

CHAPTER 79

STATE REVENUE SHARING

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SUBCHAPTER I

MUNICIPAL AND COUNTY SHARED REVENUE

79.005 Definitions. In this subchapter:

(1) "Municipality" means any town, village or city in this state. If a municipality is located in more than one county, payments under this subchapter shall be computed using data for the municipality as a whole.

(2) "Population" means the number of persons residing in each municipality and county of the state as last determined by the department of administration under s. 16.96.

(3) "Production plant" also includes substations.

History: 1971 c. 125, 215; 1975 c. 39; 1981 c. 20 s. 1169; 1989 a. 336.

79.006 New incorporations. In the case of municipalities formed after 1976, the information needed for the determinations under this chapter shall be calculated as follows: for those years for which the necessary data does not exist, the data for the new municipality and the municipality from which it was formed shall be combined and the sum shall be apportioned to each municipality in proportion to its respective full value in the first year of assessment of the new municipality.

History: 1981 c. 20.

79.01 Accounts established. (1) There is established an account in the general fund entitled the "Tax Rate Disparity Payment Account". There shall be appropriated to that account \$25,000,000 in 1991 and thereafter.

(2) There is established an account in the general fund entitled the "Municipal and County Shared Revenue Account", referred to in this chapter as the "shared revenue account". There shall be appropriated to the shared revenue account the sums specified in ss. 79.03 and 79.04.

History: 1971 c. 125; 1973 c. 90; 1973 c. 243 s. 82; 1973 c. 283, 336; 1975 c. 39; 1977 c. 29, 203; 1979 c. 221; 1989 a. 336.

79.015 Statement of estimated payments. The department of revenue, on or before September 15 of each year, shall provide to each municipality and county a statement of estimated payments to be made in the next calendar year to the municipality or county under ss. 79.03, 79.04, 79.05 and 79.06.

History: 1981 c. 20, 61, 93; 1983 a. 27 ss. 1294, 2202 (45); 1985 a. 29; 1987 a. 27; 1989 a. 336.

79.02 Shared revenue distributions. (1) The department of administration, upon certification by the department of revenue, shall distribute shared revenue payments to each municipality and county on the 4th Monday in July and the 3rd Monday in November.

(2) (a) In this subsection, "estimated payments" means the amounts in the statement provided to the county or municipality under s. 79.015.

(b) Payments in July shall equal 15% of the municipality's or county's estimated payments under ss. 79.03, 79.04 and 79.06 and 100% of the municipality's estimated payments under s. 79.05.

(3) Payments to each municipality and county in November shall equal that municipality's or county's entitlement to shared revenues under ss. 79.03, 79.04 and 79.06 for the current year, minus the amount distributed to the municipality or county in July.

History: 1983 a. 27; 1985 a. 29 ss. 1505p, 1505t, 3202 (46); 1985 a. 120; 1987 a. 27; 1989 a. 336.

79.03 Calculating per capita and aidable revenues entitlements. (1) Each municipality and county is entitled to shared revenue, consisting of an amount determined on the basis of population under sub. (2), plus an amount determined under sub. (3).

(2) (a) Every municipality's portion of the amount distributable under sub. (1) based on population shall equal the final distribution per capita factor times its population.

(b) For purposes of par. (a), "final distribution per capita factor" means the product of the 1982 population of this state times \$30 divided by the state's current year's population.

(3) (a) The amount in the shared revenue account, less the payments under sub. (2) and s. 79.04, shall be allocated to each municipality and county in proportion to its entitlement. In this paragraph, "entitlement" means the product of aidable revenues and tax base weight.

(b) In this subsection:

1. "Aidable revenues" means:

- a. For a municipality, the average local purpose revenues.
- b. For a county, 85% of the average local purpose revenue.

2. "Average local purpose revenues" means the sum of the 3 prior years local purpose revenues divided by 3.

3. "Full valuation" means the full value of all taxable property for the preceding year as equalized for state tax purposes, except that for municipalities the value of real estate assessed under s. 70.995 is excluded. Value increments under s. 66.46 are included for municipalities but excluded for counties. If property that had been assessed under s. 70.995 and that has a value exceeding 10% of a municipality's value is assessed under s. 70.10, 30% of that property's full value is included in "full valuation" for purposes of the shared revenue payments in the year after the assessment under s. 70.10, 65% of that property's full value is included in "full valuation" for purposes of the shared revenue payments in the year 2 years after the assessment under s. 70.10 and 100%

of that property's full value is included in "full valuation" for purposes of subsequent shared revenue payments.

