquent as of February 1. This paragraph applies only to a person's 3rd or
8 subsequent delinquency.

9 **SECTION 14.** 74.12 (9) (b) of the statutes is amended to read:

10 74.12 (9) (b) If any special assessments, special charges or special taxes are
11 entered in the tax roll as charges against a parcel of real property and are delinquent,
12 the entire annual amount of real property taxes on that parcel which is unpaid is
13 delinquent as of February 1. This paragraph applies only to a person's 3rd or
14 subsequent delinquency.

15 **SECTION 15.** 74.12 (10) (a) of the statutes is amended to read:

16 74.12 (10) (a) All real property taxes, special assessments, special charges and
17 special taxes that become delinquent and are paid on or before July 31, and all
18 delinquent personal property taxes, whenever paid, shall be paid, together with
19 interest and penalties charged from the preceding February 1, to the taxation district
20 treasurer. This paragraph applies only to a person's 3rd or subsequent delinquency.

21 **SECTION 16.** 74.12 (10) (b) of the statutes is amended to read:

22 74.12 (10) (b) All real property taxes, special assessments, special charges and
23 special taxes that become delinquent and are not paid under par. (a) shall be paid,
24 together with interest and penalties charged from the preceding February 1, to the

BILL

1 county treasurer. This paragraph applies only to a person's 3rd or subsequent
2 delinquency.

3 **SECTION 17.** 74.12 (10) (c) and (d) of the statutes are created to read:

4 74.12 (10) (c) All real property taxes, special assessments, special charges, and
5 special taxes that become delinquent and are paid on or before July 31, and all
6 delinquent personal property taxes, whenever paid, shall be paid, together with
7 interest and penalties charged from the day after real property taxes, special
8 assessments, special charges, and special taxes are due, to the taxation district
9 treasurer. This paragraph applies only to a person's 1st or 2nd delinquency.

10 (d) All real property taxes, special assessments, special charges, and special
11 taxes that become delinquent and are not paid under par. (a) shall be paid, together
12 with interest and penalties charged from the day after real property taxes, special
13 assessments, special charges, and special taxes are due, to the county treasurer. This
14 paragraph applies only to a person's 1st or 2nd delinquency.

15 **SECTION 18.** 74.12 (12) (a) of the statutes is amended to read:

16 74.12 (12) (a) The taxation district treasurer shall retain the tax roll and make
17 collections through July 31. On or before August 15, the taxation district treasurer
18 shall return the tax roll to the county treasurer. The county treasurer shall collect
19 all returned delinquent real property taxes, special assessments, special charges and
20 special taxes, together with interest and penalty assessed from the previous
21 February 1, as provided under s. 74.47. This paragraph applies only to a person's 3rd
22 or subsequent delinquency.

23 **SECTION 19.** 74.12 (12) (c) of the statutes is created to read:

24 74.12 (12) (c) The taxation district treasurer shall retain the tax roll and make
25 collections through July 31. On or before August 15, the taxation district treasurer

BILL

1 shall return the tax roll to the county treasurer. The county treasurer shall collect
2 all returned delinquent real property taxes, special assessments, special charges,
3 and special taxes, together with interest and penalty assessed from the day after real
4 property taxes, special assessments, special charges, and special taxes are due, as
5 provided under s. 74.47. This paragraph applies only to a person's 1st or 2nd
6 delinquency.

7 **SECTION 20.** 234.623 (5) of the statutes is amended to read:

8 234.623 (5) The participant earned no more than \$20,000 ~~\$23,500~~ in income,
9 as defined under s. 71.52 (5), in the year prior to the year in which the property taxes
10 or special assessments for which the loan is made are due.

