



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-2714/P3
JK:jld:pg

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

in 9-24-07

due Tues 9-25

Regen

- 1 AN ACT *to amend* 70.47 (13), 70.47 (16) (a), 73.03 (2a), 74.37 (4) (c) and 74.37 (5);
2 and *to create* 70.47 (7) (c), 70.47 (8) (j), 70.47 (16) (c) and 74.37 (4) (d) of the
3 statutes; **relating to:** objecting to property tax assessments.

Analysis by the Legislative Reference Bureau

Under current law, if a taxation district assessor assesses any property at a value that is different from the property's value in the previous year, the assessor must notify the property owner of the changed assessment, in writing, at least 15 days before the first meeting of the taxation district board of review (board). Any taxpayer who receives a notice of changed assessment may challenge the assessment by submitting an objection to the board. The board then holds a hearing on the objection and, ultimately, decides whether the assessor's assessment is correct or whether the assessment should be changed based on the taxpayer's objection. If the taxpayer does not agree with the decision of the board, the taxpayer may appeal the decision to the circuit court (court). If the court finds any error in the board's proceedings that renders the assessment or the proceedings void, the court remands the assessment to the board for further proceedings, in accordance with the court's order.

Under this bill, the board must grant a taxpayer a 60-day extension for a hearing of the taxpayer's objection to a changed assessment, if the taxation district has enacted an ordinance authorizing such extensions and if the taxpayer submits a request for the extension along with the objection and payment of a \$100 fee. In addition, if the taxation district has enacted an ordinance authorizing extensions, each taxpayer who submits an objection, regardless of whether the taxpayer has

✓ record before it

requested an extension, and the assessor must present to the board all evidence, as specified by the Department of Revenue in its assessment manual, to support their respective positions related to the assessment. At least 10 days before the hearing on the objection, the taxpayer and the assessor must simultaneously exchange all evidence that each one will present at the hearing.

may

Under the bill, if the taxpayer appeals the board's decision to the court, the court may remand the assessment to the board to determine the assessment based on the court's order or it may determine the assessment based on the ~~evidence and testimony presented to the board without any deference to the board's findings.~~ However, the court ~~must~~ allow the parties to present ~~additional~~ evidence ~~if both parties consent to presenting that evidence.~~ Finally, in the event that an objection to an assessment has not been resolved, the parties may stipulate that the previous year's assessment will apply to the current year's assessment.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

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SECTION 1. 70.47 (7) (c) of the statutes is created to read:

70.47 (7) (c) The board of review shall grant a taxpayer a 60-day extension for a hearing related to the taxpayer's objection submitted under this section, if the taxation district enacts an ordinance authorizing such extensions and if the taxpayer submits with ^{the} objection a request to the board for an extension and pays the taxation district a \$100 fee. If a taxation district enacts an ordinance under this paragraph, each taxpayer who submits an objection under this section, regardless of whether the taxpayer requests an extension, and the assessor shall present to the board of review all evidence, as specified in the manual under s. 73.03 (2a) to support their respective positions. At least 10 days before the scheduled board of review hearing, the taxpayer and the assessor shall simultaneously exchange all reports, documents, and exhibits that the taxpayer and assessor will present at the hearing. At least 60 days before the last day on which a taxpayer may submit an objection under this section, each taxation district that enacts an ordinance under this section shall publish on its Internet site the last day on which a taxpayer may submit an objection

that was not available at the time of the board's hearing or that the board refused to consider

1 under this section. At least 15 days before the last day on which a taxpayer may
2 submit an objection under this section, each taxation district that enacts an
3 ordinance under this section shall include with the notice under s. 70.365
4 information to inform the taxpayer of the last day on which a taxpayer may submit
5 an objection under this section.

6 **SECTION 2.** 70.47 (8) (j) of the statutes is created to read:

7 70.47 (8) (j) The board shall allow a reasonable amount of time for a hearing
8 under this paragraph.

9 **SECTION 3.** 70.47 (13) of the statutes is amended to read:

10 70.47 (13) CERTIORARI. Except as provided in s. 70.85, appeal from the
11 determination of the board of review shall be by an action for certiorari commenced
12 within 90 days after the taxpayer receives the notice under sub. (12). The action shall
13 be given preference. If the court on the appeal finds any error in the proceedings of
14 the board which renders the assessment or the proceedings void, it shall may remand
15 the assessment to the board for further proceedings in accordance with the court's
16 determination and retain jurisdiction of the matter until the board has determined
17 an assessment in accordance with the court's order or it may determine the
18 assessment based on the evidence and testimony presented to the board without
19 difference to any findings made by the board, except that the court shall ^{may} allow the
20 parties to present ~~additional~~ evidence ~~by mutual consent~~. For this purpose, if final
21 adjournment of the board occurs prior to the court's decision on the appeal, the court
22 may order the governing body of the assessing authority to reconvene the board. In
23 the event that an objection to the previous year's assessment has not been resolved,
24 the parties may stipulate that the assessment for the previous year shall also apply
25 for the current year.

record before it ✓

that was not available at the time
of the board of review hearing or that
the board refused to consider

1 **SECTION 4.** 70.47 (16) (a) of the statutes is amended to read:

2 70.47 (16) (a) In 1st class cities all objections to the amount or valuation of real
3 or personal property shall be first made in writing and filed with the commissioner
4 of assessments on or before the 3rd Monday in May. No person may, in any action
5 or proceeding, question the amount or valuation of real or personal property in the
6 assessment rolls of the city unless objections have been so filed. The board may not
7 waive the requirement that objections be in writing. Persons who own land and
8 improvements to that land may object to the aggregate valuation of that land and
9 improvements to that land, but no person who owns land and improvements to that
10 land may object only to the valuation of that land or only to the valuation of
11 improvements to that land. If the objections have been investigated by a committee
12 of the board of assessors under s. 70.07 (6), the board of review may adopt the
13 recommendation of the committee unless the objector requests or the board orders
14 a hearing. At least 2 days' notice of the time fixed for the hearing shall be given to
15 the objector or attorney and to the city attorney of the city. The provisions of the
16 statutes relating to boards of review not inconsistent with this subsection apply to
17 proceedings before the boards of review of 1st class cities, except that the board need
18 not adjourn until the assessment roll is completed by the commissioner of
19 assessments, as required in s. 70.07 (6), but may immediately hold hearings on
20 objections filed with the commissioner of assessments, and the changes, corrections
21 and determinations made by the board acting within its powers shall be prima facie
22 correct. Appeal from the determination shall be by an action for certiorari
23 commenced within 90 days after the taxpayer receives the notice under sub. (12).
24 The action shall be given preference. If the court on the appeal finds any error in the
25 proceedings of the board that renders the assessment or the proceedings void, it may

↑
SCORE

or that the board refused to consider ✓

1 remand the assessment to the board for further proceedings in accordance with the
2 court's determination and retain jurisdiction of the matter until the board has
3 determined an assessment in accordance with the court's order or it may determine
4 the assessment based on the record before it, except that the court may allow the
5 parties ~~by mutual consent~~ to present evidence that was not available at the time of
6 the board of review hearing. For this purpose, if final adjournment of the board
7 occurs prior to the court's decision on the appeal, the court may order the governing
8 body of the assessing authority to reconvene the board.

9 **SECTION 5.** 70.47 (16) (c) of the statutes is created to read:

10 70.47 (16) (c) The board of review shall grant a taxpayer a 60-day extension
11 for a hearing related to the taxpayer's objection submitted under this section, if the
12 1st class city enacts an ordinance authorizing such extensions and if the taxpayer
13 submits with the objection a request to the board for an extension and pays the city
14 a \$100 fee. If a 1st class city enacts an ordinance under this paragraph, each
15 taxpayer who submits an objection under this section, regardless of whether the
16 taxpayer requests an extension, and the assessor shall present to the board of review
17 all evidence, as specified in the manual under s. 73.03 (2a), to support their
18 respective positions. At least 10 days before the scheduled board of review hearing,
19 the taxpayer and the assessor shall simultaneously exchange all reports, documents,
20 and exhibits that the taxpayer and assessor will present at the hearing. At least 60
21 days before the last day on which a taxpayer may submit an objection under this
22 section, each 1st class city that enacts an ordinance under this section shall publish
23 on its Internet site the last day on which a taxpayer may submit an objection under
24 this section. At least 15 days before the last day on which a taxpayer may submit
25 an objection under this section, each 1st class city that enacts an ordinance under

1 this section shall include with the notice under s. 70.365 information to inform the
2 taxpayer of the last day on which a taxpayer may submit an objection under this
3 section.