NOTE: Subd. 3 is repealed and recreated by 1989 Wis. Act 336, eff. 1-1-92, to read:

"3. 'Full valuation' means the full value of all taxable property for the preceding year as equalized for state tax purposes, including the estimated value, as defined in s. 70.114 (1) (b), of lands for which payments are made under s. 70.114, except that for municipalities the value of real estate assessed under s. 70.995 is excluded. Value increments under s. 66.46 are included for municipalities but excluded for counties. If property that had been assessed under s. 70.995 and that has a value exceeding 10% of a municipality's value is assessed under s. 70.10, 30% of that property's full value is included in "full valuation" for purposes of the shared revenue payments in the year after the assessment under s. 70.10, 65% of that property's full value is included in "full valuation" for purposes of the shared revenue payments in the year 2 years after the assessment under s. 70.10 and 100% of that property's full value is included in 'full valuation' for purposes of subsequent shared revenue payments."

4. "Local purpose revenues" means the sum of local general purpose taxes, regulation revenues, revenues for services to private parties by a county's or municipality's general operations or enterprises, revenue for sanitation services to private parties, special assessment revenues, tax base equalization aids and, for municipalities only, a proxy for private sewer service costs and a proxy for retail charges for fire protection purposes. In this subdivision:

a. "Local general purpose taxes" means the portion of tax increments collected for payment to a municipality under s. 66.46 which is attributable to that municipality's own levy, general property taxes, excluding taxes for a county handicapped children's education board, collected to finance the general purpose government unit, property taxes collected for sewage and sanitary districts, mobile home fees, the proceeds of county sales and use taxes and municipal and county vehicle registration fees under s. 341.35 (1).

b. "Proxy for private sewer service costs" means the greater of zero or the amount computed by multiplying \$25 times the municipality's population in the 2nd year preceding the distribution and then subtracting from that product the greater of 1) the sum of municipal general operation and capital project sewer service expenditures including storm sewer expenditures, through general operations, special assessment funds or enterprises, the municipality's share, based on its proportion of the full value of taxable property in the county, of county taxes levied for a sanitary or sewage district if the municipality is served by the sewer services financed by the county levies, tax levies of sewage and sanitation districts; sewer service charges directly paid to a neighboring municipality or fiscally independent sewer utility, or 2) the sum of sewer service charges, municipal general operation and capital project storm sewer expenditures through general operations, special assessment funds or enterprises, the municipality's share, based on its proportion of the full value of taxable property in the county, of county taxes levied for a sanitary or sewage district if the municipality is served by the sewer services financed by the county levies, tax levies of sewage and sanitation districts.

bm. "Proxy for retail charges for fire protection purposes", for any year used to calculate average local purpose revenues, equals the number of months in that year for which a municipality did not pay retail charges associated with water for public fire protection purposes to a public utility under s. 196.03 (3) (b), multiplied by one-twelfth of the total retail charges associated with water for public fire protection purposes, but not included in general service charges, that the municipality paid to a public utility during the most recent 12-month period in which all retail charges associated with public fire protection purposes were paid by the municipality.

c. "Regulation revenues" means revenues from construction and building permits and zoning fees.

d. "Revenue for sanitation services to private parties" means revenues collected from private parties by a county's or municipality's general operations or enterprises and by sewerage, sanitation or inland lake rehabilitation districts as refuse collection fees, sewerage service fees and landfill fees.

e. "Revenues for services to private parties by a county's or municipality's general operations or enterprises" means revenues collected from private parties for the following services: general government services consisting of license publication fees, sale of publications, clerk's fees and treasurer's fees; public safety services, consisting of police or sheriff's department fees, fire department fees and ambulance fees; inspection services, consisting of building, electrical, heat, plumbing, elevator and weights and measures; sidewalk replacement or construction fees, storm sewer construction fees, street lighting fees; parking ramps, meters and lot fees, except that fees collected from a parking ramp or lot funded under s. 23.09 (25) (e), 1987 stats., are excluded until the county or municipality has foregone total payments under this section and s. 79.06 in an amount equal to the funds received under s. 23.09 (25) (e), 1987 stats., for the parking ramp or lot; library fines or fees; and museum and zoo users or admission fees.

f. "Special assessment revenues" means charges assessed against benefited properties for capital improvements by a municipality or county placed on the current tax roll for collection or collected during the year in advance of being placed on the tax roll.

