

2005 ASSEMBLY BILL 347

April 22, 2005 – Introduced by Representatives McCORMICK, MUSSER, BIES, GRONEMUS, GUNDERSON, KLEEFISCH, KRAWCZYK, NISCHKE, VAN ROY and WOOD, cosponsored by Senators A. LASEE, LASSA, LEIBHAM, ROESSLER and WIRCH. Referred to Committee on Veterans Affairs.

1 **AN ACT** *to amend* 74.09 (3) (b) 6., 74.29 and 79.10 (9) (c) 2.; and *to create* 20.835
2 (3) (c), 79.10 (4m), 79.10 (7m) (am), 79.10 (9) (bc) and 79.10 (10m) of the statutes;
3 **relating to:** a property tax credit for disabled veterans and making an
4 appropriation.

Analysis by the Legislative Reference Bureau

This bill creates a property tax credit for the total amount of property taxes imposed on real property owned by a disabled veteran or by the unmarried surviving spouse of a disabled veteran, if the property is not used for pecuniary gain. The credit is applied directly to the claimant's property tax 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:

5 **SECTION 1.** 20.835 (3) (c) of the statutes is created to read:
6 20.835 **(3)** (c) *Disabled veterans tax credit.* A sum sufficient to make the
7 payments under s. 79.10 (4m).

ASSEMBLY BILL 347**SECTION 2**

1 **SECTION 2.** 74.09 (3) (b) 6. of the statutes is amended to read:

2 74.09 **(3)** (b) 6. The sum of the amount of the credit under s. 79.10 ~~(5)~~ (10) and
3 the amount of the credit under s. 79.10 (10m) allocable to the property for the
4 previous year and the current year, and the percentage change between those years.

5 **SECTION 3.** 74.29 of the statutes is amended to read:

6 **74.29 August settlement.** On or before August 20, the county treasurer shall
7 pay in full to the proper treasurer all real property taxes, including taxes offset by
8 the ~~credit~~ credits under s. 79.10 (4m) and (5), and special taxes included in the tax
9 roll which have not previously been paid to, or retained by, the proper treasurer. A
10 county may, by resolution adopted by the county board, direct the county treasurer
11 to pay in full to the proper treasurer all special assessments and special charges
12 included in the tax roll which have not previously been paid to, or retained by, the
13 proper treasurer.

14 **SECTION 4.** 79.10 (4m) of the statutes is created to read:

15 79.10 **(4m)** DISABLED VETERANS TAX CREDIT. The amount appropriated under s.
16 20.835 (3) (c) shall be distributed to municipalities in proportion to their share of the
17 sum of the claims for the credit under sub. (10m) for all municipalities.

18 **SECTION 5.** 79.10 (7m) (am) of the statutes is created to read:

19 79.10 **(7m)** (am) *Disabled veterans tax credit.* 1. The amount determined under
20 sub. (4m) shall be distributed by the department of administration on the 4th
21 Monday in July.

22 2. The town, village, or city treasurer shall settle for the amounts distributed
23 under this paragraph on the 4th Monday in July with the appropriate county
24 treasurer not later than August 15. Failure to settle timely under this subdivision
25 subjects the town, village, or city treasurer to the penalties under s. 74.31. On or

ASSEMBLY BILL 347

1 before August 20, the county treasurer shall settle with each taxing jurisdiction,
2 including towns, villages, and cities except 1st class cities, in the county.

3 **SECTION 6.** 79.10 (9) (bc) of the statutes is created to read:

4 79.10 **(9)** (bc) *Disabled veterans tax credit.* Except as provided in ss. 79.175 and
5 79.18, every property taxpayer who applies and is eligible for a credit under sub.
6 (10m) shall receive the credit in the amount determined under sub. (10m).

7 **SECTION 7.** 79.10 (9) (c) 2. of the statutes is amended to read:

8 79.10 **(9)** (c) 2. The ~~credit~~ credits under ~~par.~~ pars. (b) and (bc) shall reduce the
9 property taxes otherwise payable.

10 **SECTION 8.** 79.10 (10m) of the statutes is created to read:

11 79.10 **(10m)** DISABLED VETERANS TAX CREDIT. (a) In this subsection, “disabled
12 veteran” means a veteran who receives the following amount from the U.S.
13 department of veterans affairs under 38 USC 1114 because of a permanent and total
14 service–connected disability:

15 1. For the property tax assessment as of January 1, 2005, at least 80 percent
16 disability compensation.

17 2. For the property tax assessment as of January 1, 2006, at least 70 percent
18 disability compensation.

19 3. For the property tax assessment as of January 1, 2007, and for each
20 assessment thereafter, at least 60 percent disability compensation.

21 (b) Beginning with the real property taxes levied in 2005, a disabled veteran
22 or the unmarried surviving spouse of a disabled veteran may claim a tax credit
23 against the property tax due on any of his or her real property, up to the total amount
24 of that tax, if the property is not used for pecuniary gain.

ASSEMBLY BILL 347**SECTION 8**

1 (c) A person may claim the credit under par. (b) by applying for the credit on
2 a form prescribed by the department of revenue. The person shall file the form with
3 the treasurer of the county in which the property related to the claim is located or,
4 if the property is located in a city that collects taxes under s. 74.87, with the treasurer
5 of the city in which the property related to the claim is located. Subject to review by
6 the department of revenue, a treasurer who receives a completed form under this
7 paragraph shall direct that the property described in the form be identified on the
8 tax roll as property for which the person is entitled to receive the credit under par.
9 (b). A claim made under this paragraph is valid for 5 years.

10 (d) If a person who has applied for or received a credit under par. (b) becomes
11 ineligible for the credit, the person shall, within 30 days after becoming ineligible,
12 notify the treasurer of the county in which the property related to the claim is located
13 or, if the property is located in a city that collects taxes under s. 74.87, with the
14 treasurer of the city in which the property related to the claim is located. A treasurer
15 who receives notification under this paragraph shall correct the tax roll so that the
16 property for which a credit was claimed is no longer identified as property for which
17 the property owner is entitled to receive the credit under par. (b).

18 (e) If the department of revenue determines that a person who was not entitled
19 to a credit under par. (b) received the credit, the department of revenue shall instruct
20 the appropriate taxation district to collect the amount of the credit as a special charge
21 on the next property tax bill issued for the property for which the person received the
22 credit.

SECTION 9. Initial applicability.

24 (1) This act first applies to the property tax assessments as of January 1, 2005.

25 (END)