4 **SECTION 6.** 73.03 (2a) of the statutes is amended to read:

5 73.03 (2a) To prepare, have published and distribute to each property tax
6 assessor and to others who so request assessment manuals. The manual shall
7 discuss and illustrate accepted assessment methods, techniques and practices with
8 a view to more nearly uniform and more consistent assessments of property at the
9 local level. The manual shall be amended by the department from time to time to
10 reflect advances in the science of assessment, court decisions concerning assessment
11 practices, costs, and statistical and other information considered valuable to local
12 assessors by the department. The manual shall incorporate standards for the
13 assessment of all types of renewable energy resource systems used in this state as
14 soon as such systems are used in sufficient numbers and sufficient data exists to
15 allow the formulation of valid guidelines. The manual shall incorporate standards,
16 which the department of revenue and the state historical society of Wisconsin shall
17 develop, for the assessment of nonhistoric property in historic districts and for the
18 assessment of historic property, including but not limited to property that is being
19 preserved or restored; property that is subject to a protective easement, covenant or
20 other restriction for historic preservation purposes; property that is listed in the
21 national register of historic places in Wisconsin or in this state's register of historic
22 places and property that is designated as a historic landmark and is subject to
23 restrictions imposed by a municipality or by a landmarks commission. The manual
24 shall incorporate general guidelines about ways to determine whether property is
25 taxable in part under s. 70.1105 and examples of the ways that s. 70.1105 applies in

1 specific situations. The manual shall state that assessors are required to comply with
2 s. 70.32 (1g) and shall suggest procedures for doing so. The manual or a supplement
3 to it shall specify per acre value guidelines for each municipality for various
4 categories of agricultural land based on the income that could be generated from its
5 estimated rental for agricultural use, as defined by rule, and capitalization rates
6 established by rule. The manual shall include guidelines for classifying land as
7 agricultural land, as defined in s. 70.32 (2) (c) 1g., and guidelines for distinguishing
8 between land and improvements to land. The manual shall specify the evidence to
9 be exchanged under s. 70.47 (7) (c) and (16) (c). The cost of the development,
10 preparation, publication and distribution of the manual and of revisions and
11 amendments to it shall be borne by the assessors and requesters at an individual
12 volume cost or a subscription cost as determined by the department. All receipts
13 shall be credited to the appropriation under s. 20.566 (2) (hi). The department may
14 provide free assessment manuals to other state agencies or exchange them at no cost
15 with agencies of other states or of the federal government for similar information or
16 publications.

17 **SECTION 7.** 74.37 (4) (c) of the statutes is amended to read:

18 74.37 (4) (c) No claim or action for an excessive assessment may be brought or
19 maintained under this section if the assessment of the property for the same year is
20 contested under s. 70.47 (7) (c), (13), or (16) (c) or 70.85. No assessment may be
21 contested under s. 70.47 (7) (c), (13), or (16) (c) or 70.85 if a claim is brought and
22 maintained under this section based on the same assessment.

23 **SECTION 8.** 74.37 (4) (d) of the statutes is created to read:

24 74.37 (4) (d) No claim or action for an excessive assessment may be brought or
25 maintained under this section if the taxation district in which the property is located

1 enacts an ordinance under s. 70.47 (7) (c) or if the 1st class city in which the property
2 is located enacts an ordinance under s. 70.47 (16) (c).

3 **SECTION 9.** 74.37 (5) of the statutes is amended to read:

4 74.37 (5) INTEREST. The amount of a claim filed under sub. (2) or an action
5 commenced under sub. (3) may include interest ~~computed from the date of filing the~~
6 ~~claim against the taxation district, at the rate of 0.8% per month at the average~~
7 annual discount rate determined by the last auction of 6-month U.S. treasury bills
8 before the objection per day for the period of time between the time when the tax was
9 due and the date that the claim was paid.

10 **SECTION 10. Initial applicability.**

11 (1) This act first applies to the property tax assessments as of January 1, 2008.

12 (END)



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-2714/P4

JK:jld:rs

RMRR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

in 10-11-07

SOON

Regen

1 AN ACT *to amend* 70.47 (13), 70.47 (16) (a), 73.03 (2a), 74.37 (4) (c) and 74.37 (5);
2 and *to create* 70.47 (7) (c), 70.47 (8) (j), 70.47 (16) (c) and 74.37 (4) (d) of the
3 statutes; **relating to:** objecting to property tax assessments.

Analysis by the Legislative Reference Bureau

Under current law, if a taxation district assessor assesses any property at a value that is different from the property's value in the previous year, the assessor must notify the property owner of the changed assessment, in writing, at least 15 days before the first meeting of the taxation district board of review (board). Any taxpayer who receives a notice of changed assessment may challenge the assessment by submitting an objection to the board. The board then holds a hearing on the objection and, ultimately, decides whether the assessor's assessment is correct or whether the assessment should be changed based on the taxpayer's objection. If the taxpayer does not agree with the decision of the board, the taxpayer may appeal the decision to the circuit court (court). If the court finds any error in the board's proceedings that renders the assessment or the proceedings void, the court remands the assessment to the board for further proceedings, in accordance with the court's order.

Under this bill, the board must grant a taxpayer a 60-day extension for a hearing of the taxpayer's objection to a changed assessment, if the taxation district has enacted an ordinance authorizing such extensions and if the taxpayer submits a request for the extension along with the objection and payment of a \$100 fee. In addition, if the taxation district has enacted an ordinance authorizing extensions, each taxpayer who submits an objection, regardless of whether the taxpayer has

✓ and the court finds a error in the board's proceedings that void the assessment

requested an extension, and the assessor must present to the board all evidence, as specified by the Department of Revenue in its assessment manual, to support their respective positions related to the assessment. At least 10 days before the hearing on the objection, the taxpayer and the assessor must simultaneously exchange all evidence that each one will present at the hearing.

shall

Under the bill, if the taxpayer appeals the board's decision to the court, the court may remand the assessment to the board to determine the assessment based on the court's order or it may determine the assessment based on the record before it.

However, the court may allow the parties to present evidence that was not available at the time of the board's hearing or that the board refused to consider. Finally, in the event that an objection to an assessment has not been resolved, the parties may stipulate that the previous year's assessment will apply to the current year's assessment.

(INSERT A)

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

if the taxpayer receives an extension under this paragraph

1 SECTION 1. 70.47 (7) (c) of the statutes is created to read:

2 70.47 (7) (c) The board of review shall grant a taxpayer a 60-day extension for
3 a hearing related to the taxpayer's objection submitted under this section, if the
4 taxation district enacts an ordinance authorizing such extensions and if the taxpayer
5 submits with the objection a request to the board for an extension and pays the
6 taxation district a \$100 fee. If a taxation district enacts an ordinance under this
7 paragraph, each taxpayer who submits an objection under this section, regardless
8 of whether the taxpayer requests an extension, and the assessor shall present to the
9 board of review all evidence, as specified in the manual under s. 73.03 (2a) to support
10 their respective positions. At least 10 days before the scheduled board of review
11 hearing, the taxpayer and the assessor shall simultaneously exchange all reports,
12 documents, and exhibits that the taxpayer and assessor will present at the hearing.

13 At least 60 days before the last day on which a taxpayer may submit an objection

14 under this section, each taxation district that enacts an ordinance under this section

15 shall publish on its Internet site the last day on which a taxpayer may submit an

prior to the first day on which the board of review hears objections

3
*prior to the first day on which the board of review
hears objections*

objection under this section. At least 15 days before the last day on which a taxpayer

may submit an objection under this section, each taxation district that enacts an

ordinance under this section shall include with the notice under s. 70.365

information to inform the taxpayer of the last day on which a taxpayer may submit

an objection under this section.

SECTION 2. 70.47 (8) (j) of the statutes is created to read:

70.47 (8) (j) The board shall allow a reasonable amount of time for a hearing under this paragraph.

SECTION 3. 70.47 (13) of the statutes is amended to read:

70.47 (13) CERTIORARI. Except as provided in s. 70.85, appeal from the

determination of the board of review shall be by an action for certiorari commenced

within 90 days after the taxpayer receives the notice under sub. (12). The action shall

be given preference. If the court on the appeal finds any error in the proceedings of

the board which renders the assessment or the proceedings void, it shall ~~may~~ *claim* remand

the assessment to the board for further proceedings in accordance with the court's

determination and retain jurisdiction of the matter until the board has determined

an assessment in accordance with the court's order ~~or it may determine the~~

~~assessment based on the record before it, except that the court may allow the parties~~

~~to present evidence that was not available at the time of the board of review hearing~~

~~or that the board refused to consider.~~ For this purpose, if final adjournment of the

board occurs prior to the court's decision on the appeal, the court may order the

governing body of the assessing authority to reconvene the board. In the event that

an objection to the previous year's assessment has not been resolved, the parties may

stipulate that the assessment for the previous year shall also apply for the current

year.