g. "Tax base equalization aids" means payments received under par. (a) and s. 70.996 (1m) (c), 1977 stats. and 1979 stats., s. 79.03 (3), 1977 stats. and 1979 stats., and s. 79.16 (3), 1977 stats. and 1979 stats. For the calculation of 1982 local purpose revenues, "tax base equalization aids" means payments that would have been received under par. (a) if \$471,395,500 had been distributed under par. (a) plus payments received under s. 70.996 (1m) (c), 1977 stats. and 1979 stats., s. 79.03 (3), 1977 stats. and 1979 stats., and s. 79.16 (3), 1977 stats. and 1979 stats. For the calculation of local purpose revenues for 1983 and thereafter, "tax base equalization aids" means entitlements received under par. (a).

h. Taxes and revenues of sewerage, sanitation and inland lake rehabilitation districts that are local purpose revenues shall be allocated to municipalities in proportion to the amount of revenue that is derived from within the municipality.

5. "Standardized valuation" means the product of the standardized valuation per person times the population of a municipality or a county in the preceding year.

6. "Standardized valuation per person" is that number that when used in the computation under par. (a) most nearly approximates the sum of entitlements for all municipalities and all counties to the funds distributable under par. (a).

7. "Sum of local purpose revenues" means the sum of local purpose revenues for the 3 fiscal years ending 2 years prior to the year of distribution. For the purpose of this subdivision, local purpose revenues for any fiscal year before 1988 shall be defined according to subd. 4, 1985 stats.

8. "Tax base weight" means one minus the decimal obtained by dividing the full valuation by the standardized valuation, except that "tax base weight" shall be a decimal of at least 0.0.

(4) In 1989, the total amount to be distributed under this subchapter from s. 20.835 (1) (d) is \$807,360,000. In 1990, the total amount to be distributed under this subchapter from s. 20.835 (1) (d) is \$835,580,000. In 1991 and thereafter, the

total amount to be distributed under ss. 79.03, 79.04 and 79.06 from s. 20.835 (1) (d) is \$869,000,000.

History: 1971 c. 125, 215; 1973 c. 90; 1975 c. 39; 1977 c. 29, 203, 418; 1979 c. 1; 1979 c. 34 ss. 903s to 905m, 2102 (46) (d); 1979 c. 221; 1981 c. 20, 93, 314, 317; 1983 a. 27, 189; 1985 a. 29, 120; 1987 a. 27, 399; 1989 a. 31, 56, 336
See note to 16.50, citing *Milwaukee v. Lindner*, 98 W (2d) 624, 297 NW (2d) 828 (1980).

79.04 Public utility distribution. (1) Annually the department of administration, upon certification by the department of revenue, shall distribute to a municipality having within its boundaries a production plant or a general structure, including production plants and general structures under construction, used by a light, heat or power company assessed under s. 76.28 (2) except those described in s. 66.069 (2) or by an electric cooperative assessed under ss. 76.07 and 76.48, respectively, the amount determined as follows, except that no distribution shall be made for a production plant if the municipality received a distribution under sub. (3), pertaining to the same production plant:

(a) An amount from the shared revenue account determined by multiplying by 3 mills in the case of a town, and 6 mills in the case of a city or village, the first \$125,000,000 of the amount shown in the account, plus leased property, of each public utility on December 31 of the preceding year for either "production plant, exclusive of land" and "general structures", or "work in progress" for production plants and general structures under construction, in the case of light, heat and power companies or electric cooperatives, for all property within a municipality in accordance with the system of accounts established by the public service commission or rural electrification administration, less depreciation thereon as determined by the department of revenue and less the value of treatment plant and pollution abatement equipment, as defined under s. 70.11 (21) (a), as determined by the department of revenue. The total of amounts, as depreciated, from the accounts of all public utilities for the same production plant is also limited to not more than \$125,000,000. The amount distributable to a municipality in any year shall not exceed \$300 times the population of the municipality.

(b) 1. Beginning with the distribution under this subsection in 1991, the amount determined under par. (a) to value property used by a light, heat or power company in a municipality may not be less than the amount determined to value the property for the distribution to the municipality under this subsection in 1990, subject to subds. 2 and 3.

2. When a light, heat or power company no longer uses property described under par. (a) as production plant or general structure in a municipality, the amount established under subd. 1 shall be reduced by the proportion that the property that is no longer used bears to the total value of all property described in par. (a) in the municipality. The proportion shall be determined according to the proportional value of the property when the light, heat or power company stops using the property.

3. The amount of a distribution under this paragraph, as affected by subd. 1, may not exceed the per capita amount established under par. (a).

