

CHAPTER 79

STATE TAX SHARING

SUBCHAPTER I

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SUBCHAPTER I
MUNICIPAL AND COUNTY SHARED
TAX ACCOUNT

79.01 Account established. There is established an account in the general fund entitled the "Municipal and County Shared Tax Account", referred to in this chapter as the "shared tax account". There shall be recorded in such account all taxes and fees apportioned or appropriated thereto under ss. 20.395 (2) (wd), 71.14 (8), 71.18 (3), 76.24 (3), 76.38 (7), 76.48 (4), 86.35 and 139.13. Except for recording such amounts in the shared tax account, they shall be treated as all other money in the general fund until distributed pursuant to this chapter.

History: 1971 c. 125.

79.02 July 31 preliminary distribution. Annually beginning July 31, 1972, the department of administration, upon certification by the department of revenue, shall distribute to each municipality from the shared tax account an amount equal to \$35 times its population, as defined in s. 79.07, less 16.25% thereof which shall be distributed to the county in which the municipality is located. If on any June 30 there is not sufficient money in the shared tax account to make such distributions, each municipality shall share in the amount then in the shared tax account in the proportion of its population, as defined in s. 79.07, to the total population of all municipalities; after reduction in each case by 16.25% which shall be distributed to the county in which the municipality is located.

History: 1971 c. 125.

79.03 November 15 distribution. (1) Annually beginning November 15, 1972, the department of administration, upon certification by the department of revenue, shall distribute to municipalities and counties all funds entered in

the shared tax account as of the previous October 31, plus all taxes levied pursuant to ch. 76 against light, heat and power companies, conservation and regulation companies or pipeline companies and entered into the shared tax account as of the previous November 12, after reduction by the amounts necessary to make the payments under ss. 79.04 and 79.05. The distributable share therein of each municipality and county shall consist of an amount determined on the basis of population under sub. (2), plus an amount determined under sub. (3), less the amount distributed on July 31 of that year under s. 79.02.

(2) Every municipality's portion of the amount distributable under sub. (1) based on population shall equal \$35 times its population, as defined in s. 79.07, less 16.25% thereof which shall be distributed to the county in which each municipality is located.

(3) The remaining portion of the amount distributable under sub. (1) to each municipality and county before reduction by the amount of the July 31 distribution of that year shall be allocated on the basis of allocable interests, determined as follows:

(a) The excess of the average computed full value rate over 17 of each participating municipality shall be multiplied by the municipality's full value of all taxable property, as equalized for state tax purposes. The allocable share of each participating municipality in the distribution under sub. (1) shall be in the same proportion as the amount determined hereunder for each municipality bears to the total amount, thus determined, of all participating municipalities.

(b) The resulting percentage for each municipality shall be reduced by 16.25% and the remaining percentage shall constitute its allocable interest in the amounts to be distributed under this subsection. The percentage thus subtracted shall be attributed to the county in which the municipality is located. The allocable interest

for each county shall be the total percentages attributed to it for all municipalities located in the county.

History: 1971 c. 125, 215.

Note: Chap. 125, sec. 526, laws of 1971, provides that: "Unless re-enacted into law, section 79.03 (3), as affected by this act, shall become void after the 1973 payments are made thereunder."

79.04 Public utility distribution. (1) Annually beginning November 15, 1972, 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. 76.07 or by an electric cooperative association assessed under ss. 76.07 and 76.48, respectively, or all pipeline property used by a pipeline company assessed under s. 76.07, the lesser of the following amounts, except that no distribution shall be made if the municipality received a distribution under s. 76.24 (4), pertaining to the same production plant or any production plant or general structure under construction:

(a) An amount determined by multiplying by 11 mills 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 or in the case of pipeline companies, the total amount in the account, plus leased property, for all property 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; or

(b) An amount determined by multiplying by 5 mills, if the average per capita full value of a municipality is less than 140% of the state-wide average per capita full value; or by 3 mills, if the average per capita full value of a municipality is 140% or over of the state-wide average per capita full value, the full value of all taxable property assessed in the municipality for the preceding calendar year plus production plant, exclusive of land, and "general structures", less depreciation thereon, in the case of light, heat and power companies or electric cooperatives or, in the case of pipeline companies, all property, less depreciation thereon, as of December 31 of the preceding year.

(c) 1. The municipal clerk of any city, town or

village shall on or before January 15 apportion four-elevenths of the amounts received pursuant to sub (1) to the various school districts or parts thereof in the proportion which the taxable property of the school district within the municipality bears to the total valuation of the taxable property of the entire municipality according to the last assessment roll. In the case of moneys received under s. 79.06, the municipal clerk shall on or before January 15 apportion in the same manner 30% of moneys received under s. 79.06 to any underlying school districts which received an allocation of utility tax payments under s. 76.28, 1969 stats.

