Chapter 18
Personal Property

2023 Wisconsin Act 12

Effective with the January 1, 2024, assessment, 2023 Wisconsin Act 12 created sec. 70.111(28), Wis. Stats., that exempts personal property.

The exemption applies to:
- Personal property as defined in sec. 70.04, Wis. Stats.
- Steam and other vessels, furniture, and equipment

The exemption does not apply to:
- Real property as defined in sec. 70.03, Wis. Stats.
- Buildings, improvements and fixtures on leased land, exempt land, MFL~~managed forestland~~ that is assessed as real property under sec. 70.17(3), Wis. Stats.
- Utility property subject to state taxation under sec. 76.025(2), Wis. Stats.

NOTE: Act 12 amended 70.17(1), Wis. Stats., and removed the option of assessing improvements on leased land as personal property or real property. Starting with the 2024 assessment, improvements on leased land must be assessed as real property.

Real Property vs. Personal Property

Discover

The assessor must determine if property is taxable real property under secs. 70.03 or 70.17(3), Wis. Stats., or personal property under sec. 70.04, Wis. Stats., and exempt under sec. 70.111(28), Wis. Stats.

Sources of Information

Identify real property listed and valued as personal property on the 2023 assessment roll that must be placed on the real property assessment roll for 2024. Sources of information include:
- Personal Property Assessment Rolls
- Statements of Personal Property
- Fixed Asset Schedules
- On-site inspections

Determining Real or Personal Property

Whether property is real or personal property is determined by applying state laws (secs. 70.03, 70.04, and 70.17(3), Wis. Stats.) and state court cases.

State laws
- Sec. 70.03, Wis. Stats., defines real property as
  - (1) In chs. 70 to 76, 78, and 79, "real property," "real estate," and "land" include not only the land itself but all buildings and improvements thereon, and all fixtures and rights and privileges appertaining thereto, except as provided in sub. (2) and except that for the purpose of time−share property, as defined in s. 707.02 (32), real property

does not include recurrent exclusive use and occupancy on a periodic basis or other rights, including, but not limited to, membership rights, vacation services, and club memberships.
  - (2) "Real property" and "real estate" do not include any permit or license required to place, operate, or maintain at a specific location one or more articles of personal property described under s. 70.04 (3) or any value associated with the permit or license.
- Sec. 70.04, Wis. Stats., defines personal property as:
  - (1g) All goods, wares, merchandise, chattels, and effects, of any nature or description, having any real or marketable value and not included in the term "real property", as defined in s. 70.03.
  - (1r) Saw logs, timber, and lumber, either upon land or afloat; steamboats, ships, and other vessels, whether at home or abroad; ferry boats, including the franchise for running the same; ice cut and stored for use, sale, or shipment; and manufacturing machinery and equipment as defined in s. 70.11 (27).
  - (2) Irrigation implements used by a farmer, including pumps, power units to drive the pumps, transmission units, sprinkler devices, and sectional piping.
  - (3) An off–premises advertising sign. In this subsection, "off–premises advertising sign" means a sign that does not advertise the business or activity that occurs at the site where the sign is located.
- Beginning with the property tax assessments as of January 1, 2024, sec. 70.17(3), Wis. Stats., requires real property assessment for:
  - manufactured and mobile homes, not otherwise exempt from taxation under s. 66.0435 (3) or 70.11 (49), buildings, improvements, and fixtures on leased lands, buildings, improvements, and fixtures on exempt lands, buildings, improvements, and fixtures on ~~forest~~ FCL ~~crop~~lands, and buildings, improvements, and fixtures on MFL~~managed forest~~ lands.
- The WPAM Glossary defines buildings, improvements and fixtures as:
  - Building: Any structure partially or wholly above ground designed to shelter people, animals or goods.
  - Improvement: A permanent addition to or betterment of real property that enhances its capital value, involves the expenditure of labor or money, and is designed to make the property more useful or valuable as distinguished from ordinary repairs. Examples include buildings, structures, fixtures and any alterations, attachments or annexations to land that are intended to remain so permanently attached or annexed, such as sidewalks, trees, roads and drive ways, parking lots, tunnels, watermain access, drains, sewers and septic systems, electrical access and other utility access, landscaping including clearing, draining, grading, and the creation of berms, embankments, terraces and ponds.
  - Fixture: an article that was once personal property but has been installed in, or attached to, land or buildings in some more or less permanent manner so that such article is regarded in law as part of the real estate.