(c) 1. The payment for any municipality in which a production plant is located, which the public service commission certifies to the department of revenue will produce a nominal rated capacity of 200 megawatts or more, shall be no less than \$75,000 annually, except that the amount distributable to a municipality in any year shall not exceed the per capita limit specified in par. (a). Payments under this paragraph may be extended to decommissioned production plants as provided in subd. 3.

2. If a production plant is located in more than one municipality, the total payment under subd. 1 shall be

apportioned according to the amounts shown on the preceding December 31 for the production plant in the account described in par. (a) for "production plant exclusive of land" within each municipality. The payment to each municipality under this subdivision shall be no less than \$15,000 annually.

3. If a production plant with a nominal rated capacity of 200 megawatts or more is decommissioned or becomes non-utility property, the \$75,000 minimum guaranteed payment under subd. 1 shall continue but diminish by \$7,500 annually, except that the minimum guaranteed payment under this subdivision shall cease in the year following the first year in which the property becomes taxable by 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.

(2) (a) Annually, the department of administration, upon certification by the department of revenue shall distribute from the shared revenue account to any county having within its boundaries a production plant or a general structure, including production plants and general structures under construction, used by a light, heat or power company assessed under s. 76.28 (2) except those described in s. 66.069 (2) or by an electric cooperative assessed under ss. 76.07 and 76.48, respectively, an amount determined by multiplying by 6 mills the first \$100,000,000 of the amount shown in the account, plus leased property, of each public utility on December 31 of the preceding year for either "production plant, exclusive of land" and "general structures", or "work in progress" for production plants and general structures under construction, in the case of light, heat and power companies or electric cooperatives, for all property within a town in accordance with the system of accounts established by the public service commission or rural electrification administration, less depreciation thereon as determined by the department of revenue and less the value of treatment plant and pollution abatement equipment, as defined under s. 70.11 (21) (a), as determined by the department of revenue and by multiplying by 3 mills the first \$100,000,000 of the amount as defined in this subsection for all property within a city or village. Amounts from the accounts, plus leased property, for production plants for which sub. (3) distributions pertain, shall be excluded in computing the distribution under this subsection. The total of amounts, as depreciated, from the accounts of all public utilities for the same production plant is also limited to not more than \$100,000,000. The amount distributable to a county in any year shall not exceed \$100 times the population of the county.

(am) 1. Beginning with the distribution under this subsection in 1991, the amount determined under par. (a) to value property used by a light, heat or power company in a county may not be less than the amount determined to value the property for the distribution to the county under this subsection in 1990, subject to subds. 2 and 3.

2. When a light, heat or power company no longer uses property described under par. (a) as production plant or general structure in a county, the amount established under subd. 1 shall be reduced by the proportion that the property that is no longer used bears to the total value of all property described in par. (a) in the county. The proportion shall be determined according to the proportional value of the property when the light, heat or power company stops using the property.

3. The amount of a distribution under this paragraph, as affected by subd. 1, may not exceed the per capita amount established under par. (a).

(b) The payment under par. (a) for any county in which a production plant is located, which the public service commis-

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89-90 Wis. Stats. 1852

sion certifies to the department of revenue will produce a nominal rated capacity of 200 megawatts or more, shall be not less than \$75,000 annually, except that the amount distributable to a county in any year shall not exceed the per capita limit specified in par. (a).

(3) During each of the first 4 years after commencement of construction of a production plant described in sub. (1), which the public service commission certifies to the department of revenue will produce a nominal rated capacity of 250 megawatts or more, the counties in which the plant is located shall receive from the shared revenue account a payment of \$100,000 and the municipalities in which the plant is located shall receive from the shared revenue account a payment of \$100,000 and for purposes of these payments the limitations of \$100 multiplied by the population of the county and \$300 multiplied by the population of the municipality shall not apply. When a production plant is located in more than one county or municipality, the payment shall be proportioned according to the amounts shown on the preceding December 31 for the production plant in the account described in sub. (1) for "production plant exclusive of land" within each county or municipality, except that each county and municipality shall receive a minimum payment of \$20,000 and the remainder of the \$100,000 payment shall be proportioned according to the remaining utility plant value in other counties or municipalities.

History: 1971 c. 125, 215; 1973 c. 90 ss. 387, 391g; 1973 c. 243 s. 82; 1975 c. 39, 224; 1977 c. 29, 418; 1979 c. 34; 1983 a. 27; 1985 a. 29, 39; 1987 a. 27; 1989 a. 31.