2. If the city, town or village includes area in a union high school district, the amount allotted to the area of the union high school shall be equally divided between the union high school district and the elementary school district comprising the area. When there is more than one elementary district in the union high school area, each elementary district shall receive the elementary school allocation in an amount in the proportion which the valuation of the taxable property of the elementary district within the municipality bears to the total valuation of the union high school district within the municipality according to the last assessment roll.

(d) In this subsection, "average per capita full value" means the full value, as determined under s. 70.57, of all taxable property in the municipality plus the value of the utility property, including the value of electric cooperative association property, located in the municipality, as determined under ch. 76, except property of railroads, telephone and telegraph companies, conservation and regulation companies, sleeping car companies, air carriers and express companies, divided by the population of the municipality.

(2) Annually beginning November 15, 1972, the department of administration, upon certification by the department of revenue, shall distribute to a 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. 76.07 or by an electric cooperative association assessed under ss. 76.07 and 76.48, respectively, or all pipeline property used by a pipeline company assessed under s. 76.07, an amount determined by multiplying by 6 mills 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 or in the case of pipeline companies, the total amount in the account plus leased property for all property 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. No distribution shall be made if the county received a distribution under s. 76.24 (4), pertaining to the same production plant or any production plant or general structure under construction.

History: 1971 c. 125, 215.

79.05 Distribution to increase real property tax credits. (1) On the dates specified, the amounts set forth in sub. (2) shall be paid from the shared tax account by the department of administration for the purposes of providing real property tax credits under s. 79.10. If there is insufficient money in the shared tax account to make these distributions, the balance shall be supplied from the general fund under s. 20.835 (1) (a).

(2) On March 1, 1972, \$28,600,000; on March 1, 1973, \$79,900,000; on March 1, 1974, \$85,400,000; on March 1, 1975, \$115,400,000; on March 1, 1976, \$145,400,000; and annually, beginning March 1, 1977, \$175,400,000.

History: 1971 c. 125, 215, 228.

79.06 Minimum payments. If the 1972 shared tax payment and the 1972 real property tax credit to a municipality is less than 90% of the 1971 shared tax payment and the 1971 real property tax credit to that municipality, it shall receive an additional amount equal to the difference, but no municipality may receive more than \$600 per capita annually because of this payment. Such 1971 and 1972 shared tax payments shall be determined before adjustment for claims under s. 71.14 (3). The 1973 shared tax payment shall include 90% of the amount a municipality would have received in 1972 if the \$600 per capita maximum had not been in effect, but the 1973 payment remains subject to the \$600 per capita maximum. Beginning in 1973, each municipality shall in any calendar year receive no less than 90% of the amount payable to it, before adjustment for claims under s. 71.14 (3), in the prior calendar year. Any municipality receiving moneys under this section may share a portion determined by it of its 1972 payment under this section with its underlying school districts which received an allocation of utility tax payments under s. 76.28, 1969 stats.

History: 1971 c. 125, 215.

79.07 Definitions. In this subchapter:

(1) "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.

(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) "Computed full value rate" means the sum total of all general property taxes (including state, county, local and school taxes), special assessments and sewer service charges, occupational taxes, forest crop taxes and woodlands taxes levied and extended by a town, village or city as reported to the department of revenue in its abstract of assessments and taxes, divided by the full value of all taxable property in such municipality as equalized for state purposes pursuant to s. 70.57, and the quotient expressed in mills per dollar of valuation.

(4) "Average computed full value rate of a municipality" means the average of the computed full value rate of the 3 preceding years.

(5) "Production plant" also includes substations.

History: 1971 c. 125, 215.

SUBCHAPTER II PROPERTY TAX CREDITS

79.10 Real property and public utility tax credits. (1) **DISTRIBUTION.** On March 1 of each year, the amount appropriated under s. 20.835 (2) (a) shall be distributed by the department of administration to towns, villages and cities in allocable shares pursuant to sub. (2), and taxpayers subject to tax under ss. 76.13, 76.38 and 76.48 in allocable shares certified by the department of revenue pursuant to sub. (1a) (b). In addition, commencing with March 1, 1972, the amount stated in s. 79.05 shall be distributed on each March 1 by the department of administration to towns, villages and cities in allocable shares pursuant to sub. (2).

