

### Fiscal Estimate - 2017 Session

Original       Updated       Corrected       Supplemental

LRB Number **17-5256/1**      Introduction Number **SB-723**

**Description**  
Changes to board of review proceedings and elimination of the property tax assessment freeze  
(suggested as remedial legislation by the Department of Revenue)

**Fiscal Effect**

**State:**

No State Fiscal Effect  
 Indeterminate

Increase Existing Appropriations       Increase Existing Revenues       Increase Costs - May be possible to absorb within agency's budget  
 Decrease Existing Appropriations       Decrease Existing Revenues       Yes       No  
 Create New Appropriations       Decrease Costs

**Local:**

No Local Government Costs  
 Indeterminate

1.  Increase Costs      3.  Increase Revenue  
 Permissive  Mandatory       Permissive  Mandatory  
2.  Decrease Costs      4.  Decrease Revenue  
 Permissive  Mandatory       Permissive  Mandatory

5. Types of Local Government Units Affected  
 Towns       Village       Cities  
 Counties       Others  
 School Districts       WTCS Districts

**Fund Sources Affected**      **Affected Ch. 20 Appropriations**

GPR    FED    PRO    PRS    SEG    SEGS

Agency/Prepared By	Authorized Signature	Date
DOR/ Craig Steinfeldt (608) 266-5705	Robert Schmidt (608) 266-5773	1/24/2018

## Fiscal Estimate Narratives

DOR 1/24/2018

LRB Number	17-5256/1	Introduction Number	SB-723	Estimate Type	Original
<b>Description</b> Changes to board of review proceedings and elimination of the property tax assessment freeze (suggested as remedial legislation by the Department of Revenue)					

### Assumptions Used in Arriving at Fiscal Estimate

Section 70.105 stats., provides an assessment freeze on replacement property for property owners who conveyed their property to a public entity under condemnation or the threat of condemnation. Under 70.105, a homeowner forced to sell for a public roadway expansion could have the replacement property assessment frozen at a vacant parcel's value for 5 years—even though an improvement to the parcel existed during the 5-year period. *Gottlieb v. the City of Milwaukee* (1967) ruled the provision violated the state's uniformity clause and therefore unconstitutional.

The bill repeals section 70.105 from the statutes. This provision has no fiscal impact since the Wisconsin Supreme Court ruled the provision unconstitutional in 1967.

The bill also repeals sections of the state statutes regarding board of review proceedings that were determined to be unconstitutional in *Nankin v. Village of Shorewood* (2001) and *Metropolitan Associates v. City of Milwaukee* (2011).

The provisions related to the board of review proceedings have no fiscal effect as they have not been enforced in several years.

### Long-Range Fiscal Implications