79.05 Tax rate disparity payment. (1) In this section:

(a) "Full value" means the value determined under s. 70.57 including the value of tax increments under s. 66.46.

(b) "Municipal budget" means the municipal operating budget.

(c) "Property tax levy rate" means the amount determined as follows:

1. Subtract the tax increment under s. 66.46 from the total property tax levy.

2. Subtract the tax incremental value under s. 66.46 from the full value.

3. Divide the amount under subd. 1 by the amount under subd. 2.

(2) A municipality is eligible for a payment under sub. (3) if it fulfills all of the following requirements:

(a) Its property tax levy rate established during the year before the statement under s. 79.015 is greater than the average for all municipalities.

(b) The amount obtained by dividing the full value of its property for the year before the statement under s. 79.015 by its population for the year before the statement under s. 79.015 is less than 120% of the average for all municipalities.

(c) Its municipal budget, exclusive of principal and interest on long-term debt, for the year of the statement under s. 79.015 increased over its municipal budget, exclusive of principal and interest on long-term debt, for the year before that year by less than the percentage change between the U.S. consumer price index for all urban consumers, U.S. city average, as determined by the U.S. department of labor, for December of the year before the statement under s. 79.015 and that index for December of the previous year plus the following percentages:

1. 3%.

2. For payments in 1994 and thereafter, 0%.

(3) Each municipality that qualifies under sub. (2) shall receive a payment calculated as follows:

(a) Subtract the statewide average property tax levy rate from the municipality's property tax levy rate.

(b) Multiply the amount under par. (a) by the municipality's full value.

(c) Divide the amount under par. (b) by the total of the amounts under par. (b) for all municipalities that qualify.

(d) Multiply the amount under par. (c) by the amount for the year under s. 79.01 (1).

History: 1989 a. 336.

79.06 Minimum and maximum payments. (1) MINIMUM PAYMENTS. (b) If the payments to any municipality or county under s. 79.03 in 1986 or any year thereafter are less than 95% of the combined payments to the municipality or county under this section and s. 79.03 for the previous year, the municipality or county has an aids deficiency. The amount of the aids deficiency is the amount by which 95% of the combined payments to the municipality or county under this section and s. 79.03 in the previous year exceeds the payments to the municipality or county under s. 79.03 in the current year.

(c) In 1982 and thereafter, a municipality or county that has an aids deficiency shall receive a payment from the amounts withheld under sub. (2) equal to its proportion of all the aids deficiencies of municipalities and counties for that year.

(2) MAXIMUM PAYMENTS. (b) If the payments to a municipality or county in 1985 or any year thereafter exceed its combined payments under this section and s. 79.03 in the previous year by more than the maximum allowable increase, the excess shall be withheld to fund minimum payments in that year under sub. (1) (c).

(c) In this subsection, "maximum allowable increase" in any year means a percentage such that the sum for all municipalities and counties in that year of the excess of payments under ss. 79.02 and 79.03 over the payments as limited by the maximum allowable increase is equal to the sum of the aids deficiencies under sub. (1) in that year.

History: 1971 c. 125, 215; 1973 c. 90; 1975 c. 39; 1977 c. 29; 1979 c. 34, 221; 1981 c. 20, 93; 1983 a. 27; 1985 a. 29.

79.08 Corrections. If the department of administration or the department of revenue determines by August 15 of the year following any distribution under this subchapter that there was an overpayment or underpayment made in any certification by the department of revenue or resulting from populations changed as a result of a final court determination or a census determination under s. 16.96 (2) (dm) or (e) or in the distribution by the department of administration, the overpayment or underpayment shall be corrected as provided in this section. No corrections to the elements of any distribution may be made after August 15 of the year following the distribution. Any overpayment shall be corrected by reducing the subsequent year's distribution under the appropriate section of this subchapter. If the payment under s. 79.05 in the subsequent year is not sufficient to recoup the overpayment, the balance is a special charge against the municipality. Any underpayment shall be corrected by increasing the subsequent year's distribution under the appropriate section of this subchapter. Corrections shall be made in the distributions to all municipalities and counties affected by the error. Corrections shall be without interest. When the sum of all underpayments and overpayments results in a net underpayment, the net underpayment shall be paid from the appropriation under s. 20.835 (1) (e). When the sum of all underpayments and overpayments results in a net overpayment, the net overpayment shall be returned to the general fund.

History: 1973 c. 158, 333; 1977 c. 29; 1979 c. 34; 1981 c. 20; 1983 a. 27; 1985 a. 29; 1987 a. 27; 1989 a. 31, 336.