State Court Cases on Improvements to Real Property:
State court cases apply a three factor test to determine if an item is an improvement to real property:
1. Is the item a permanent addition to the real property?
2. Does the item enhance the value of the real property?

3. Did the item and or its installation involve an expenditure of labor or money and was it designed to make the property more useful and valuable?

- **Kohn v. Darlington Community Schools, 283 Wis.2d 1 (2005)**
  - This personal injury action resulted in the Wisconsin Supreme Court determination that a high school football stadium's bleachers constituted an improvement to real property under Sec. 893.89, Wis. Stats. by applying and analyzing whether:
    - they were a permanent addition to the real estate,
    - they enhanced the capital value of the real estate, and
    - they involved an expenditure of labor or money and were designed to make the property more useful and valuable.
  - The court differentiated fixture law from what constitutes an improvement to real property and noted that while the law of fixtures may focus on the degree of annexation to the land, the term "improvement" has a broader significance than the term "fixture" and includes all additions and betterments to the freehold. Thus, a given item does not need to be physically annexed to the land in order to constitute a permanent addition to or betterment of real property.
  - The court considered the following facts relevant to its analysis of each factor:
    - Permanency: Even though it was unclear whether the bleachers were anchored to the ground and/or portable, evidence of permanency was:
      - The bleachers were a huge structure 15 rows tall and over 100 feet long and contained 1500 seats and a 50 inch wide walkway that was elevated 30 inches above the ground.
      - The bleachers adjoined a large press box.
      - The bleachers incorporated wheelchair access ramps.
      - The bleachers have been in place for more than 30 years. And despite the fact that they *could* be taken apart and moved, they never had been.
      - They had been maintained and repaired over the years by repainting, replacement of siderails, walkway planks and footboards and had never been moved or taken apart.
      - The court did not find it significant that the contract for supplying the bleachers to Darlington termed them "portable bleaches".
    - Expenditure of Labor and Money:
      - Clearly the bleachers and their installation required an expenditure of labor and money. Darlington provided the contract for the bleachers themselves demonstrating this.
    - Increase of Capital Value and More Useful or Valuable:
      - The bleachers increased the capital value of the track and football stadium and made it more useful or valuable because without them the stadium could not support as many spectators or collect the same admissions.

State Court Cases on Fixtures

State court cases apply a three factor test to determine if property is real or personal:

- First factor – Annexation: is when property is actually or constructively physically attached at the real estate.
  - Attachment may be by:
    - Physical connection to the real estate
    - Incorporation to the real estate

  - Examples of physical attachment include: water pipes and plumbing fixtures that have been integrated into the real estate, electrical wiring and electric fixtures that have been integrated into the real estate, linoleum carpeting and other flooring types that have been installed into the real property, domestic, commercial and industrial appliances that have been affixed to the real estate, structures and machinery that are bolted to a concrete foundation, connected to wiring or piping that is a part of the real estate or otherwise affixed to the real estate, built-in security and sound systems and HVAC components that have been integrated to the real estate.
- Second factor – Adaptation: the relationship of the article with the real estate. Personal property designed for and used in the normal use of the real estate by the owner is evidence of intent to make it part of the real estate. Permanent physical attachment is not always necessary for personal property to become a fixture to be considered adapted to the use of the real estate. The questions an assessor must answer is: is the article adapted to the use of the real estate by the owner such that it has become an integral piece of the real estate?
  - Examples include: storm windows and screens fit to installed windows, silos on farmland, walk in coolers in a grocery store, custom fit pool covers on an in-ground pool, farm machinery and equipment that is integrated into the farm real estate, industrial machinery and equipment that is integrated into the factory's real estate.
- Third factor – Intent: the objective presumed intention of a hypothetical ordinary reasonable person to make the article a permanent part of the real estate. This does not require the assessor to know the subjective intent of the owner of the property. Rather, the assessor must determine what an ordinary reasonable person would intend given the facts. The subjective intent of the property owner is a relevant fact, but may not be indicative of the assessor's determination. The question an assessor must answer is: Would an ordinary reasonable person consider this article a permanent fixture to the real estate?
  - Considerations
    - The nature of the article
    - The degree of annexation of the article to the real estate
    - The appropriateness of the article to the use to which the realty is put
    - Is there a Fixture Filing recorded in the county recorder of deeds office that describes the property in question? If so, the filing may indicate that the item's title is intended to transfer with the title to the remainder of the real property, indicating that the item is a fixture.
    - If the article is affixed to leased real property consider:
      - The terms of the lease, including but not limited to:
        - The duration of the lease
        - The rights of the parties in regard to the affixed article and to the land upon which it is affixed. i.e. does the lease allow the tenant to remove the article upon termination of the lease?
      - Whether removal of the article would cause material damage to the article or the real estate
  - The Intent factor is regarded as the most important of the three factors

