

1985 Senate Bill 178

Date of enactment: **October 30, 1985**
Date of publication: **November 7, 1985**

1985 Wisconsin Act 39

AN ACT to repeal 66.46 (7) (a) and 77.28; to renumber and amend 66.46 (6) (a) (intro.) and 66.46 (6) (a) 1 and 2; to amend 62.09 (11) (j), 66.46 (7) (intro.), 66.504 (3), 70.47 (12), 70.665 (1) (intro.), 70.85 (1), 74.03 (8) (f) and (9) (f), 74.031 (11) (f), 77.25 (8), 77.25 (9), 79.04 (1) (c) 3 and 79.10 (1); and to create 66.46 (8) and 77.25 (14) to (16) of the statutes, relating to minimum shared revenue payments for decommissioned utility plants, distributions of property tax collections, real estate transfer fee exemptions, settlement of Wisconsin state property tax relief credits, discontinuing the authorization to counties to make adjustments of real estate transfer fees, revenue bonding for construction and maintenance of joint civic facilities, appeals to the department of revenue of determinations made by a board of review, property tax bills and requiring notice by cities upon termination of a tax incremental district.

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

SECTION 1. 62.09 (11) (j) of the statutes is amended to read:

62.09 (11) (j) The clerk shall notify the ~~clerk~~ treasurer of the county in which the city is located, by March 15, of the proportion of property tax revenue and of the credits under s. 79.10 that is to be disbursed by the county ~~clerk~~ treasurer to each taxing jurisdiction located in the city.

SECTION 2. 66.46 (6) (a) (intro.) of the statutes is renumbered 66.46 (6) (a) and amended to read:

66.46 (6) (a) If the joint review board approves the creation of the tax incremental district under sub. (4m), positive tax increments with respect to a tax incremental district are allocated to the city which created the district for each year commencing after the date when a project plan is adopted under sub. (4) (g). The department of revenue shall not authorize allocation of tax increments until it determines from timely evidence submitted by the city that each of the procedures and documents required under sub. (4) (d) to (f) have been completed and all related notices given in a timely manner. The department of revenue may authorize allocation of tax increments for any tax incremental district only if the city clerk and assessor annually submit to the department all required information on or before the 2nd Monday in June. The

facts supporting any document adopted or action taken to comply with sub. (4) (d) to (f) shall not be subject to review by the department of revenue under this paragraph. Thereafter, the department of revenue shall annually authorize allocation of the tax increments shall be annually allocated increment to the city that created such a district until the earlier of: department of revenue receives a notice under sub. (8) and the notice has taken effect under sub. (8) (b) or 20 years after the tax incremental district is created, whichever is sooner.

SECTION 3. 66.46 (6) (a) 1 and 2 of the statutes are renumbered 66.46 (7) (a) and (am) and amended to read:

66.46 (7) (a) That time, after the completion of all public improvements specified in the plan or amendments thereto, when the city has received aggregate tax increments with respect to such district in an amount equal to the aggregate of all expenditures previously made or monetary obligations previously incurred for project costs for such district; ~~or,~~

(am) Fifteen years after the last expenditure identified in the project plan is made, ~~subject to the limitation that tax increments may not be allocated later than 20 years after the tax incremental district is created.~~

SECTION 4. 66.46 (7) (intro.) of the statutes is amended to read:

66.46 (7) TERMINATION OF TAX INCREMENTAL DISTRICTS. (intro.) The existence of a tax incremental district shall terminate when the earlier of the following occurs:

SECTION 5. 66.46 (7) (a) of the statutes is repealed.

SECTION 6. 66.46 (8) of the statutes is created to read:

66.46 (8) NOTICE OF DISTRICT TERMINATION. (a) A city which creates a tax incremental district under this section shall give the department of revenue written notice within 10 days of the termination of the tax incremental district under sub. (7).

(b) If the department of revenue receives a notice under par. (a) during the period from January 1 to May 15, the effective date of the notice is the date the notice is received. If the notice is received during the period from May 16 to December 31, the effective date of the notice is the first January 1 after the department of revenue receives the notice.

SECTION 7. 66.504 (3) of the statutes is amended to read:

66.504 (3) FINANCING. A municipality may borrow money, appropriate funds and levy taxes needed to carry out the purposes of this section. Funds to be used for the purposes specified in this section may be provided by a municipality by general obligation bonds issued under ch. 67. Funds to be used for the purposes specified in this section may be provided by a county ~~or~~, city, village or town by revenue bonds issued under s. ~~66.51~~ 66.066. Any bonds issued under this section shall be executed on behalf of the municipality by the chief executive officer and clerk thereof.