Insert 3-25

1 **SECTION 4.** 70.47 (16) (a) of the statutes is amended to read:

2 **70.47 (16)** (a) In 1st class cities all objections to the amount or valuation of real
3 or personal property shall be first made in writing and filed with the commissioner
4 of assessments on or before the 3rd Monday in May. No person may, in any action
5 or proceeding, question the amount or valuation of real or personal property in the
6 assessment rolls of the city unless objections have been so filed. The board may not
7 waive the requirement that objections be in writing. Persons who own land and
8 improvements to that land may object to the aggregate valuation of that land and
9 improvements to that land, but no person who owns land and improvements to that
10 land may object only to the valuation of that land or only to the valuation of
11 improvements to that land. If the objections have been investigated by a committee
12 of the board of assessors under s. 70.07 (6), the board of review may adopt the
13 recommendation of the committee unless the objector requests or the board orders
14 a hearing. At least 2 days' notice of the time fixed for the hearing shall be given to
15 the objector or attorney and to the city attorney of the city. The provisions of the
16 statutes relating to boards of review not inconsistent with this subsection apply to
17 proceedings before the boards of review of 1st class cities, except that the board need
18 not adjourn until the assessment roll is completed by the commissioner of
19 assessments, as required in s. 70.07 (6), but may immediately hold hearings on
20 objections filed with the commissioner of assessments, and the changes, corrections
21 and determinations made by the board acting within its powers shall be prima facie
22 correct. Appeal from the determination shall be by an action for certiorari
23 commenced within 90 days after the taxpayer receives the notice under sub. (12).

24 The action shall be given preference. If the court on the appeal finds any error in the
25 proceedings of the board that renders the assessment or the proceedings void, it may

If the taxpayer receives an extension under this paragraph,

1 remand the assessment to the board for further proceedings in accordance with the
2 court's determination and retain jurisdiction of the matter until the board has
3 determined an assessment in accordance with the court's order or it may determine
4 the assessment based on the record before it, except that the court may allow the
5 parties to present evidence that was not available at the time of the board of review
6 hearing or that the board refused to consider. For this purpose, if final adjournment
7 of the board occurs prior to the court's decision on the appeal, the court may order the
8 governing body of the assessing authority to reconvene the board.

9 SECTION 5. 70.47 (16) (c) of the statutes is created to read:

10 70.47 (16) (c) The board of review shall grant a taxpayer a 60-day extension
11 for a hearing related to the taxpayer's objection submitted under this section, if the
12 1st class city enacts an ordinance authorizing such extensions and if the taxpayer
13 submits with the objection a request to the board for an extension and pays the city
14 a \$100 fee. If a 1st class city enacts an ordinance under this paragraph, each
15 taxpayer who submits an objection under this section, regardless of whether the
16 taxpayer requests an extension, and the assessor shall present to the board of review
17 all evidence, as specified in the manual under s. 73.03 (2a), to support their

18 ^{at} respective positions. ^{at} At least 10 days before the scheduled board of review hearing,
19 the taxpayer and the assessor shall simultaneously exchange all reports, documents,
20 and exhibits that the taxpayer and assessor will present at the hearing. At least 60

21 ~~days before the last day on which a taxpayer may submit an objection under this~~
22 ~~section,~~ each 1st class city that enacts an ordinance under this ~~section~~ ^{paragraph} shall publish

23 on its Internet site the last day on which a taxpayer may submit an objection under
24 this section. At least 15 days ~~before the last day on which a taxpayer may submit~~
25 ~~an objection under this section,~~ each 1st class city that enacts an ordinance under

prior to the first day on which the board of review hears objections

INSERT ✓
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1 this ~~section~~^{g/paragraph} shall include with the notice under s. 70.365 information to inform the
2 taxpayer of the last day on which a taxpayer may submit an objection under this
3 section.

4 **SECTION 6.** 73.03 (2a) of the statutes is amended to read:

5 73.03 (2a) To prepare, have published and distribute to each property tax
6 assessor and to others who so request assessment manuals. The manual shall
7 discuss and illustrate accepted assessment methods, techniques and practices with
8 a view to more nearly uniform and more consistent assessments of property at the
9 local level. The manual shall be amended by the department from time to time to
10 reflect advances in the science of assessment, court decisions concerning assessment
11 practices, costs, and statistical and other information considered valuable to local
12 assessors by the department. The manual shall incorporate standards for the
13 assessment of all types of renewable energy resource systems used in this state as
14 soon as such systems are used in sufficient numbers and sufficient data exists to
15 allow the formulation of valid guidelines. The manual shall incorporate standards,
16 which the department of revenue and the state historical society of Wisconsin shall
17 develop, for the assessment of nonhistoric property in historic districts and for the
18 assessment of historic property, including but not limited to property that is being
19 preserved or restored; property that is subject to a protective easement, covenant or
20 other restriction for historic preservation purposes; property that is listed in the
21 national register of historic places in Wisconsin or in this state's register of historic
22 places and property that is designated as a historic landmark and is subject to
23 restrictions imposed by a municipality or by a landmarks commission. The manual
24 shall incorporate general guidelines about ways to determine whether property is
25 taxable in part under s. 70.1105 and examples of the ways that s. 70.1105 applies in

1 specific situations. The manual shall state that assessors are required to comply with
2 s. 70.32 (1g) and shall suggest procedures for doing so. The manual or a supplement
3 to it shall specify per acre value guidelines for each municipality for various
4 categories of agricultural land based on the income that could be generated from its
5 estimated rental for agricultural use, as defined by rule, and capitalization rates
6 established by rule. The manual shall include guidelines for classifying land as
7 agricultural land, as defined in s. 70.32 (2) (c) 1g., and guidelines for distinguishing
8 between land and improvements to land. The manual shall specify the evidence to
9 be exchanged under s. 70.47 (7) (c) and (16) (c). The cost of the development,
10 preparation, publication and distribution of the manual and of revisions and
11 amendments to it shall be borne by the assessors and requesters at an individual
12 volume cost or a subscription cost as determined by the department. All receipts
13 shall be credited to the appropriation under s. 20.566 (2) (hi). The department may
14 provide free assessment manuals to other state agencies or exchange them at no cost
15 with agencies of other states or of the federal government for similar information or
16 publications.

17 **SECTION 7.** 74.37 (4) (c) of the statutes is amended to read:

18 74.37 (4) (c) No claim or action for an excessive assessment may be brought or
19 maintained under this section if the assessment of the property for the same year is
20 contested under s. 70.47 (7) (c), (13), or (16) (c) or 70.85. No assessment may be
21 contested under s. 70.47 (7) (c), (13), or (16) (c) or 70.85 if a claim is brought and
22 maintained under this section based on the same assessment.

23 **SECTION 8.** 74.37 (4) (d) of the statutes is created to read:

24 74.37 (4) (d) No claim or action for an excessive assessment may be brought or
25 maintained under this section if the taxation district in which the property is located

↓ except that this paragraph [✓] does not apply if the ^{not} taxation district or the 1st class city did not comply with s. 70.365 ✓

1 enacts an ordinance under s. 70.47 (7) (c) or if the 1st class city in which the property
2 is located enacts an ordinance under s. 70.47 (16) (c) ✓

3 **SECTION 9.** 74.37 (5) of the statutes is amended to read:

4 74.37 (5) INTEREST. The amount of a claim filed under sub. (2) or an action
5 commenced under sub. (3) may include interest computed from the date of filing the
6 claim against the taxation district, at the rate of 0.8% per month at the average
7 annual discount rate determined by the last auction of 6-month U.S. treasury bills
8 before the objection per day for the period of time between the time when the tax was
9 due and the date that the claim was paid.

10 **SECTION 10. Initial applicability.**

11 (1) This act first applies to the property tax assessments as of January 1, 2008.

12 (END)

Insert A

mw #

* Under the bill, if the taxpayer challenges the board's value determination, the court presumes that the board's valuation is correct, except that the presumption may be rebutted by a sufficient showing by the taxpayer that the valuation is incorrect. If the presumption is rebutted, the court determines the assessment based on the record before the board of review, except that the court may consider evidence that was not available at the time of the hearing before the board or that the board refused to consider.