(1a) **UTILITY CREDITS.** (a) The department of revenue shall determine the amount of the property tax credit allowable to each taxpayer which is subject to levy of taxes and license fees under ss. 76.13, 76.38 and 76.48. The aggregate of such credit shall be that proportion of the total property tax credit computed in the following manner. The numerator of the fraction shall be the average of the sum of the next 3 preceding year tax payments made pursuant to ss. 76.13, 76.38 and 76.48. The denominator of the fraction shall be the average of the sum of the next 3 preceding year total general property taxes

levied (including state, county, local and school taxes) plus special assessments, plus occupational taxes, plus forest crop taxes, plus woodland taxes, plus the taxes paid pursuant to ss. 76.13, 76.38 and 76.48 reduced by the levy on all property entitled to the credit under s. 79.12 of all tax districts.

(b) That portion of the appropriation provided by s. 20.835 (2) (a) to grant property tax relief as set forth in par. (a) to taxpayers that paid taxes and license fees levied pursuant to ss. 76.13, 76.38 and 76.48 shall be paid to such taxpayers on March 1, 1963, and on March 1 annually thereafter. The department of revenue shall certify a refund roll to the department of administration which department shall remit directly to the taxpayers. In the case of light, heat and power companies, conservation and regulation companies, and pipeline companies, the credit shall be applied against the payment due under s. 76.13 (2) on November 10 of the preceding year and, in the case of all other companies upon which taxes are levied under s. 76.13 (1), the credit shall be paid directly to them on November 10 of the preceding year, commencing with credits otherwise payable on March 1, 1973.

(2) **ALLOCATION.** Participation in the allocation under sub. (1) shall be limited to municipalities having an average computed full value rate in excess of 17 mills. The excess of the average computed full value rate over 17 mills of each participating municipality shall be multiplied by the municipality's full value of all taxable property except personal property entitled to tax credit under s. 79.12 for the preceding year, as equalized for state tax purposes. The allocable share of each participating municipality in the distribution under sub. (1) shall be in the same proportion as the amount determined hereunder for each municipality bears to the total amount, thus determined, of all participating municipalities.

(3) **TAX CREDIT.** On or before December 1 of the year preceding each March 1 distribution under sub. (1), the department of revenue shall notify the clerk of each town, village and city of the amount to be distributed to it under sub. (1) on the following March 1. 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, as follows:

(a) The amount of the local assessed value of all assessed property of the municipality shall be reduced by the portion thereof which constitutes assessed value of personal property entitled to tax credit under s. 79.12.

(b) Every property taxpayer of the municipality having assessed property, other than personal property entitled to tax credit under s. 79.12, shall receive a tax credit in an amount determined by applying the percentage of the amount of the value of property, other than personal property entitled to tax credit under s. 79.12, assessed to him in the amount determined under par. (a) to the amount of the distribution to be made to the municipality under sub. (1), as stated in the December 1 notification from the department of revenue.

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

(4) **DEFINITIONS.** (a) "Computed full value rate" means the sum total of all general property taxes (including state, county, local and school taxes), the total amount of all special assessments made, assessed or levied for the year irrespective of the manner or time of collection, occupational taxes, forest crop taxes and woodlands taxes levied and extended by a town, village or city, as reported to the department of revenue in its abstract of assessments and taxes, divided by the full value of all taxable property in such municipality as equalized for state purposes pursuant to s. 70.57, and the quotient expressed in mills per dollar of valuation.

(b) "Average computed full value rate of a municipality" means the average of the computed full value rate of the 3 years preceding the assessment year to which the tax credit is to apply.

(c) "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.

History: 1971 c. 125 ss. 412, 521.

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.

79.12 Distribution of revenue. (1) On or before February 15, 1963, and annually thereafter, the department of administration shall remit to the treasurers of each taxation district from the appropriation made under s. 20.835 (2) (b) an amount as certified to the department of administration by the department of revenue pursuant to par. (c).

(a) On or before January 15, 1963, and annually thereafter, the clerk of each taxation district shall furnish the department of revenue with a statement of the amount of the total tax levy in the district on assessments of merchants' stock in trade, manufacturers' materials and finished products, and livestock on the preceding May 1.

(b) If the local level of assessment on personal property is greater than the local level of assessment on real property in a tax district as determined by the department under ss. 70.57 and 73.06 (5), the amount referred to in par. (c) shall be 60% of the tax that would have been levied had the personal property been assessed at a level no higher than the real property, except that commencing with the February 1, 1973 certification, the percentage referred to herein shall be 65%. If the local level of assessment on personal property is no greater than the local level of assessment on real property the amount referred to in par. (c) shall be 60% of the tax levied on merchants' stock in trade, manufacturers' materials and finished products, and livestock, except that commencing with the February 1, 1973, certification, the percentage referred to herein shall be 65%.

