

1987 Senate Bill 601

Date of enactment: July 21, 1988
Date of publication: August 1, 1988

1987 Wisconsin Act 422

(Vetoed in Part)

AN ACT ~~to amend sections 71.09 (12fd) and 71.65 (1) (L) and (2) (g); and to create sections 20.835 (2) (d) and 71.09 (12fd) of the statutes, relating to a farmers' drought property tax credit and making an appropriation.~~ **Vetoed in Part**

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

SECTION 1. 20.835 (2) (d) of the statutes is created to read:

20.835 (2) (d) *Farmers' drought property tax credit.* A sum sufficient to pay the claims under s. 71.09 (12fd).

SECTION 2. 71.09 (12fd) of the statutes is created to read:

71.09 (12fd) **FARMERS' DROUGHT PROPERTY TAX CREDIT.** (a) *Credit.* Except as provided in par. (b), if the director of the agriculture stabilization and conservation service certifies on or before October 1, 1988, that at least 40% of the crops in this state have been lost, for taxable year 1988 any claimant may credit against taxes otherwise due under this chapter an amount equal to 10% of the property taxes exclusive of special assessments, delinquent interest and charges for service, up to \$10,000, paid on that claimant's farm for the year for which the claim under this subsection is made. In this subsection, "farm~~land~~" means 35 or more acres of real property in this state owned by the claimant or any member of the claimant's household during the income year for which a credit under this subsection is claimed if the farm~~land~~, during that year, produced not less than \$6,000 in gross farm profits resulting from the farm~~land~~'s agricultural use, as defined in s. 91.01 (1), or if the farm~~land~~, during that year and the 2 years immediately preceding that year, produced not less than \$18,000 in such profits. In deciding who is a claimant under this subsection, the department of revenue shall be guided by sub. (11) (a) 1. a to g.

(b) *Limit.* The credit under this subsection plus the credit under sub. (11) may not exceed 95% of the property taxes on the farm.

(c) *Form.* No claim under this subsection may be allowed unless the claimant completes a form prescribed by the department of revenue and submits that

form with the claimant's income or franchise tax return and within 12 months following the close of the income year in which the property taxes accrued.

(d) *Payment.* If the allowable amount of the claim under this subsection exceeds the income or franchise taxes otherwise due on or measured by the claimant's income or if there are no income or franchise taxes due on or measured by the claimant's income, the amount of the claim not used as an offset against those taxes shall be certified by the department of revenue to the department of administration for payment to the claimant by check, share draft or other draft drawn on the general fund. No interest may be allowed on any payment under this subsection.

(e) *Administration.* Subsection (12r) (j), as it applies to the credit under sub. (12r), applies to the credit under this subsection.

~~SECTION 3. 71.09 (12fd) of the statutes, as created by 1987 Wisconsin Act ... (this act) is repealed.~~

SECTION 4. 71.65 (1) (L) and (2) (g) of the statutes are amended to read:

71.65 (1) (L) The total of farmland preservation credit under s. 71.09 (11), homestead credit under s. 71.09 (7), farmers' drought property tax credit under s. 71.09 (12fd), estimated tax payments under s. 71.21 and taxes withheld under s. 71.19.

(2) (g) The total of farmers' drought property tax credit under s. 71.09 (12fd), farmland preservation credit under s. 71.09 (11) and estimated tax payments under s. 71.22.

~~SECTION 5. 71.65 (1) (L) and (2) (g) of the statutes, as affected by 1987 Wisconsin Act ... (this act), are repealed.~~

SECTION 6. *Effective dates.* This act takes effect on the day after publication, except as follows:

(1) The repeal of sections 71.09 (12fd) and 71.65 (1) (L) and (2) (g) of the statutes takes effect on July 1, 1989.

Vetoed in Part

Vetoed in Part

Vetoed in Part

Vetoed in Part

Vetoed in Part

Vetoed in Part