Examples of cases applying the three factor fixture test to determine whether an article is real or personal property:

- **WI DOR v A. O. Smith Harvestore Products, Inc., 72 Wis.2d 60, 240 N.W.2nd 357 (1976).**
  - DOR appealed from an order of Dane County Circuit Court that a prefabricated metal silo was personal property. The Wisconsin Supreme Court held that where the prefabricated, glass-walled silo structure stood 70 feet high and was 20 feet around, the silo weighed 35,000 pounds, the silo was attached and affixed to a concrete foundation set in the ground specifically for that purpose, the silo was used to process fodder into silage, and thus was clearly adapted to the use to which farm realty is devoted, and the average farmer intends to make a permanent accession to his farm realty when purchasing such a silo. The silo was a fixture.
  - Application of the three factor test:
    1. Actual physical annexation to the realty including removability from the real estate without damage to the article being removed or to the realty from which it is removed.
    2. Application or adaption to the use or purpose to which the realty is devoted.
    3. The intention on the part of the person making the annexation to make the article a permanent part of the real estate.
  - The intention of the parties was determined to be the principal consideration:
    - When an owner of the land and buildings adds property, the owner's "intent" is judged by how the added property is adapted to the principle use of the land and buildings
    - In determining whether the annexor intended to make permanent accession to realty, the test to be applied is not the subjective intent of the actual annexor, but rather the objective intent of a hypothetical, reasonable person under similar circumstances
    - It was held that the objective intent of a hypothetical farmer in purchasing a silo was to create a permanent fixture which was not affected by facts supporting the defendant's contention that silos were financed under the Uniform Commercial Code as personalty and sometimes were traded in, since subjective agreements between the annexor and another had no bearing on the objective test and evidence of trade-ins supported the conclusion of permanence
- **Pulsfus Poultry Farms, Inc. v Town of Leeds, 149 Wis. 2d 797, 440 N.W.2d 329 (1989).**
  - Pulsfus maintains a "layer house" containing approximately 10,800 cages, each cage containing eight hens. It is constructed of steel beam framing and metal siding on a concrete foundation. The layer house creates a controlled environment for the hens, automatically controlling the temperature, light, and humidity. The hens are fed, watered, medicated, and relieved of their eggs and wastes by automated machinery and equipment. The farmer-operator uses a system of suspended walkways to enter the structure, observe the hens, and repair equipment. The operator spends only a few hours a day in such activities.
  - Pulsfus contended that the "use or function" of the layer house is farm machinery and equipment and is exempt under sec. 70.111(9), Wis. Stats., while the Town contended that the layer house is a building, or real property and therefore should not be exempted under sec. 70.111(9), Wis. Stats.
  - The Supreme Court held that the layer house is a building and not exempt under sec. 70.111(9), Wis. Stats. The layer house is constructed of steel beams, metal siding, and a roof. It stands on a permanent concrete foundation. Its primary, and arguably only,

function is to provide for the habitation of chickens. The court ruled that the items inside the facility met all three of the tests and are fixtures. The layer house structure and integrated equipment is real property because:

1. Annexation: the system in the facility is attached to the walls and foundation of the structure. The cage system, the feeder, the feed chain, the trough, the automatic watering system, the electrical system and the egg gathering components are all interconnected. The electrical system, the fans, the baffles are attached to or built into the building.
2. Adaptation: the building and the equipment inside it were adapted to the same purpose of the real property – production of eggs. The facility builder stated it was not easily adaptable to other purposes.
3. Intention: the average farmer when purchasing a layer house as the one here would intend to make it permanent accession to the farm real property. Here, the structure and integrated equipment are clearly adapted to the production of eggs and is used by Pulsfus. Pulsfus testified that it would take between three to four weeks to disassemble and replace the cage system. The total weight of the facility is also substantial. This is not a mobile operation, but one which the average farmer would consider permanent. Further, like the farmer in *Harvestore,* Pulsfus intends to own the system after payment of it. He has shown no intention of moving it. There is sufficient information that the objective and presumed intent of an ordinary person would be that the structure and integrated equipment were permanent parts of the real property.