Insert 3 - 25

NO mw #

1 If the objector challenges the board's value determination, the court shall
2 presume that the board's valuation is correct, except that the presumption may be
3 rebutted by a sufficient showing by the objector that the valuation is incorrect. If the
4 presumption is rebutted, the court shall determine the assessment based on the
5 record before the board of review, except that the court may consider evidence that
6 was not available at the time of the hearing before the board or that the board refused
7 to consider NO

Insert 5 - 8

NO mw #

8 If the objector challenges the board's value determination, the court shall
9 presume that the board's valuation is correct, except that the presumption may be
10 rebutted by a sufficient showing by the objector that the valuation is incorrect. If the
11 presumption is rebutted, the court shall determine the assessment based on the
12 record before the board of review, except that the court may consider evidence that
13 was not available at the time of the hearing before the board or that the board refused
14 to consider NO

Kreye, Joseph

From: Solie, Denise
Sent: Thursday, October 11, 2007 10:53 AM
To: Kreye, Joseph
Subject: Drafting Request for 2714/P5

Joe,

Please incorporate the following changes in to 2714/P5:

- ✓ Page 2, line 10: Delete the word "At" and insert "If the taxpayer receives an extension under this paragraph, at"
- ✓ Page 2, line 11: After the word "hearing" delete the ","
- ✓ Page 2 line 13 & 14: Delete "before the last day on which a taxpayer may submit an objection under this section," and insert "prior to the first day of the board of review on which objections are heard,"
- ✓ Page 2, line 14: The word "section" appears twice. Replace the second "section" with the word "paragraph"
- ✓ Page 3, lines 1 & 2: Delete "before the last day on which a taxpayer may submit an objection under this section," and insert "prior to the first day of the board of review on which objections are heard,"
- ✓ Page 3, line 14: Delete "may" and retain (current law) "shall"
- ✓ Page 3, line 17: After the word "order" insert "." and delete the remainder of that line.
- ✓ Page 3, line 18-19: Delete entirely.
- ✓ Page 3, line 20: Delete "or the board refused to consider."
- ✓ Page 3, line 22: After the word "board." delete "In the event that"
- ✓ Page 3, lines 23-25: Delete entirely. Insert "If the plaintiff challenges the board's determination of value, the court shall presume that the board's valuation is correct. That presumption may be rebutted by a sufficient showing by the objector that the valuation is incorrect. If rebutted, then the court shall determine the assessment based upon the record before the board, except that the court may consider evidence that was not available at the time of the board hearing or that the board refused to consider."
- ✓ Page 4, line 24: After the word "preference." delete the remainder of that line.
- ✓ Page 4, line 25: Delete entirely. Insert "If the objector challenges the board's determination of value, the court shall presume that the board's valuation is correct. That presumption may be rebutted by a sufficient showing by the objector that the valuation is incorrect. If rebutted, then the court shall determine the assessment based upon the record before the board, except that the court may consider evidence that was not available at the time of the board hearing or that the board refused to consider."
- ✓ Page 5, lines 1-8: Delete entirely.
- ✓ Page 5, line 18: Delete the word "At" and insert "If the taxpayer receives an extension under this paragraph, at"
- ✓ Page 5 line 18: After the word "hearing" delete the ","
- ✓ Page 5, line 22 : The word "section" appears twice replace the second "section" with the word "paragraph"
- ✓ Page 6, line 1: Replace the word "section" with "paragraph"

10/11/2007

Page 8, at the end of line 2 add "This does not apply if a notice required under Sec. 70.365 was not given." (This allows for a du novo if the Assessor did not send a notice when the assessment changed.)

Please call if you have any questions. Thanks.

denise
7-2370



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-2714/P5
JK:jld:jf
RM/mtk

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

in 10-22-07

due Fri 10-26

Regen

1 AN ACT to amend 70.47 (13), 70.47 (16) (a), 73.03 (2a), 74.37 (4) (c) and 74.37 (5);
2 and to create 70.47 (7) (c), 70.47 (8) (j), 70.47 (16) (c) and 74.37 (4) (d) of the
3 statutes; relating to: objecting to property tax assessments.

Analysis by the Legislative Reference Bureau

Under current law, if a taxation district assessor assesses any property at a value that is different from the property's value in the previous year, the assessor must notify the property owner of the changed assessment, in writing, at least 15 days before the first meeting of the taxation district board of review (board). Any taxpayer who receives a notice of changed assessment may challenge the assessment by submitting an objection to the board. The board then holds a hearing on the objection and, ultimately, decides whether the assessor's assessment is correct or whether the assessment should be changed based on the taxpayer's objection. If the taxpayer does not agree with the decision of the board, the taxpayer may appeal the decision to the circuit court (court). If the court finds any error in the board's proceedings that renders the assessment or the proceedings void, the court remands the assessment to the board for further proceedings, in accordance with the court's order.

Under this bill, the board must grant a taxpayer a 60-day extension for a hearing of the taxpayer's objection to a changed assessment, if the taxation district has enacted an ordinance authorizing such extensions and if the taxpayer submits a request for the extension along with the objection and payment of a \$100 fee. In addition, if the taxation district has enacted an ordinance authorizing extensions, each taxpayer who submits an objection, regardless of whether the taxpayer has

requested an extension, and the assessor must present to the board all evidence, as specified by the Department of Revenue in its assessment manual, to support their respective positions related to the assessment. At least 10 days before the hearing on the objection, the taxpayer and the assessor must simultaneously exchange all evidence that each one will present at the hearing.

Under the bill, if the taxpayer appeals the board's decision to the court and the court finds an error in the board's proceedings that void the assessment, the court shall remand the assessment to the board to determine the assessment based on the court's order.

Under the bill, if the taxpayer challenges the board's value determination, the court presumes that the board's valuation is correct, except that the presumption may be rebutted by a sufficient showing by the taxpayer that the valuation is incorrect. If the presumption is rebutted, the court determines the assessment based on the record before the board, except that the court may consider evidence that was not available at the time of the hearing before the board or that the board refused to consider.

(INSERT ANALYSIS) ✓

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 70.47 (7) (c) of the statutes is created to read:

2 70.47 (7) (c) The board of review shall grant a taxpayer a 60-day extension for
3 a hearing related to the taxpayer's objection submitted under this section, if the
4 taxation district enacts an ordinance authorizing such extensions and if the taxpayer
5 submits with the objection a request to the board for an extension and pays the
6 taxation district a \$100 fee. If a taxation district enacts an ordinance under this
7 paragraph, each taxpayer who submits an objection under this section, regardless
8 of whether the taxpayer requests an extension, and the assessor shall present to the
9 board of review all evidence, as specified in the manual under s. 73.03 (2a) to support
10 their respective positions. If the taxpayer receives an extension under this
11 paragraph, at least 10 days before the scheduled board of review hearing, the
12 taxpayer and the assessor shall simultaneously exchange all reports, documents,
13 and exhibits that the taxpayer and assessor will present at the hearing. At least 60

1 days prior to the first day on which the board of review hears objections, each
2 taxation district that enacts an ordinance under this paragraph shall publish on its
3 Internet site the last day on which a taxpayer may submit an objection under this
4 paragraph. At least 15 days prior to the first day on which the board of review hears
5 objections, each taxation district that enacts an ordinance under this section shall
6 include with the notice under s. 70.365 information to inform the taxpayer of the last
7 day on which a taxpayer may submit an objection under this section.

8 **SECTION 2.** 70.47 (8) (j) of the statutes is created to read:

9 70.47 (8) (j) The board shall allow a reasonable amount of time for a hearing
10 under this paragraph.

11 **SECTION 3.** 70.47 (13) of the statutes is amended to read:

12 70.47 (13) CERTIORARI. Except as provided in s. 70.85, appeal from the
13 determination of the board of review shall be by an action for certiorari commenced
14 within 90 days after the taxpayer receives the notice under sub. (12). The action shall
15 be given preference. If the court on the appeal finds any error in the proceedings of
16 the board which renders the assessment or the proceedings void, it shall remand the
17 assessment to the board for further proceedings in accordance with the court's
18 determination and retain jurisdiction of the matter until the board has determined
19 an assessment in accordance with the court's order. For this purpose, if final
20 adjournment of the board occurs prior to the court's decision on the appeal, the court
21 may order the governing body of the assessing authority to reconvene the board. If
22 the objector challenges the board's value determination, the court shall presume that
23 the board's valuation is correct, except that the presumption may be rebutted by a
24 sufficient showing by the objector that the valuation is incorrect. If the presumption
25 is rebutted, the court shall determine the assessment based on the record before the

1 board of review, except that the court may consider evidence that was not available
2 at the time of the hearing before the board or that the board refused to consider.