79.09 Administration. Counties and municipalities shall submit the information required under this subchapter by the department of revenue on forms prescribed by the department. Annually, each county and municipality may contract with a certified public accountant licensed under ch. 442 to compile and submit to the department the information required.

History: 1975 c. 39; 1985 a. 29

SUBCHAPTER II

PROPERTY TAX CREDITS

79.10 Wisconsin state property tax relief. (1) DEFINITIONS. In this section:

(a) "Average general government levies" means the average of the general government levies for the 3 years preceding the assessment year to which the tax credit is to apply.

(b) "Average school tax levies" means the average of the school tax levies for the 3 years preceding the assessment year to which the tax credit is to apply.

(c) "General government levies" means the total of all general property taxes levied in a municipality, including value increments under s. 66.46 but excluding school tax levies, net of municipal surplus funds applied against those levies.

(d) "Municipality" means any town, village or city in this state. Where a municipality is located in more than one county the portion thereof in each county shall be considered a separate municipality.

(dm) "Proportion annexed" means the amount determined by dividing the equalized value of the property annexed by a municipality by the equalized value of all property in the municipality from which the property was annexed, both values as determined under s. 70.57 in the year in which the annexation took place.

(e) "School tax levies" means property taxes levied in a municipality for elementary and secondary school districts and for handicapped children's education programs under s. 115.86, net of municipal surplus funds applied against those levies.

(2) NOTICE TO MUNICIPALITIES. On or before December 1 of the year preceding the distribution under sub. (7m), the department of revenue shall notify the clerk of each town, village and city of the amount to be distributed to it under sub. (7m) on the following 4th Monday in July. The anticipated receipt of such distribution shall not be taken into consideration in determining the tax rate of the municipality but shall be applied as tax credits.

(4) SCHOOL LEVY TAX CREDIT. The amount appropriated under s. 20.835 (3) (b) shall be distributed to municipalities in proportion to their share of the sum of average school tax levies for all municipalities, as adjusted under sub. (7).

(5) GENERAL GOVERNMENT TAX CREDIT. The amount appropriated under s. 20.835 (3) (a) shall be distributed to municipalities in proportion to their share of the sum of average general government levies for all municipalities, as adjusted under sub. (7).

(6) TOTAL DISTRIBUTION. In 1987 and thereafter, the total amount distributed under subs. (4) and (5) from the appropriations under s. 20.835 (3) (a) and (b) is \$319,305,000. On or before November 15 of each year, the department of revenue shall determine the amounts to be distributed in the following year under subs. (4) and (5). Those amounts shall be proportionate to the sum of average school tax levies and the sum of average general government levies.

(6m) CORRECTIONS OF STATE PROPERTY TAX CREDIT PAYMENTS. If the department of administration or the department of revenue determines by October 1 of the year of any distribution under subs. (4) and (5) and s. 79.105 that there was an overpayment or underpayment made in that year's distribution by the department of administration to municipalities, as determined under subs. (4) and (5) and s. 79.105, the overpayment or underpayment shall be corrected as provided in this subsection. Any corrections to the elements of any distribution shall be made by October 1 of the year of the distribution. Any overpayment shall be corrected by reducing the subsequent year's distribution, as determined under subs. (4) and (5) and s. 79.105, by an amount equal to the amount of the overpayment. Any underpayment shall be corrected by increasing the subsequent year's distribution, as determined under subs. (4) and (5) and s. 79.105, by an amount equal to the amount of the underpayment. Corrections shall be made in the distributions to all municipalities affected by the error. Corrections shall be without interest. When the sum of all underpayments and overpayments results in a net underpayment, the net underpayment shall be paid from the appropriation under s. 20.835 (3) (d). When the sum of all underpayments and overpayments results in a net overpayment, the net overpayment shall be returned to the general fund.