SECTION 8. 70.47 (12) of the statutes is amended to read:

70.47 (12) NOTICE OF DECISION. Prior to final adjournment, the board of review shall provide the objector, or the appropriate party under sub. (10), ~~written notice by mail, return receipt required,~~ of the amount of the assessment as finalized by the board and an explanation of appeal rights and procedures under sub. (14) and ss. 70.85 and 74.73. Upon mailing the notice under this subsection, the clerk of the board of review shall prepare an affidavit specifying the date when that notice was mailed.

SECTION 8m. 70.665 (1) (intro.) of the statutes, as affected by 1985 Wisconsin Act 12, is amended to read:

70.665 (1) (intro.) The real and personal property tax bills prepared by the clerks of each taxation district shall be mailed to taxpayers or to the designee of each taxpayer with a copy furnished to the taxpayer by the designee, be uniform, with respect to real property include the description of the property, be prescribed by the department and:

SECTION 9. 70.85 (1) of the statutes is amended to read:

70.85 (1) If the department of revenue, on a written complaint filed with the department within 20 days after the ~~adjournment~~ taxpayer's receipt of the determination of the board of review for any taxation district or within 30 days after the date specified on the affidavit under s. 70.47 (12) if there is no return receipt, determines that the assessment of one or more descriptions of property in the taxation district, the fair market value of which does not exceed \$1 million as determined by the department of revenue, is radically out of proportion to the general average of the assessment of all other property in the district and the assessment can be satisfactorily corrected without a reassessment of the entire district, the department of revenue may revalue the property and equalize the assessment without the intervention of a board of review, if the revaluation can be accomplished before November 1 of the year in which the assessment is made or within 60 days of the receipt of the written complaint, whichever is later. The valuation so fixed by the department shall be substituted for the original valuation in the assessment and tax rolls and taxes computed and paid on it accordingly. No assessment may be raised except on the written complaint of 3 or more taxpayers and only if the party to whom the property is assessed has been duly notified of the intention in time to appear and be heard before, or file the party's objections with, the department in relation to it. Appeal from the determination of the department shall be by an action for certiorari in the circuit court of the county in which the property is located, which shall be given preference.

SECTION 10. 74.03 (8) (f) and (9) (f) of the statutes are amended to read:

74.03 (8) (f) Out of the remaining proceeds of the general taxes ~~and special assessments~~ collected for each town, city or village, the county treasurer shall first set aside and pay to the state treasurer the balance due on state trust fund loans. The county treasurer shall then pay to each town, city, village, special purpose district, school district or vocational, technical and adult education district treasurer or to the treasurer of a metropolitan sewerage district created under ss. 66.88 to 66.918 such proportions of the balances due on levies for special purpose district purposes, for school purposes, for vocational, technical and adult education ~~districts~~ district purposes, for metropolitan sewerage district purposes and for town, city or village purposes (~~including special assessments not returned in trust~~) that the balance of the general taxes ~~and special assessments~~ collected in such town, city or village bears to the total balance then due on all general levies ~~and special assessments, except those referred to in pars. (b), (c) and (d).~~ The county treasurer shall retain like proportions of the balances due on county school tax, other county taxes and county special charges. The county treasurer shall remit state taxes and state special charges to the state treasurer as

provided in s. 74.26, and likewise remit the amount retained for county school taxes as provided by law.

(9) (f) The county treasurer shall next pay to the treasurer of each school district and vocational, technical and adult education district the proportion of the balance due on school levies and vocational, technical and adult education district levies that the balance of the general taxes collected since the last settlement in the town, city or village minus amounts due under pars. (a) to (e) has to the total balance then due on all general levies on the property of that town, city or village until each district has received its total levy on that property. The county treasurer shall then pay to the treasurer of each town, city or village or special purpose district the proportion of the balance due on town, city or village or special purpose district taxes and special assessments other than those referred to in par. (h) that the balance of the general taxes collected since the last settlement in the town, city or village minus amounts due under pars. (a) to (e) has to the total balance then due on all general levies on the property of that town, city or village until the town, city, village or special purpose district has received its total levy on that property.