3 **SECTION 4.** 70.47 (16) (a) of the statutes is amended to read:

4 70.47 (16) (a) In 1st class cities all objections to the amount or valuation of real
5 or personal property shall be first made in writing and filed with the commissioner
6 of assessments on or before the 3rd Monday in May. No person may, in any action
7 or proceeding, question the amount or valuation of real or personal property in the
8 assessment rolls of the city unless objections have been so filed. The board may not
9 waive the requirement that objections be in writing. Persons who own land and
10 improvements to that land may object to the aggregate valuation of that land and
11 improvements to that land, but no person who owns land and improvements to that
12 land may object only to the valuation of that land or only to the valuation of
13 improvements to that land. If the objections have been investigated by a committee
14 of the board of assessors under s. 70.07 (6), the board of review may adopt the
15 recommendation of the committee unless the objector requests or the board orders
16 a hearing. At least 2 days' notice of the time fixed for the hearing shall be given to
17 the objector or attorney and to the city attorney of the city. The provisions of the
18 statutes relating to boards of review not inconsistent with this subsection apply to
19 proceedings before the boards of review of 1st class cities, except that the board need
20 not adjourn until the assessment roll is completed by the commissioner of
21 assessments, as required in s. 70.07 (6), but may immediately hold hearings on
22 objections filed with the commissioner of assessments, and the changes, corrections
23 and determinations made by the board acting within its powers shall be prima facie
24 correct. Appeal from the determination shall be by an action for certiorari
25 commenced within 90 days after the taxpayer receives the notice under sub. (12).

✓
INSERT
A

1 The action shall be given preference. If the objector challenges the board's value
2 determination, the court shall presume that the board's valuation is correct, except
3 that the presumption may be rebutted by a sufficient showing by the objector that
4 the valuation is incorrect. If the presumption is rebutted, the court shall determine
5 the assessment based on the record before the board of review, except that the court
6 may consider evidence that was not available at the time of the hearing before the
7 board or that the board refused to consider. INSERT A ✓

8 **SECTION 5.** 70.47 (16) (c) of the statutes is created to read:

9 70.47 (16) (c) The board of review shall grant a taxpayer a 60-day extension
10 for a hearing related to the taxpayer's objection submitted under this section, if the
11 1st class city enacts an ordinance authorizing such extensions and if the taxpayer
12 submits with the objection a request to the board for an extension and pays the city
13 a \$100 fee. If a 1st class city enacts an ordinance under this paragraph, each
14 taxpayer who submits an objection under this section, regardless of whether the
15 taxpayer requests an extension, and the assessor shall present to the board of review
16 all evidence, as specified in the manual under s. 73.03 (2a), to support their
17 respective positions. If the taxpayer receives an extension under this paragraph, at
18 least 10 days before the scheduled board of review hearing, the taxpayer and the
19 assessor shall simultaneously exchange all reports, documents, and exhibits that the
20 taxpayer and assessor will present at the hearing. At least 60 days prior to the first
21 day on which the board of review hears objections, each 1st class city that enacts an
22 ordinance under this paragraph shall publish on its Internet site the last day on
23 which a taxpayer may submit an objection under this section. At least 15 days prior
24 to the first day on which the board of review hears objections, each 1st class city that
25 enacts an ordinance under this paragraph shall include with the notice under s.

1 70.365 information to inform the taxpayer of the last day on which a taxpayer may
2 submit an objection under this section.

3 **SECTION 6.** 73.03 (2a) of the statutes is amended to read:

4 73.03 (2a) To prepare, have published and distribute to each property tax
5 assessor and to others who so request assessment manuals. The manual shall
6 discuss and illustrate accepted assessment methods, techniques and practices with
7 a view to more nearly uniform and more consistent assessments of property at the
8 local level. The manual shall be amended by the department from time to time to
9 reflect advances in the science of assessment, court decisions concerning assessment
10 practices, costs, and statistical and other information considered valuable to local
11 assessors by the department. The manual shall incorporate standards for the
12 assessment of all types of renewable energy resource systems used in this state as
13 soon as such systems are used in sufficient numbers and sufficient data exists to
14 allow the formulation of valid guidelines. The manual shall incorporate standards,
15 which the department of revenue and the state historical society of Wisconsin shall
16 develop, for the assessment of nonhistoric property in historic districts and for the
17 assessment of historic property, including but not limited to property that is being
18 preserved or restored; property that is subject to a protective easement, covenant or
19 other restriction for historic preservation purposes; property that is listed in the
20 national register of historic places in Wisconsin or in this state's register of historic
21 places and property that is designated as a historic landmark and is subject to
22 restrictions imposed by a municipality or by a landmarks commission. The manual
23 shall incorporate general guidelines about ways to determine whether property is
24 taxable in part under s. 70.1105 and examples of the ways that s. 70.1105 applies in
25 specific situations. The manual shall state that assessors are required to comply with

1 s. 70.32 (1g) and shall suggest procedures for doing so. The manual or a supplement
2 to it shall specify per acre value guidelines for each municipality for various
3 categories of agricultural land based on the income that could be generated from its
4 estimated rental for agricultural use, as defined by rule, and capitalization rates
5 established by rule. The manual shall include guidelines for classifying land as
6 agricultural land, as defined in s. 70.32 (2) (c) 1g., and guidelines for distinguishing
7 between land and improvements to land. The manual shall specify the evidence to
8 be exchanged under s. 70.47 (7) (c) and (16) (c). The cost of the development,
9 preparation, publication and distribution of the manual and of revisions and
10 amendments to it shall be borne by the assessors and requesters at an individual
11 volume cost or a subscription cost as determined by the department. All receipts
12 shall be credited to the appropriation under s. 20.566 (2) (hi). The department may
13 provide free assessment manuals to other state agencies or exchange them at no cost
14 with agencies of other states or of the federal government for similar information or
15 publications.

16 **SECTION 7.** 74.37 (4) (c) of the statutes is amended to read:

17 74.37 (4) (c) No claim or action for an excessive assessment may be brought or
18 maintained under this section if the assessment of the property for the same year is
19 contested under s. 70.47 (7) (c), (13), or (16) (c) or 70.85. No assessment may be
20 contested under s. 70.47 (7) (c), (13), or (16) (c) or 70.85 if a claim is brought and
21 maintained under this section based on the same assessment.

22 **SECTION 8.** 74.37 (4) (d) of the statutes is created to read:

23 74.37 (4) (d) No claim or action for an excessive assessment may be brought or
24 maintained under this section if the taxation district in which the property is located
25 enacts an ordinance under s. 70.47 (7) (c) or if the 1st class city in which the property

1 is located enacts an ordinance under s. 70.47 (16) (c), except that this paragraph does
2 not apply if the taxation district or the 1st class city did not comply with s. 70.365.

3 **SECTION 9.** 74.37 (5) of the statutes is amended to read:

4 74.37 (5) INTEREST. The amount of a claim filed under sub. (2) or an action
5 commenced under sub. (3) may include interest ~~computed from the date of filing the~~
6 ~~claim against the taxation district, at the rate of 0.8% per month~~ at the average
7 annual discount rate determined by the last auction of 6-month U.S. treasury bills
8 before the objection per day for the period of time between the time when the tax was
9 due and the date that the claim was paid.

10 **SECTION 10. Initial applicability.**

11 (1) This act first applies to the property tax assessments as of January 1, 2008.

12 (END)

PRELIMINARY DRAFT – NOT READY FOR INTRODUCTION

- 1 AN ACT *to amend* 70.47 (13), 70.47 (16) (a), 73.03 (2a), 74.37 (4) (c) and 74.37 (5);
2 and *to create* 70.47 (7) (c), 70.47 (8) (j), 70.47 (16) (c) and 74.37 (4) (d) of the
3 statutes; **relating to:** objecting to property tax assessments.

Analysis by the Legislative Reference Bureau

Under current law, if a taxation district assessor assesses any property at a value that is different from the property's value in the previous year, the assessor must notify the property owner of the changed assessment, in writing, at least 15 days before the first meeting of the taxation district board of review (board). Any taxpayer who receives a notice of changed assessment may challenge the assessment by submitting an objection to the board. The board then holds a hearing on the objection and, ultimately, decides whether the assessor's assessment is correct or whether the assessment should be changed based on the taxpayer's objection. If the taxpayer does not agree with the decision of the board, the taxpayer may appeal the decision to the circuit court (court). If the court finds any error in the board's proceedings that renders the assessment or the proceedings void, the court remands the assessment to the board for further proceedings, in accordance with the court's order.