(7) ANNEXATION ADJUSTMENT. If, during any of the 3 years preceding the assessment year to which the tax credit is to apply, a municipality has annexed property which, in total, has an equalized value of more than 5% of the equalized value of the annexing municipality prior to the annexation, both values as determined under s. 70.57 in the year in which the annexation took place, the municipality's share under subs. (4) and (5) of statewide average general government levies and average school tax levies shall be adjusted in the following manner. When computing the municipality's share of statewide general government levies for the year in which the annexation took place and any preceding years included in the 3-year average, the share of statewide general government levies for the municipality annexing property will include the sum of the amounts determined by multiplying the proportion annexed by the general government levies of each municipality from which property was annexed. The share of statewide general government levies for each municipality from which property was annexed will exclude an amount equal to the amount included in the annexing municipality's general government levies under this subsection because of the annexation. When computing the municipality's share of statewide school tax levies for the year in which the annexation took place and any preceding years included in the 3-year average, the share of statewide school tax levies for the municipality annexing property will include the sum of the amounts determined by multiplying the proportion annexed by the school tax levies of each municipality from which property was annexed. The share of statewide school tax levies for each municipality from which property was annexed will exclude an amount equal to the amount included in the annexing municipality's school tax levies under this subsection because of the annexation.

(7m) DISTRIBUTION TO MUNICIPALITIES. On the 4th Monday in July, commencing in 1987, the amount appropriated under s. 20.835 (3) (a) and (b) shall be distributed by the department of administration to towns, villages and cities as determined under subs. (4) and (5) and s. 79.105. The town, village or city treasurer shall settle for the amounts distributed under subs. (4) and (5) and s. 79.105 with the appropriate county treasurer not later than August 15. Failure to settle timely under this section subjects the town, village or city treasurer to the

penalties under s. 74.31. On or before August 20, the county treasurer shall use the amounts distributed under subs. (4) and (5) and s. 79.105 to settle with each taxing jurisdiction, including towns, villages and cities except 1st class cities, in the county.

(8) **DELAYED PAYMENTS.** If a municipality receives a payment under this section that, under s. 16.53, is made after the date specified in this section, that municipality shall as soon as possible distribute to each taxing district for which the municipality collects taxes that district's share of the payment and of the interest in respect to that payment.

(9) **CREDIT AGAINST TAX LIABILITY.** (b) Every property taxpayer of the municipality having assessed property shall receive a tax credit in an amount determined by applying the percentage of the amount of the value of property assessed to the taxpayer to the amount of the distribution to be made to the municipality under sub. (7m), as stated in the December 1 notification from the department of revenue, except that no taxpayer may receive a credit larger than the total amount of property taxes to be paid on each parcel for which tax is levied for that year by that taxpayer.

(c) The amount of the state property tax credits of particular property taxpayers, as determined under par. (b), shall be set forth in the manner provided in s. 74.09 on the tax bills of those taxpayers issued immediately following the December 1 notification referred to in this subsection and shall reduce the property taxes otherwise payable.

History: 1971 c. 125 ss. 412, 521; Stats 1971 s. 79.10; 1973 c. 90; 1975 c. 39, 199; 1977 c. 29, 418; 1979 c. 110 s. 60 (11); 1981 c. 20 ss. 1174 to 1182n, 2202 (45) (b); 1981 c. 93, 314, 317; 1983 a. 2 ss. 6 to 10, 12; 1983 a. 3, 27; 1983 a. 189 s. 329 (17m); 1983 a. 395; 1985 a. 4, 29, 39, 120; 1987 a. 27, 378.

79.105 Minimum and maximum payments. (1) MINIMUM PAYMENTS. (a) 1. If the combined payments to any municipality under s. 79.10 (4) and (5) in 1986 are less than 90% of the sum of payments to the municipality in 1985 under this section and s. 79.10, after all adjustments under sub. (4), the municipality has a credits deficiency for 1986. The amount of the credits deficiency is the amount by which 90% of the sum of payments to the municipality in 1985 under this section and s. 79.10, after all adjustments under sub. (4), exceeds the combined payments to the municipality under s. 79.10 (4) and (5) in 1986.

2. If the combined payments to any municipality under s. 79.10 (4) and (5) in 1987 or any year thereafter are less than 90% of the combined payments to the municipality under this section and s. 79.10 (4) and (5) in the previous year, after all adjustments under sub. (4), the municipality has a credits deficiency for that year. The amount of the credits deficiency is the amount by which 90% of the combined payments to the municipality in the previous year under this section and s. 79.10 (4) and (5), after all adjustments under sub. (4), exceed the combined payments to the municipality under s. 79.10 (4) and (5) in the current year.

(b) A municipality that has a credits deficiency shall receive a payment from the amounts withheld under sub. (2) equal to its deficiency.

(2) **MAXIMUM PAYMENTS.** (a) 1. If the combined payments to a municipality in 1986 under s. 79.10 (4) and (5) exceed the sum of its combined payments in 1985 under this section and s. 79.10, after all adjustments under sub. (4), multiplied by the maximum payment percentage for 1986, the excess shall be withheld to fund minimum payments under sub. (1) (b).

