

## Chapter Tax 12

## PROPERTY TAX

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**Tax 12.04 Limitation on property tax levies of towns, villages, cities and counties.** (ss. 60.175, 61.46 (3), 62.12 (4m), 65.07 (2) and 70.62 (4), Stats.) (1) Annually, on or before November 1, the department of revenue will provide each town, village, city and county with a worksheet for determining allowable tax levy which sets forth the prior year's tax levy, prior year adjustments, population adjustment, federal general revenue sharing adjustment and shared tax adjustment. The municipality or county must file a completed copy of said worksheet with the department of revenue on or before December 15 of that year.

(2) Town, village or city tax levies shall consist of the following items from its statement of taxes and indebtedness: special state trust fund loans (C-7), other state special charges (C-8), county special charges (C-9), highway taxes for local purposes (C-10), highway taxes for special benefits and county aid petitions (C-11), all other town, village or city taxes (C-13), overrun (C-14) and underrun (C-15). For the tax levy of 1978, and for subsequent years, the levy for these jurisdictions shall include all the items reportable in Section C of the Statement of Taxes except the following: Metropolitan Sewer District Taxes, Sanitary District Taxes, Public Inland Lake Protection and Rehabilitation District Taxes, and taxes for Tax Incremental Districts.

(3) County levies shall consist of the following items of the county clerk's apportionment sheet: state special charges upon county (B-2), county taxes levied over the entire county (B-3a), county taxes levied against districts for special purposes (B-3b, 3c and 3d). For the tax levy of 1978, and for subsequent years, the levy for counties will include all items on Section B of the County Apportionment Sheet.

(4) The .25 mill amount shall be computed on the state's current equalized value in determining the base for the subsequent year's tax levy. If a municipality's tax levy for the current year as determined in sub. (2) above is less than .25 mill of the state equalized value of the

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municipality, the department of revenue will determine the municipality's tax levy prior to adjustments to be the state's equalized value of the municipality multiplied by .25 mills.

(5) "Surplus funds" are those surplus unallocated funds which are available to be applied along with the anticipated revenues to finance the estimated expenditures of the next year. These funds must be in cash or in so liquid a form as to be the equivalent of cash in order to be classed as such surplus unallocated funds. The surplus funds applied to the budget to reduce the tax levy noted above, in sub. (2) for municipalities and sub. (3) for counties, must either be reflected in the formal budget document prepared in accordance with s. 65.90 (1) of the statutes or reflected on the face of the statement of taxes and indebtedness filed with the department of revenue. Supplemental appropriations made during the course of a municipality's or county's fiscal year are not surplus funds applied within the intent and purpose of this law.

(6) The amount needed for retirement of principal and interest on long-term debt must be levied unless sufficient non-property tax receipts were available in a sinking fund created in accordance with s. 67.11 at the time the levy was established. The moneys in the sinking fund must be specifically earmarked for the repayment of general obligation debt which was due in the subsequent year. Such verification of intended use should include records of the legislative body or other tangible evidence that would demonstrate when and for what purpose the non-property tax receipts were placed in the sinking fund.

(7) In the case of a municipality or county assuming ownership of a service from the private sector, the municipality's or county's levy may be increased by the amount of the unreimbursed expenses budgeted for purchase of the functions and operating cost for the first year. If the purchase was made during the current year and the current year's budget provided a full year's funding, there would be no allowable increase in the next levy. If the purchase was made in the current year and the current year's budget provided funding for part of a year's operation, the next year's levy would be allowed to increase by the amount necessary to cover the increase from a part of a year to a full year of operation. Offsetting aids shall be deducted in arriving at the unreimbursed expenses. Also, if borrowed funds were used for the purchase, they shall be deducted in arriving at the allowable increase.

(8) In the case of a municipality assuming a function formerly performed by the county, the municipality's levy may be increased by the amount of the unreimbursed expenses that will be incurred during the first year for performing those functions. In the case of a county assuming a function formerly performed by a municipality, the county's levy may be increased by the amount of the unreimbursed expenses that will be incurred during the first year for performing those functions. For example, if a county takes over the assessing duties of the municipalities, the county would be allowed the unreimbursed operating expenses for the first year. Offsetting aids shall be deducted in arriving at unreimbursed expenses. Also, if borrowed funds were used for the purchase, they shall be deducted in arriving at the allowable tax levy increase.

(9) In the case of a municipality transferring a function to a county, the municipality must reduce its next tax levy by the estimated amount

of unreimbursed expenses incurred in the current year performing those functions. In the case of a county transferring a function to a municipality, the county must reduce its next tax levy by the estimated amount of unreimbursed expenses incurred in the current year performing those functions.