Under this bill, the board must grant a taxpayer a 60-day extension for a hearing of the taxpayer's objection to a changed assessment, if the taxation district has enacted an ordinance authorizing such extensions and if the taxpayer submits a request for the extension along with the objection and payment of a \$100 fee. In addition, if the taxation district has enacted an ordinance authorizing extensions, each taxpayer who submits an objection, regardless of whether the taxpayer has

requested an extension, and the assessor must present to the board all evidence, as specified by the Department of Revenue in its assessment manual, to support their respective positions related to the assessment. At least 10 days before the hearing on the objection, the taxpayer and the assessor must simultaneously exchange all evidence that each one will present at the hearing.

Under the bill, if the taxpayer appeals the board's decision to the court, the court may remand the assessment to the board to determine the assessment based on the court's order or it may determine the assessment based on the record before it. However, the court may allow the parties to present evidence that was not available at the time of the board's hearing or that the board refused to consider. Finally, in the event that an objection to an assessment has not been resolved, the parties may ~~submit~~ *agree* that the previous year's assessment will apply to the current year's assessment.

*

INSERT ANALYSIS

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 70.47 (7) (c) of the statutes is created to read:

2 70.47 (7) (c) The board of review shall grant a taxpayer a 60-day extension for

3 a hearing related to the taxpayer's objection submitted under this section, if the

4 taxation district enacts an ordinance authorizing such extensions and if the taxpayer

5 submits with the objection a request to the board for an extension and pays the

6 taxation district a \$100 fee. If a taxation district enacts an ordinance under this

7 paragraph, each taxpayer who submits an objection under this section, regardless

8 of whether the taxpayer requests an extension, and the assessor shall present to the

9 board of review all evidence, as specified in the manual under s. 73.03 (2a) to support

10 their respective positions. At least 10 days before the scheduled board of review

11 hearing, the taxpayer and the assessor shall simultaneously exchange all reports,

12 documents, and exhibits that the taxpayer and assessor will present at the hearing.

13 At least 60 days before the last day on which a taxpayer may submit an objection

14 under this section, each taxation district that enacts an ordinance under this section

15 shall publish on its Internet site the last day on which a taxpayer may submit an

1 objection under this section. At least 15 days before the last day on which a taxpayer
 2 may submit an objection under this section, each taxation district that enacts an
 3 ordinance under this section shall include with the notice under s. 70.365
 4 information to inform the taxpayer of the last day on which a taxpayer may submit
 5 an objection under this section.

6 SECTION 2. 70.47 (8) (j) of the statutes is created to read:

7 70.47 (8) (j) The board shall allow a reasonable amount of time for a hearing
 8 under this paragraph.

9 SECTION 3. 70.47 (13) of the statutes is amended to read:

10 70.47 (13) CERTIORARI. Except as provided in s. 70.85, appeal from the
 11 determination of the board of review shall be by an action for certiorari commenced
 12 within 90 days after the taxpayer receives the notice under sub. (12). The action shall
 13 be given preference. If the court on the appeal finds any error in the proceedings of
 14 the board which renders the assessment or the proceedings void, it shall may remand
 15 the assessment to the board for further proceedings in accordance with the court's
 16 determination and retain jurisdiction of the matter until the board has determined
 17 an assessment in accordance with the court's order or it may determine the
 18 assessment based on the record before it, except that the court may allow the parties
 19 to present evidence that was not available at the time of the board of review hearing
 20 or that the board refused to consider. For this purpose, if final adjournment of the
 21 board occurs prior to the court's decision on the appeal, the court may order the
 22 governing body of the assessing authority to reconvene the board. In the event that

23 an objection to the previous year's assessment has not been resolved, the parties may
 24 stipulate that the assessment for the previous year shall also apply for the current
 25 year.

✓ stipulate
 ✓ agree

(end ins A)

INSERT A

SECTION 4

SECTION 4. 70.47 (16) (a) of the statutes is amended to read:

70.47 (16) (a) In 1st class cities all objections to the amount or valuation of real or personal property shall be first made in writing and filed with the commissioner of assessments on or before the 3rd Monday in May. No person may, in any action or proceeding, question the amount or valuation of real or personal property in the assessment rolls of the city unless objections have been so filed. The board may not waive the requirement that objections be in writing. Persons who own land and improvements to that land may object to the aggregate valuation of that land and improvements to that land, but no person who owns land and improvements to that land may object only to the valuation of that land or only to the valuation of improvements to that land. If the objections have been investigated by a committee of the board of assessors under s. 70.07 (6), the board of review may adopt the recommendation of the committee unless the objector requests or the board orders a hearing. At least 2 days' notice of the time fixed for the hearing shall be given to the objector or attorney and to the city attorney of the city. The provisions of the statutes relating to boards of review not inconsistent with this subsection apply to proceedings before the boards of review of 1st class cities, except that the board need not adjourn until the assessment roll is completed by the commissioner of assessments, as required in s. 70.07 (6), but may immediately hold hearings on objections filed with the commissioner of assessments, and the changes, corrections and determinations made by the board acting within its powers shall be prima facie correct. Appeal from the determination shall be by an action for certiorari commenced within 90 days after the taxpayer receives the notice under sub. (12).

The action shall be given preference. If the court on the appeal finds any error in the

proceedings of the board that renders the assessment or the proceedings void, it may

may
shall

INSERT B



1 remand the assessment to the board for further proceedings in accordance with the
2 court's determination and retain jurisdiction of the matter until the board has
3 determined an assessment in accordance with the court's order or it may determine
4 the assessment based on the record before it, except that the court may allow the
5 parties to present evidence that was not available at the time of the board of review
6 hearing or that the board refused to consider. For this purpose, if final adjournment
7 of the board occurs prior to the court's decision on the appeal, the court may order the
8 governing body of the assessing authority to reconvene the board. (end ins B)

9 SECTION 5. 70.47 (16) (c) of the statutes is created to read:

10 70.47 (16) (c) The board of review shall grant a taxpayer a 60-day extension
11 for a hearing related to the taxpayer's objection submitted under this section, if the
12 1st class city enacts an ordinance authorizing such extensions and if the taxpayer
13 submits with the objection a request to the board for an extension and pays the city
14 a \$100 fee. If a 1st class city enacts an ordinance under this paragraph, each
15 taxpayer who submits an objection under this section, regardless of whether the
16 taxpayer requests an extension, and the assessor shall present to the board of review
17 all evidence, as specified in the manual under s. 73.03 (2a), to support their
18 respective positions. At least 10 days before the scheduled board of review hearing,
19 the taxpayer and the assessor shall simultaneously exchange all reports, documents,
20 and exhibits that the taxpayer and assessor will present at the hearing. At least 60
21 days before the last day on which a taxpayer may submit an objection under this
22 section, each 1st class city that enacts an ordinance under this section shall publish
23 on its Internet site the last day on which a taxpayer may submit an objection under
24 this section. At least 15 days before the last day on which a taxpayer may submit
25 an objection under this section, each 1st class city that enacts an ordinance under

1 this section shall include with the notice under s. 70.365 information to inform the
2 taxpayer of the last day on which a taxpayer may submit an objection under this
3 section.

4 **SECTION 6.** 73.03 (2a) of the statutes is amended to read:

5 **73.03 (2a)** To prepare, have published and distribute to each property tax
6 assessor and to others who so request assessment manuals. The manual shall
7 discuss and illustrate accepted assessment methods, techniques and practices with
8 a view to more nearly uniform and more consistent assessments of property at the
9 local level. The manual shall be amended by the department from time to time to
10 reflect advances in the science of assessment, court decisions concerning assessment
11 practices, costs, and statistical and other information considered valuable to local
12 assessors by the department. The manual shall incorporate standards for the
13 assessment of all types of renewable energy resource systems used in this state as
14 soon as such systems are used in sufficient numbers and sufficient data exists to
15 allow the formulation of valid guidelines. The manual shall incorporate standards,
16 which the department of revenue and the state historical society of Wisconsin shall
17 develop, for the assessment of nonhistoric property in historic districts and for the
18 assessment of historic property, including but not limited to property that is being
19 preserved or restored; property that is subject to a protective easement, covenant or
20 other restriction for historic preservation purposes; property that is listed in the
21 national register of historic places in Wisconsin or in this state's register of historic
22 places and property that is designated as a historic landmark and is subject to
23 restrictions imposed by a municipality or by a landmarks commission. The manual
24 shall incorporate general guidelines about ways to determine whether property is
25 taxable in part under s. 70.1105 and examples of the ways that s. 70.1105 applies in

1 specific situations. The manual shall state that assessors are required to comply with
2 s. 70.32 (1g) and shall suggest procedures for doing so. The manual or a supplement
3 to it shall specify per acre value guidelines for each municipality for various
4 categories of agricultural land based on the income that could be generated from its
5 estimated rental for agricultural use, as defined by rule, and capitalization rates
6 established by rule. The manual shall include guidelines for classifying land as
7 agricultural land, as defined in s. 70.32 (2) (c) 1g., and guidelines for distinguishing
8 between land and improvements to land. The manual shall specify the evidence to
9 be exchanged under s. 70.47 (7) (c) and (16) (c). The cost of the development,
10 preparation, publication and distribution of the manual and of revisions and
11 amendments to it shall be borne by the assessors and requesters at an individual
12 volume cost or a subscription cost as determined by the department. All receipts
13 shall be credited to the appropriation under s. 20.566 (2) (hi). The department may
14 provide free assessment manuals to other state agencies or exchange them at no cost
15 with agencies of other states or of the federal government for similar information or
16 publications.