\$26,200

11 **SECTION 21.** 234.625 (1) of the statutes is amended to read:

12 234.625 (1) The authority shall enter into agreements with participants and
13 their co-owners to loan funds to pay property taxes and special assessments on their
14 qualifying dwelling units. The maximum loan under ss. 234.621 to 234.626 in any
15 one year is limited to the lesser of \$2,500 ~~\$2,200~~ or the amount obtained by adding
16 the property taxes levied on the qualifying dwelling unit for the year for which the
17 loan is sought, the special assessments levied on the dwelling unit, and the interest
18 and penalties for delinquency attributable to the property taxes or special
19 assessments. Loans shall bear interest at a rate equal to the prime lending rate at
20 the time the rate is set, as reported by the federal reserve board in federal reserve
21 statistical release H. 15, plus 1%. The executive director shall set the rate no later
22 than October 15 of each year, and that rate shall apply to loans made in the following
23 year.

\$3,500

24 **SECTION 22. Initial applicability.**

BILL

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~~1. LATE PAYMENTS OF PROPERTY TAX INSTALLMENTS. The treatment of sections~~
~~74.11 (7) (b), (10) (a), (b), and (c), and (11) (a), (b), and (c) and 74.12 (7) (b), (8) (b), (9)~~
~~(a) and (b),, (10) (a), (b), (c), and (d), and (12) (a) and (c) of the statutes and the~~
~~renumbering and amendment of sections 74.11 (7) and 74.12 (7) and (8) of the~~
~~statutes first apply to taxes based on the assessment as of the January 1 after~~
~~publication.~~

~~7. PROPERTY TAX DEFERRAL LOANS. The treatment of sections 234.623 (5) and~~
~~234.625 (1) of the statutes~~ *This act* ~~first applies to applications under section 234.623 (1) of~~
~~the statutes that are pending on the effective date of this subsection.~~

(END)

DMR

2003 BILL

in 2-26-04
Today

1 AN ACT to amend 234.623 (5) and 234.625 (1) of the statutes; relating to:
2 increasing the income limit and maximum annual loan amount under a
3 program of the Wisconsin Housing and Economic Development Authority.

Analysis by the Legislative Reference Bureau

Under current law, a homeowner 65 years of age or older with total household income of no more than \$20,000 may annually apply to the Wisconsin Housing and Economic Development Authority for a loan to pay all or a portion of the individual's current property taxes and special assessments, and any interest or penalties on delinquent property taxes. The maximum annual loan amount is \$2,500. This bill increases the income limit under this program to ~~\$26,200~~ and increases the maximum annual loan amount to \$3,300.

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:

4 SECTION 1. 234.623 (5) of the statutes is amended to read:

\$24,200
31,200

1

234.623 (5) The participant earned no more than \$20,000/~~\$26,200~~ in income,
2 as defined under s. 71.52 (5), in the year prior to the year in which the property taxes
3 or special assessments for which the loan is made are due.

4

SECTION 2. 234.625 (1) of the statutes is amended to read:

5

234.625 (1) The authority shall enter into agreements with participants and
6 their co-owners to loan funds to pay property taxes and special assessments on their
7 qualifying dwelling units. The maximum loan under ss. 234.621 to 234.626 in any
8 one year is limited to the lesser of \$2,500 \$3,300 or the amount obtained by adding
9 the property taxes levied on the qualifying dwelling unit for the year for which the
10 loan is sought, the special assessments levied on the dwelling unit, and the interest
11 and penalties for delinquency attributable to the property taxes or special
12 assessments. Loans shall bear interest at a rate equal to the prime lending rate at
13 the time the rate is set, as reported by the federal reserve board in federal reserve
14 statistical release H. 15, plus 1%. The executive director shall set the rate no later
15 than October 15 of each year, and that rate shall apply to loans made in the following
16 year.

17

SECTION 3. Initial applicability.

18

(1) PROPERTY TAX DEFERRAL LOANS. This act first applies to applications under
19 section 234.623 (1) of the statutes that are pending on the effective date of this
20 subsection.

21

(END)

Emery, Lynn

From: Kelly, Jessica
Sent: Tuesday, March 02, 2004 11:24 AM
To: Emery, Lynn
Subject: Please Jacket LRB 4349/2

Jessica Ford Kelly
Office of Senator Julie Lassa
State Capitol, 3-South
P.O. Box 7882
Madison, WI 53707-7882
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1-800-925-7491 (Toll Free)
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