

2007 ASSEMBLY BILL 803

February 13, 2008 – Introduced by Representatives KERKMAN, KREUSER, SOLETSKI, TOWNSEND, GUNDERSON, OWENS and MURSAU. Referred to Committee on Urban and Local Affairs.

1 **AN ACT to amend** 66.0721 (title), 66.0721 (2) and 66.0721 (3); and **to create**
2 66.0721 (1) (ae) of the statutes; **relating to:** exempting nonprofit camps from
3 certain town sanitary district or town assessments.

Analysis by the Legislative Reference Bureau

Generally under current law, no town sanitary district or town may levy a special assessment on eligible farmland for the construction of a sewerage or water system unless the farmland contains a structure that is connected to a sanitary sewer or public water system. Current law also authorizes a town sanitary district or town to levy such a special assessment on otherwise exempted eligible farmland if the farmland is divided into two or more parcels, at least one of which is not devoted exclusively to agricultural use, or if undivided eligible farmland is not devoted exclusively to agricultural use for at least one year.

Under this bill, these provisions which apply to eligible farmland also apply to a nonprofit camp. The bill defines a “camp” as real property not exceeding 30 acres, and the personal property situated on the property. Under the bill, the camp must be conducted by a nonprofit corporation, a charitable trust, or other nonprofit association under the Internal Revenue Code and must be exempt from federal tax. The bill requires that to be eligible for the exemption, the camp must be used primarily for camping for children and not for pecuniary profit of any individual.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

ASSEMBLY BILL 803

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.** 66.0721 (title) of the statutes is amended to read:

2 **66.0721 (title) Special assessments on certain farmland or camps for**
3 **construction of sewerage or water system.**

4 **SECTION 2.** 66.0721 (1) (ae) of the statutes is created to read:

5 66.0721 (1) (ae) “Camp” means all real property not exceeding 30 acres and the
6 personal property situated therein, of any camp conducted by a nonprofit
7 corporation, a charitable trust, or other nonprofit association that is described in
8 section 501 (c) (3) of the Internal Revenue Code and is exempt from federal tax under
9 section 501 (a) of the Internal Revenue Code and that is organized under the laws
10 of this state, so long as the property is used primarily for camping for children and
11 not for pecuniary profit of any individual.

12 **SECTION 3.** 66.0721 (2) of the statutes is amended to read:

13 66.0721 (2) Except as provided in sub. (3), no town sanitary district or town
14 may levy any special assessment on eligible farmland or a camp for the construction
15 of a sewerage or water system.

16 **SECTION 4.** 66.0721 (3) of the statutes is amended to read:

17 66.0721 (3) (a) If any eligible farmland or camp contains a structure that is
18 connected to a sanitary sewer or public water system at the time, or after the time,
19 that a town sanitary district or town first levies a special assessment for the
20 construction of a sewerage or water system in the service area in which the eligible
21 farmland or camp is located, the town sanitary district or town may levy a special

ASSEMBLY BILL 803

1 assessment for the construction of a sewerage or water system on the eligible
2 farmland or camp that includes that structure. If that connection is made after the
3 first assessment, the town sanitary district or town may also charge interest, from
4 the date that the connection is made, on the special assessment at an annual rate
5 that does not exceed the average interest rate paid by the district or town on its
6 obligations between the time the district or town first levies a special assessment for
7 the construction of a sewerage or water system in the service area in which the
8 eligible farmland or camp is located and the time it levies the special assessment on
9 that eligible farmland or camp. That assessment may not exceed the equivalent of
10 an assessment for that purpose on a square acre or, if the governing body of a town
11 sanitary district or town so specifies by ordinance, the maximum size of any lot that
12 is in that service area and that is not devoted exclusively to agricultural use or
13 exclusively to use as a camp.

14 (b) If after an initial special assessment for the construction of a sewerage or
15 water system is levied in a service area any eligible farmland or camp subject to par.
16 (a) or exempted from a special assessment under sub. (2) is divided into 2 or more
17 parcels at least one of which is not devoted exclusively to agricultural use or
18 exclusively to use as a camp, the town sanitary district or town may levy on each
19 parcel on which it has either levied a special assessment under par. (a) or has not
20 levied a special assessment for the construction of a sewerage or water system a
21 special assessment for that purpose that does not exceed the amount of the special
22 assessment for that purpose that would have been levied on the parcel if the parcel
23 had not been exempt under sub. (2) or that has already been levied under par. (a).
24 The special assessment shall be apportioned among the parcels resulting from the
25 division in proportion to their area. The town sanitary district or town may also

ASSEMBLY BILL 803**SECTION 4**

1 charge interest, from the date the eligible farmland or camp is divided into 2 or more
2 parcels at least one of which is not devoted exclusively to agricultural use or
3 exclusively to use as a camp, on the special assessment at an annual rate that does
4 not exceed the average interest rate paid by the district or town on its obligations
5 between the time the district or town first levies a special assessment for the
6 construction of a sewerage or water system in the service area in which the eligible
7 farmland or camp is located and the time it levies the special assessment on that
8 eligible farmland or camp under this paragraph. This paragraph does not apply to
9 any eligible farmland or camp unless the town sanitary district or town records a lien
10 on that eligible farmland or camp in the office of the register of deeds within 90 days
11 after it first levies a special assessment for the construction of a sewerage or water
12 system for the service area in which the eligible farmland or camp is located,
13 describing either the applicability of par. (a) or the exemption under sub. (2) and the
14 potential for a special assessment under this paragraph.

15 (c) If, after a town sanitary district or town first levies a special assessment for
16 the construction of a sewerage or water system in a service area, the eligible
17 farmland or camp in that service area exempted from the special assessment under
18 sub. (2) is not devoted exclusively to agricultural use or exclusively to use as a camp
19 for a period of one year or more, the town sanitary district or town may levy on that
20 eligible farmland or camp the special assessment for the construction of a sewerage
21 or water system that it would have levied if the eligible farmland or camp had not
22 been exempt under sub. (2). The town sanitary district or town may also charge
23 interest, from the date the eligible farmland or camp has not been devoted
24 exclusively to agricultural use or exclusively to use as a camp for a period of at least
25 one year, on the special assessment at an annual rate that does not exceed the

ASSEMBLY BILL 803

1 average interest rate paid by the district or town on its obligations between the time
2 the district or town first levies a special assessment for the construction of a sewerage
3 or water system in the service area in which the eligible farmland or camp is located
4 and the time it levies the special assessment on that eligible farmland or camp. This
5 paragraph does not apply to any land unless the town or special purpose district
6 records a lien on that eligible farmland or camp in the office of the register of deeds
7 within 90 days after it first levies a special assessment for the construction of a
8 sewerage or water system in the service area in which the eligible farmland or camp
9 is located, describing the exemption under sub. (2) and the potential for a special
10 assessment under this paragraph.

11 **SECTION 5. Initial applicability.**

12 (1) This act first applies to a special assessment that is levied on the first day
13 of the 4th month beginning after the effective date of this subsection.

14 (END)