17 **SECTION 7.** 74.37 (4) (c) of the statutes is amended to read:

18 74.37 (4) (c) No claim or action for an excessive assessment may be brought or
19 maintained under this section if the assessment of the property for the same year is
20 contested under s. 70.47 (7) (c), (13), or (16) (c) or 70.85. No assessment may be
21 contested under s. 70.47 (7) (c), (13), or (16) (c) or 70.85 if a claim is brought and
22 maintained under this section based on the same assessment.

23 **SECTION 8.** 74.37 (4) (d) of the statutes is created to read:

24 74.37 (4) (d) No claim or action for an excessive assessment may be brought or
25 maintained under this section if the taxation district in which the property is located

1 enacts an ordinance under s. 70.47 (7) (c) or if the 1st class city in which the property
2 is located enacts an ordinance under s. 70.47 (16) (c).

3 **SECTION 9.** 74.37 (5) of the statutes is amended to read:

4 74.37 (5) INTEREST. The amount of a claim filed under sub. (2) or an action
5 commenced under sub. (3) may include interest computed from the date of filing the
6 claim against the taxation district, at the rate of 0.8% per month at the average
7 annual discount rate determined by the last auction of 6-month U.S. treasury bills
8 before the objection per day for the period of time between the time when the tax was
9 due and the date that the claim was paid.

10 **SECTION 10. Initial applicability.**

11 (1) This act first applies to the property tax assessments as of January 1, 2008.

12 (END)



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-2714/P6

JK:jld:nwn

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

aled

in / 10-31-07

Today

Regen

- 1 AN ACT *to amend* 70.47 (13), 70.47 (16) (a), 73.03 (2a), 74.37 (4) (c) and 74.37 (5);
2 and *to create* 70.47 (7) (c), 70.47 (8) (j), 70.47 (16) (c) and 74.37 (4) (d) of the
3 statutes; **relating to:** objecting to property tax assessments.

Analysis by the Legislative Reference Bureau

Under current law, if a taxation district assessor assesses any property at a value that is different from the property's value in the previous year, the assessor must notify the property owner of the changed assessment, in writing, at least 15 days before the first meeting of the taxation district board of review (board). Any taxpayer who receives a notice of changed assessment may challenge the assessment by submitting an objection to the board. The board then holds a hearing on the objection and, ultimately, decides whether the assessor's assessment is correct or whether the assessment should be changed based on the taxpayer's objection. If the taxpayer does not agree with the decision of the board, the taxpayer may appeal the decision to the circuit court (court). If the court finds any error in the board's proceedings that renders the assessment or the proceedings void, the court remands the assessment to the board for further proceedings, in accordance with the court's order.

Under this bill, the board must grant a taxpayer a 60-day extension for a hearing of the taxpayer's objection to a changed assessment, if the taxation district has enacted an ordinance authorizing such extensions and if the taxpayer submits a request for the extension along with the objection and payment of a \$100 fee. In addition, if the taxation district has enacted an ordinance authorizing extensions, each taxpayer who submits an objection, regardless of whether the taxpayer has

requested an extension, and the assessor must present to the board all evidence, as specified by the Department of Revenue in its assessment manual, to support their respective positions related to the assessment. At least 10 days before the hearing on the objection, the taxpayer and the assessor must simultaneously exchange all evidence that each one will present at the hearing.

Under the bill, if the taxpayer appeals the board's decision to the court and the court finds an error in the board's proceedings that void the assessment, the court shall remand the assessment to the board to determine the assessment based on the court's order.

Under the bill, if the taxpayer challenges the board's value determination, the court presumes that the board's valuation is correct, except that the presumption may be rebutted by a sufficient showing by the taxpayer that the valuation is incorrect. If the presumption is rebutted, the court determines the assessment based on the record before the board, except that the court may consider evidence that was not available at the time of the hearing before the board or that the board refused to consider. Finally, in the event that an objection to an assessment has not been resolved, the parties may agree that the previous year's assessment will apply to the current year's assessment.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 70.47 (7) (c) of the statutes is created to read:

2 70.47 (7) (c) The board of review shall grant a taxpayer a 60-day extension for
3 a hearing related to the taxpayer's objection submitted under this section, if the
4 taxation district enacts an ordinance authorizing such extensions and if the taxpayer
5 submits with the objection a request to the board for an extension and pays the
6 taxation district a \$100 fee. If a taxation district enacts an ordinance under this
7 paragraph, each taxpayer who submits an objection under this section, regardless
8 of whether the taxpayer requests an extension, and the assessor shall present to the
9 board of review all evidence, as specified in the manual under s. 73.03 (2a) to support
10 their respective positions. If the taxpayer receives an extension under this
11 paragraph, at least 10 days before the scheduled board of review hearing, the
12 taxpayer and the assessor shall simultaneously exchange all reports, documents,

1 and exhibits that the taxpayer and assessor will present at the hearing. At least 60
2 days prior to the first day on which the board of review hears objections, each
3 taxation district that enacts an ordinance under this paragraph shall publish on its
4 Internet site the last day on which a taxpayer may submit an objection under this
5 paragraph. At least 15 days prior to the first day on which the board of review hears
6 objections, each taxation district that enacts an ordinance under this section shall
7 include with the notice under s. 70.365 information to inform the taxpayer of the last
8 day on which a taxpayer may submit an objection under this section.

9 **SECTION 2.** 70.47 (8) (j) of the statutes is created to read:

10 70.47 (8) (j) The board shall allow a reasonable amount of time for a hearing
11 under this paragraph.

12 **SECTION 3.** 70.47 (13) of the statutes is amended to read:

13 70.47 (13) CERTIORARI. Except as provided in s. 70.85, appeal from the
14 determination of the board of review shall be by an action for certiorari commenced
15 within 90 days after the taxpayer receives the notice under sub. (12). The action shall
16 be given preference. If the court on the appeal finds any error in the proceedings of
17 the board which renders the assessment or the proceedings void, it shall remand the
18 assessment to the board for further proceedings in accordance with the court's
19 determination and retain jurisdiction of the matter until the board has determined
20 an assessment in accordance with the court's order. For this purpose, if final
21 adjournment of the board occurs prior to the court's decision on the appeal, the court
22 may order the governing body of the assessing authority to reconvene the board. If
23 the objector challenges the board's value determination, the court shall presume that
24 the board's valuation is correct, except that the presumption may be rebutted by a
25 sufficient showing by the objector that the valuation is incorrect. If the presumption

1 is rebutted, the court shall determine the assessment based on the record before the
2 board of review, except that the court may consider evidence that was not available
3 at the time of the hearing before the board or that the board refused to consider. In
4 the event that an objection to the previous year's assessment has not been resolved,
5 the parties may agree that the assessment for the previous year shall also apply for
6 the current year.