- **Premonstratensian Fathers v. Badger Mut. Ins. Co., 46 Wis.2d 362, 175 N.W.2d 237 (1970)**
  - This Wisconsin supreme court decision analyzes fixture law in an action to recover on a fire insurance policy, the coverage clause of which provides: "When the insurance under this policy covers a building, such insurance shall cover on the building and all permanent fixtures."
  - The insurance claim is the result of a property fire at a grocery store. The insurer refused to reimburse the claimant for five walk-in coolers that were destroyed in the fire. The basis for the insurance company not paying the claim was: (1) coolers are not the property of the plaintiff (2) and even if they were, they are not insured property because they were personal property and not fixtures. The appeal is based on the consideration of the legal status of the coolers. If the coolers were found to be fixtures they would pass to the plaintiff/claimant under the warranty deed for the real property and would be insured under the policy as a part of the real property.
  - The court applied the three factor test to determine whether articles of personal property are fixtures, and therefore real estate:
    1. Annexation to the real estate
    2. Adaptation to the use or purpose to which the real estate is devoted
    3. Intent on the part of the person making the annexation to make a permanent accession to the freehold.
  - The court's determination was that the coolers were fixtures for the following reasons:
    1. Annexation: The act of attaching personal property to real property
       - the exterior walls of the coolers constituted the interior walls of another room
       - the tracking system in the large meat coolers was a part of a system of tracking throughout the rear portion of the supermarket (it was integrated with the real property throughout the store)

        - the coolers were attached to the concrete floor
        - the floor of the building was built with a slope to accommodate draining of the coolers and included a drain for the drainage of the coolers
        - the refrigeration units and compressors for the coolers were integrated into the building
        - the coolers were hard wired into the building's electrical system
    2. Adaptation: The relationship between the personal property and the use which is made of the real property to which it is annexed.
        - There was a close connection between the coolers and the retail grocery business conducted on the property.
    3. Intent: the primary determinant as to whether a certain piece of property has become a fixture.
        - Where property is adapted to the use to which the realty is devoted, as it is here, there is strong evidence of intent to make it part of the real estate
        - The coolers passed through two transfers of ownership of the real estate. Fixtures are realty and pass by transfer of title to the land.
        - The fact that the coolers had been subject to a chattel mortgage was not determinative.

- **All City Communication Company, Inc. and Waukesha Tower Associates, v State of WI DOR, 2003 WI App 77, 263 Wis.2d 394, 661 N.W.2d 845.**
    - Rural agricultural land was leased under a 10 year lease to use the land for the operation of a 500 foot broadcast radio tower. The lessee constructed a 480-foot steel tower on a substantial concrete foundation. The terms of the lease allowed the lessee to remove the improvements at the end of the 10 year lease term and allowed the lessor to terminate at the end of the same lease term.
    - The court noted that whether articles of personal property are fixtures, that is, real estate, is determined by applying the three factor *Harvestore* test and found the following considerations instructive to determine that this tower was personal property and not a fixture to real property:
        1. Annexation: There was no dispute by the parties in this matter that the tower was annexed to the real property by its attachment to a substantial concrete foundation.
        2. Adaptation: The court found that the land was equally well suited for farming and for use as a base for a broadcasting tower, therefore the adaptation factor was left unresolved by the court and not a determining factor.
        3. Intent: Intent is regarded as the most important factor. There was no dispute that the substantial foundation and the size of the tower meant that moving the property could not be done with ease. However, a market existed for the sale and purchase of used towers, and because the tower could be disassembled and reassembled at another site without damaging it and the lessee had the right to remove the tower from the land at the end of the relatively short lease term, and the landowner had the right to terminate the lease at the end of the relatively short lease term, it was not apparent that there was any intent by the parties, nor an objective intent by a reasonable person under these same circumstances, to make a permanent accession to the real estate.
    - Note: Effective January 1, 2026, sec. [70.11(48)](), Wis. Stats., provides an exemption for radio, cellular, and telecommunication towers when

- used exclusively to support equipment that provides telecommunications services defined in sec. 76.80(3), Wis. Stats.
  or
- used as digital broadcasting equipment for radio, television, or video service defined in sec. 66.0420(2)(y), Wis. Stats.