SECTION 11. 74.031 (11) (f) of the statutes is amended to read:

74.031 (11) (f) The county treasurer shall next pay to the treasurer of each school district and vocational, technical and adult education district the proportion of the balance due on school levies and vocational, technical and adult education district levies that the balance of the general taxes collected since the last settlement in the town, city or village minus amounts due under pars. (a) to (e) has to the total balance then due on all general levies on the property of that town, city or village until each district has received its total levy on that property. The county treasurer shall then pay to the treasurer of each town, city or village or special purpose district the proportion of the balance due on city, village or town or special purpose district taxes and special assessments other than those referred to in par. (h) that the balance of the general taxes collected since the last settlement in the town, city or village minus amounts due under pars. (a) to (e) has to the total balance then due on all general levies on the property of that town, city or village until the town, city, village or special purpose district has received its total levy on that property.

SECTION 11m. 77.25 (8) of the statutes is amended to read:

77.25 (8) Between husband and wife or parent and child, stepparent and stepchild, parent and son-in-law or parent and daughter-in-law for nominal or no consideration.

SECTION 12. 77.25 (9) of the statutes is amended to read:

77.25 (9) Between agent and principal or from a trustee and to a beneficiary without actual consideration.

SECTION 13. 77.25 (14) to (16) of the statutes are created to read:

77.25 (14) Under a foreclosure or a deed in lieu of a foreclosure to a person holding a mortgage or to a seller under a land contract.

(15) Between a corporation or partnership and its shareholders or partners if all of the stock is owned by, or all the partners are, spouses or lineal ascendants or descendants of each other, if the transfer is for no consideration except stock of the corporation or an interest in the partnership and if, in the case of transfers from corporations, the corporation owned the property for at least 3 years.

(16) To a trust if a transfer from the grantor to the beneficiary of the trust would be exempt under this section.

SECTION 14. 77.28 of the statutes is repealed.

SECTION 15. 79.04 (1) (c) 3 of the statutes is amended to read:

79.04 (1) (c) 3. If a production plant with a nominal rated capacity of 200 megawatts or more is decommissioned or becomes nonutility property, the \$75,000 minimum guaranteed payment under subd. 1 shall continue but diminish by \$7,500 annually until the payment under this subdivision equals zero. ~~If the property on which is located a decommissioned production plant with a former nominal rated capacity of 200 megawatts or more is returned to the local tax roll, except that the minimum guaranteed payment under this subdivision shall cease in the year following the first year in which the property is taxed becomes taxable by a local taxing jurisdiction the taxation district. In this subdivision, "nonutility property" has the meaning set forth in the uniform system of accounts established by the public service commission.~~

SECTION 16. 79.10 (1) of the statutes is amended to read:

79.10 (1) DISTRIBUTION. On the 4th Monday in July of each year, commencing in 1984, the amount appropriated under s. 20.835 (2) (a) shall be distributed by the department of administration to towns, villages and cities as determined under subs. (2) and (6). The town, village or city treasurer shall settle with the appropriate county treasurer for the amounts distributed under this subsection with the appropriate county treasurer on the next regular settlement date under ss. 74.03 (5) and or with the appropriate treasurers of each taxing jurisdiction on the next regular settlement date under s. 74.031 (8) following the town's, village's or city's receipt of those amounts, but that settlement may not be made later than August 15. Failure to settle timely under this subsection subjects the town, village or city treasurer to the penalties under s. 74.22. On or before August 20, the county treasurer shall use these funds to settle with each taxing jurisdiction, including towns, villages and cities except 1st class cities and except taxing jurisdictions settling under s. 74.031, in the county.

SECTION 17. Terminology changes. (1) REVENUE.
(a) *Property tax credits settlement.* Wherever the term “clerk” or “clerk’s” appears in the following sections of the statutes, the term “treasurer” or “treasurer’s”, respectively, is substituted: 59.203, 60.33 (10m) and 61.25 (10).

SECTION 18. Initial applicability. (1) REVENUE.
(a) *Appeals of board of review determinations.* The

treatment of sections 70.47 (12) and 70.85 (1) of the statutes by this act first applies to determinations of the board of review made on the effective date of this paragraph.

(b) *Real estate transfer fee exemptions.* The treatment of section 77.25 (8), (9) and (14) to (16) of the statutes by this act first applies to transfers recorded on the effective date of this paragraph.