7 **SECTION 4.** 70.47 (16) (a) of the statutes is amended to read:

8 **70.47 (16) (a)** In 1st class cities all objections to the amount or valuation of real
9 or personal property shall be first made in writing and filed with the commissioner
10 of assessments on or before the 3rd Monday in May. No person may, in any action
11 or proceeding, question the amount or valuation of real or personal property in the
12 assessment rolls of the city unless objections have been so filed. The board may not
13 waive the requirement that objections be in writing. Persons who own land and
14 improvements to that land may object to the aggregate valuation of that land and
15 improvements to that land, but no person who owns land and improvements to that
16 land may object only to the valuation of that land or only to the valuation of
17 improvements to that land. If the objections have been investigated by a committee
18 of the board of assessors under s. 70.07 (6), the board of review may adopt the
19 recommendation of the committee unless the objector requests or the board orders
20 a hearing. At least 2 days' notice of the time fixed for the hearing shall be given to
21 the objector or attorney and to the city attorney of the city. The provisions of the
22 statutes relating to boards of review not inconsistent with this subsection apply to
23 proceedings before the boards of review of 1st class cities, except that the board need
24 not adjourn until the assessment roll is completed by the commissioner of
25 assessments, as required in s. 70.07 (6), but may immediately hold hearings on

1 objections filed with the commissioner of assessments, and the changes, corrections
2 and determinations made by the board acting within its powers shall be prima facie
3 correct. Appeal from the determination shall be by an action for certiorari
4 commenced within 90 days after the taxpayer receives the notice under sub. (12).
5 The action shall be given preference. If the court on the appeal finds any error in the
6 proceedings of the board that renders the assessment or the proceedings void, it shall
7 remand the assessment to the board for further proceedings in accordance with the
8 court's determination and retain jurisdiction of the matter until the board has
9 determined an assessment in accordance with the court's order. For this purpose, if
10 final adjournment of the board occurs prior to the court's decision on the appeal, the
11 court may order the governing body of the assessing authority to reconvene the
12 board. If the objector challenges the board's value determination, the court shall
13 presume that the board's valuation is correct, except that the presumption may be
14 rebutted by a sufficient showing by the objector that the valuation is incorrect. If the
15 presumption is rebutted, the court shall determine the assessment based on the
16 record before the board of review, except that the court may consider evidence that
17 was not available at the time of the hearing before the board or that the board refused
18 to consider. In the event that an objection to the previous year's assessment has not
19 been resolved, the parties may agree that the assessment for the previous year shall
20 also apply for the current year.

21 **SECTION 5.** 70.47 (16) (c) of the statutes is created to read:

22 70.47 (16) (c) The board of review shall grant a taxpayer a 60-day extension
23 for a hearing related to the taxpayer's objection submitted under this section, if the
24 1st class city enacts an ordinance authorizing such extensions and if the taxpayer
25 submits with the objection a request to the board for an extension and pays the city

1 a \$100 fee. If a 1st class city enacts an ordinance under this paragraph, each
2 taxpayer who submits an objection under this section, regardless of whether the
3 taxpayer requests an extension, and the assessor shall present to the board of review
4 all evidence, as specified in the manual under s. 73.03 (2a), to support their
5 respective positions. If the taxpayer receives an extension under this paragraph, at
6 least 10 days before the scheduled board of review hearing, the taxpayer and the
7 assessor shall simultaneously exchange all reports, documents, and exhibits that the
8 taxpayer and assessor will present at the hearing. At least 60 days prior to the first
9 day on which the board of review hears objections, each 1st class city that enacts an
10 ordinance under this paragraph shall publish on its Internet site the last day on
11 which a taxpayer may submit an objection under this section. At least 15 days prior
12 to the first day on which the board of review hears objections, each 1st class city that
13 enacts an ordinance under this paragraph shall include with the notice under s.
14 70.365 information to inform the taxpayer of the last day on which a taxpayer may
15 submit an objection under this section.

16 **SECTION 6.** 73.03 (2a) of the statutes is amended to read:

17 **73.03 (2a)** To prepare, have published and distribute to each property tax
18 assessor and to others who so request assessment manuals. The manual shall
19 discuss and illustrate accepted assessment methods, techniques and practices with
20 a view to more nearly uniform and more consistent assessments of property at the
21 local level. The manual shall be amended by the department from time to time to
22 reflect advances in the science of assessment, court decisions concerning assessment
23 practices, costs, and statistical and other information considered valuable to local
24 assessors by the department. The manual shall incorporate standards for the
25 assessment of all types of renewable energy resource systems used in this state as

1 soon as such systems are used in sufficient numbers and sufficient data exists to
2 allow the formulation of valid guidelines. The manual shall incorporate standards,
3 which the department of revenue and the state historical society of Wisconsin shall
4 develop, for the assessment of nonhistoric property in historic districts and for the
5 assessment of historic property, including but not limited to property that is being
6 preserved or restored; property that is subject to a protective easement, covenant or
7 other restriction for historic preservation purposes; property that is listed in the
8 national register of historic places in Wisconsin or in this state's register of historic
9 places and property that is designated as a historic landmark and is subject to
10 restrictions imposed by a municipality or by a landmarks commission. The manual
11 shall incorporate general guidelines about ways to determine whether property is
12 taxable in part under s. 70.1105 and examples of the ways that s. 70.1105 applies in
13 specific situations. The manual shall state that assessors are required to comply with
14 s. 70.32 (1g) and shall suggest procedures for doing so. The manual or a supplement
15 to it shall specify per acre value guidelines for each municipality for various
16 categories of agricultural land based on the income that could be generated from its
17 estimated rental for agricultural use, as defined by rule, and capitalization rates
18 established by rule. The manual shall include guidelines for classifying land as
19 agricultural land, as defined in s. 70.32 (2) (c) 1g., and guidelines for distinguishing
20 between land and improvements to land. The manual shall specify the evidence to
21 be exchanged under s. 70.47 (7) (c) and (16) (c). The cost of the development,
22 preparation, publication and distribution of the manual and of revisions and
23 amendments to it shall be borne by the assessors and requesters at an individual
24 volume cost or a subscription cost as determined by the department. All receipts
25 shall be credited to the appropriation under s. 20.566 (2) (hi). The department may

1 provide free assessment manuals to other state agencies or exchange them at no cost
2 with agencies of other states or of the federal government for similar information or
3 publications.

4 **SECTION 7.** 74.37 (4) (c) of the statutes is amended to read:

5 74.37 (4) (c) No claim or action for an excessive assessment may be brought or
6 maintained under this section if the assessment of the property for the same year is
7 contested under s. 70.47 (7) (c), (13), or (16) (c) or 70.85. No assessment may be
8 contested under s. 70.47 (7) (c), (13), or (16) (c) or 70.85 if a claim is brought and
9 maintained under this section based on the same assessment.

10 **SECTION 8.** 74.37 (4) (d) of the statutes is created to read:

11 74.37 (4) (d) No claim or action for an excessive assessment may be brought or
12 maintained under this section if the taxation district in which the property is located
13 enacts an ordinance under s. 70.47 (7) (c) or if the 1st class city in which the property
14 is located enacts an ordinance under s. 70.47 (16) (c), except that this paragraph does
15 not apply if the taxation district or the 1st class city did not comply with s. 70.365.

16 **SECTION 9.** 74.37 (5) of the statutes is amended to read:

17 74.37 (5) INTEREST. The amount of a claim filed under sub. (2) or an action
18 commenced under sub. (3) may include interest computed from the date of filing the
19 claim against the taxation district, at the rate of 0.8% per month at the average
20 annual discount rate determined by the last auction of 6-month U.S. treasury bills
21 before the objection per day for the period of time between the time when the tax was
22 due and the date that the claim was paid.

23 **SECTION 10. Initial applicability.**

24 (1) This act first applies to the property tax assessments as of January 1, 2008.

25 (END)

Kreye, Joseph

From: Solie, Denise
Sent: Wednesday, October 31, 2007 11:42 AM
To: Kreye, Joseph
Subject: Boards of Review (re: draft 2714/P6)
Importance: High

Joe,

We're ready for a /1. Please make the following changes into the /1.

✓ Page 3, line 6: change "section" to "paragraph".

✓ Page 5, lines 9-12: Delete the sentence beginning "For this purpose..." Its is unnecessary because the City of Milwaukee BOR does not adjourn.

Please call if you have any questions. Thanks, Joe.

denise

Basford, Sarah

From: Gottlieb, Mark
Sent: Monday, November 05, 2007 8:22 AM
To: LRB.Legal
Subject: Draft Review: LRB 07-2714/1 Topic: Property tax assessments before the board of review

Please Jacket LRB 07-2714/1 for the ASSEMBLY.

Thank you.

Barman, Mike

From: Solie, Denise
Sent: Friday, November 09, 2007 1:47 PM
To: LRB.Legal
Subject: Submitted: LRB 07-2714/1 Topic: Property tax assessments before the board of review?
body=

"If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will submit a request to DOA when the draft is introduced. You may obtain a fiscal estimate on the draft prior to introduction by contacting our program assistants at LRB.Legal@legis.wisconsin.gov or at (608) 266-3561."

I don't believe that a fiscal estimate is necessary for LRB 07-2714, but if it is, would you please begin the process of obtaining it. Thank you.

Denise Solie
Rep. Mark Gottlieb
608.267.2370

FE
Not
Needed
(Told Denise)