(c) On or before February 1, 1963, and annually thereafter, the department of revenue shall certify to the department of administration the amount to be remitted to the treasurers of each taxation district. The amount certified shall be the amount referred to in par. (b). If the local clerk fails to meet the January 15 deadline set in par. (a) and as a result the department of revenue cannot meet the February 1 roll certification requirement by this subsection it may prepare additional certification rolls within the period of time provided for the correction of errors under s. 79.14 (1).

(2) The clerk of each taxation district shall apportion to each taxpayer against whom a levy was made in the preceding year on merchants' stock in trade, manufacturers' materials and finished products, and livestock 60% of such levy

as determined under sub. (1) (b), except that commencing with the apportionment based on the May 1, 1972, assessments, the percentage referred to herein shall be 65%. The department shall furnish the apportionment factor to the clerks of the tax districts on or before December 1.

(3) The amount of the tax credit of particular property taxpayers, as determined under sub. (2), shall be set forth on the tax bills of such taxpayers issued immediately following the December 1 notification referred to in sub. (2) and shall serve to reduce the property taxes otherwise payable.

(4) Any taxpayer who intentionally renders a false or fraudulent report to the local assessor on the number or grade of livestock in his possession on May 1, or who intentionally overstates the value of the merchants' stock in trade, or manufacturers' materials and finished products in his possession on May 1, may be fined not to exceed \$5,000 or imprisoned not to exceed one year, or both, with the cost of prosecution. Any local assessor or other officer of the tax district aiding or abetting a taxpayer in the filing of a false or fraudulent report may be fined not to exceed \$500 or imprisoned not to exceed 6 months, or both, with the cost of prosecution.

History: 1971 c. 125 ss. 414, 521.

79.13 Overpayment of property tax credits. (1) **PERSONAL PROPERTY TAX CREDIT.** When a taxation district has received an overpayment of tax credit under s. 79.12, either before or after the enactment of this section, the excess shall be a direct claim by the state against the taxation district and if not paid on demand it shall be certified as a special charge in the next following secretary of state's apportionment of state taxes and charges.

(2) **EXCESS CREDIT TO TAXPAYER.** When a taxpayer has received an excess credit under either s. 79.10 or 79.12 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. Where the excess credit was under s. 79.10 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 (3) (b).

History: 1971 c. 125 ss. 415, 521.

79.14 Underpayment of credits. (1) **PERSONAL PROPERTY TAX CREDIT.** When a tax-

tion district has received an underpayment of tax credit as a result of a palpable error or misclassification of personal property of taxpayers entitled to credit under s. 79.12, either before or after enactment of this section, the department of revenue shall prepare additional certification rolls to correct such errors of misclassification for all claims filed by June 15 following the distribution in which it was entitled to a credit under s. 79.12 (1) (c). The additional certifications shall be charged to s. 20.835 (2) (b). If June 15 falls on a Saturday or Sunday, the next secular or business day shall be the final date. Any correction claim which is delivered to the department by U. S. mail shall be considered timely filed if the envelope in which it is mailed is properly addressed with postage duly prepaid which envelope is postmarked before midnight of the final date, provided such claim is actually received in the office of the department within 5 days of the final date.

(2) **UNDERPAYMENT OF CREDIT TO TAXPAYER.** (a) When a taxpayer is undercredited with a tax credit due from s. 79.12 the treasurer shall pay such taxpayer for such shortage in credit 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.

(b) If the credit under s. 79.10 was understated the treasurer shall pay such 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 trea-

surer 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 (3) 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 (3) (b).

History: 1971 c. 125 ss. 415, 521.

79.15 Omitted property. Property entitled to credit under s. 79.10 or 79.12 but omitted from the assessment roll shall be taxed according to s. 70.44 at the rate prevailing in the year of omission but shall receive the same state credit as other like property receives in the year in which it is placed on the tax roll.

History: 1971 c. 125 s. 416.

79.16 Correcting allocation errors. Errors made in allocating the amounts specified in s. 79.10 (1), for purposes of separate distributions under s. 79.10 (1a) and (2), shall be corrected by the department of revenue in the allocation in the earliest year possible of the next succeeding 4 years. Such correction shall be made by reducing or increasing, as the case may be, the amount of the distribution under s. 79.10 (1a) in the correcting allocation, by the amount of the erroneous under- or over-allocation under s. 79.10 (1a) in the year of error, and reducing or increasing in like amount the amount of the distribution under s. 79.10 (2) in the year the correction is made.

History: 1971 c. 215.