(10) In the case of court judgments and out-of-court settlements, state/federal pollution abatement orders, repair of natural disasters and manufacturing property tax refunds pursuant to s. 70.995 (8) (a), the adjustment allowed will be the unreimbursed expenses. Offsetting aids, borrowed funds and other direct reimbursements will be deducted to arrive at unreimbursed expenses. The adjustments allowed in the current tax levy for the purposes noted above shall be deducted from the next year's tax levy before determining the allowable adjustments for that year.

(11) In cases where the municipality or county has exceeded the allowable tax levy limit without a referendum, the department may deduct the penalty on a prorated basis over the subsequent 3 years. In order for a municipality or county to be eligible for proration, its penalty must exceed the lesser of \$5,000 or 33% of its estimated shared tax payment for the next calendar year after the violation occurred.

(12) A city or village may claim an increase in its levy limitation for the current year for the increased cost of extending services to areas which are annexed after the city or village has adopted its budget for that year. Adjustments allowable include recurring costs funded by local tax revenue which are necessary to the rendering of services, collection of revenue and maintenance of the municipality. Examples of such costs are: police and fire protection; tax assessment; repair and maintenance of streets, storm sewers and street lighting; and garbage collection. Adjustments are not allowable for nonservice costs such as legal fees associated with the annexation, developing the newly annexed area or financing capital projects therein. The documentation supporting an adjustment must include budget detail or official planning reports that verify the anticipated increase in operating costs associated with extending services. If such documents are unavailable, the cost may be projected by dividing the present year recurring costs funded by local tax revenue which are necessary to the rendering of services, collection of revenue and maintenance of the entire city or village by the equalized value of the city or village and multiplying this figure by the equalized value of the newly annexed area.

**History:** Cr. Register, January, 1977, No. 253, eff. 2-1-77; am. (2) and (3), Register, January, 1979, No. 277, eff. 2-1-79; cr. (12), Register, November, 1980, No. 299, eff. 12-1-80.

**Tax 12.05 Temporary assessor certification.** (ss. 73.09 (1) and (6), Stats.) (1) **APPROVAL.** Temporary assessor certification shall be approved under the following conditions:

(a) The applicant shall not have been temporarily certified previously.

(b) The applicant shall have a job commitment from an elected or appointed assessor, from a firm contracting to make the assessment under ss. 70.05 (2), 70.055, or 70.75, Stats., or a job commitment from the bureau of property tax.

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(c) The certified individual signing the assessment roll for a local tax unit of government or county assessor system under s. 70.99, Stats., or the applicant's immediate supervisor if in the bureau of property tax, shall be responsible to see that the following conditions are met:

1. The effective start and end dates of temporary assessor certification are adhered to.

2. No more than 2 persons employed by private firms may function as temporary assessors in the same municipality.

(2) APPLICATION. Application for temporary assessor certification shall be in writing and notarized on the form prescribed by the department of revenue.

(3) WHEN VALID. Temporary assessor certification shall become effective upon the mailing of a letter of approval by the department of revenue. Temporary certification shall expire after whichever of the following first occurs:

(a) One hundred days have expired since the certification became effective; or

(b) The results of the first assessor certification examination conducted after the temporary assessor certification became effective are issued.

(4) AUTHORIZED DUTIES. A temporary certified individual shall be authorized to perform in accordance with the Wisconsin property assessment manual, and under the direct supervision of the certified individual in sub. (1) (c), the duties defined for the lowest assessment technician level of local assessor certification under sub. (1) (c).

**History:** Emerg. cr. eff. 12-31-80; cr. Register, May, 1981, No. 305, eff. 6-1-81.

**Tax 12.06 Duties of assessors.** The following levels of certification for assessors and assessment personnel are established:

(1) ASSESSMENT PERSONNEL. (a) *Assessment technician*. 1. Assessment technician shall be authorized to perform, in accordance with the Wisconsin Property Assessment Manual, and under the direct supervision of a property appraiser or an assessor, the following duties:

- a. Measuring and listing of land and improvements;
- b. Calculating building cost data from information contained on property record cards;
- c. Posting maps, plats and charts for a property appraiser or assessor;
- d. Collecting data pertaining to construction costs, municipal boundaries and other information for an appraiser or assessor;
- e. Accompanying and assisting an appraiser or assessor in making physical inventories of all types of real and personal property;
- f. Verifying property descriptions on real estate transfer returns by checking records of the county register of deeds;
- g. Classifying of real property according to use.