2. Beginning in 1987, if the combined payments to a municipality in the current year under s. 79.10 (4) and (5) exceed the sum of its combined payments in the previous year under this section and s. 79.10 (4) and (5), after all adjustments under sub. (4), multiplied by the maximum payment

percentage for the current year, the excess shall be withheld to fund minimum payments under sub. (1) (b).

(b) In this subsection, "maximum payment percentage" means that percentage such that the sum for the current year of the excess payments under par. (a) for all municipalities is equal to the sum for the current year of the credits deficiencies under sub. (1).

(3) **ADJUSTMENTS.** Notwithstanding sub. (1) (b), if payments under sub. (1) and s. 79.10 (4) and (5), after all adjustments under sub. (4), exceed the municipality's average property tax levies, then that municipality's payments for the current year under sub. (1) and s. 79.10 (4) and (5), after all adjustments under sub. (4), shall be reduced by the amount that payments under sub. (1) and s. 79.10 (4) and (5), after all adjustments under sub. (4), exceed average property tax levies. These reductions shall be distributed among only those municipalities whose average property tax levies exceed their payments under sub. (1) and s. 79.10 (4) and (5), after all adjustments under sub. (4), and shall be distributed proportionately according to each municipality's share of payments under s. 79.10 (5). In this subsection, "average property tax levies" means the sum of the average school tax levies and average general government levies as defined in s. 79.10 (1).

(4) **ADJUSTMENTS DUE TO ANNEXATIONS.** If, in the calendar year previous to the assessment year to which the tax credit determined under this subchapter is to apply, a municipality has annexed property that, in total, has an equalized value of more than 5% of the equalized value of the annexing municipality prior to the annexation, as determined under s. 70.57 in the year in which the annexation took place, the amount of the previous year's payment used to calculate the minimum and maximum payments under subs. (1) and (2) shall be increased by the sum of the amounts determined by multiplying the proportion annexed, as defined in s. 79.10 (1) (dm), by the combined payments to each municipality from which the property was annexed under s. 79.10 (4) and (5) and this subsection in that previous year.

History: 1981 c. 93 ss. 154, 155; 1983 a. 27; 1985 a. 4, 29.

79.11 Payment of tax credits. (1) The extension of the tax credits authorized by s. 79.10 on the tax roll shall be deemed payment of that portion of the total tax due on property to which such credits are applicable.

(2) The payment of the difference between the total tax which is due on any property less the amount of the tax credits applicable to such property authorized by this subchapter shall be considered payment in full of the property taxes due thereon in that year.

(3) In those cities, villages and towns where the payment of property taxes is authorized to be made in instalments, such instalment payments shall be based on the net amount of taxes due after the tax credits authorized by this subchapter have been applied.

History: 1971 c. 125 s. 411; Stats 1971 s. 79.11

79.175 Property tax credit corrections. (2) When a taxpayer has received an excess credit under s. 79.10 or under s. 79.17, 1979 stats., or both, the taxation district shall collect the excess from the taxpayer who received it. The excess shall be a direct claim by the taxation district and if not paid on demand may be collected in an action for debt by the taxation district or it may deduct such excess from the credits to which such taxpayer would otherwise be entitled in the next tax roll. The clerk shall add such excess to the tax credit certified by the department on the next December 1 and distribute the total according to s. 79.10 (9) (b) if the excess occurred under

s. 79.10, or according to s. 79.17 (3) (b), 1979 stats., if excess occurred under s. 79.17, 1979 stats.

History: 1975 c. 39; 1981 c. 20, 314; 1985 a. 29 s. 3202 (56) (b), (f).

79.18 Underpayment of credits. If the credit under s. 79.10 or under s. 79.17, 1979 stats., was understated the treasurer shall pay the taxpayer the amount of the understatement if the tax has been paid in full. If the tax has not been paid in full the clerk shall issue an order check to the treasurer then in possession of the tax roll who shall apply such amount as

payment on the taxes due. The next December 1 certification under s. 79.10 (2) or under s. 79.17 (3), 1979 stats., shall be reduced by the clerk for such payments or credits and the balance then remaining shall be distributed in accordance with s. 79.10 (9) (b) if the underpayment occurred under s. 79.10 or under s. 79.17 (3) (b), 1979 stats., if the underpayment occurred under s. 79.17, 1979 stats.

History: 1975 c. 39; 1981 c. 20; 1985 a. 29 s. 3202 (56) (b), (f); 1987 a. 27.