See the Fixtures section in Chapter 21 for additional cases to consider.

Leasehold Improvements

Leasehold improvements are improvements, additions and renovations made to leased real property by the lessee.

- Leasehold improvements may be taxable real property or exempt personal property
- Apply the "Determining Real or Personal Property" process above to all property located on the parcel. Note: sec. 70.17(3), Wis. Stats., requires real property assessment for buildings, improvements and fixtures when located on leased real property.
- List taxable real property with the parcel where the property is located according to sec. 70.03, Wis. Stats. See the listing section below for information on assessing one parcel vs. multiple parcels.
- Value taxable real property according to sec. 70.32, Wis. Stats. See Chapter 9 for real property valuation principles and techniques, Chapter 13 for specifics on commercial property valuation information and Chapter 17 for specifics on manufacturing property valuation information.
- If there is a sale of the real property or changes to the lease terms for the real property, review the real property data and assessment, make necessary changes for the associated January 1 assessment date.

Buildings, Improvements and Fixtures

Starting with the January 1, 2024, assessment, sec. 70.17(3), Wis. Stats., requires real property assessment for buildings, improvements and fixtures when located on:

- Leased lands: the land owner leases the land to a tenant who owns a building, improvement or fixture on that land
- Exempt lands: taxable building, improvements and fixtures on exempt land:
  - Ex: taxable hangers on an exempt county owned airport, privately owned cabins, boat houses, piers or other improvements on exempt Federal, State or Municipally owned land.
  - Sec. 70.174, Wis. Stats., provides that improvements made on land within this state owned by the United States shall be assessed as real as provided under sec. 70.17 (3), Wis. Stats. See the List and Value section below.
  - When completing year-end new construction discovery field reviews, discover/note new construction projects on exempt parcels. Some building project contracts on government-owned parcels include a provision that the building improvements are owned by the contractor until the project is 'complete' or 'substantially complete' (often 75%). Contact the exempt property owner to request a copy of the building project contract(s) and prior year project(s) payouts as of January 1 to discover if those building improvements are assessable as 'commercial class' property improvements owned by the contractor or 'exempt' as government-owned building improvements.

- FCL~~orest crop~~lands and MFL~~managed forest~~ lands:
  - Sec. 77.04(1), Wis. Stats.: any buildings located on ~~forest crop~~FCL land shall be assessed as real property, subject to all laws and regulations for the assessment and taxation of general property
  - Sec. 77.84(1), Wis. Stats.: any building, improvements, and fixtures on MFL~~managed forest~~ land is subject to taxation as real property under Ch. 70

Sec. 70.17(3), Wis. Stats., also requires real property assessment of manufactured and mobile homes unless subject to a parking permit fee under sec. 66.0435(3), Wis. Stats., or otherwise exempt under a state law discussed below.

Advertising Signs – Billboards

Sec. 70.03(2), Wis. Stats., states that real estate and real property do not include the permits and the value of the permits required for personal property under sec. 70.04(3), Wis. Stats. Sec. 70.04(3), Wis. Stats., states that personal property includes off-premises advertising signs. Off–premises advertising signs do not advertise the site where the sign is located.

Complete the following to first determine taxability, and if taxable, the value subject to tax:

1. Determine if real property or personal property
   - Taxable: if the sign is determined to be real property
     - If an advertising sign is advertising the business that takes place on the premises upon which the sign sits (an on-premise advertising sign), the sign does not meet the definition of personal property in sec. 70.04(3), Wis. Stats. If the sign does not meet this definition of personal property the assessor should apply the 3-factor test to determine whether it is real property or personal property
   - Exempt under 70.111(28), Wis. Stats.: if the sign is determined to be personal property
     - If an advertising sign is not advertising the activity that takes place at the site of the sign, it is an off premises advertising sign and is personal property as defined under sec. 70.04(3), Wis. Stats.
2. Real estate classification
   - Commercial: land necessary for location and convenience of the advertising sign
   - Remainder of parcel: classification does not change. Classify according to the requirements of sec. 70.32, Wis. Stats., and the standards in the Manual.
3. Advertising sign valuation
   - State law provides the requirements for valuation of real estate (sec. 70.32, Wis. Stats.) with a sale of the subject property being the best indicator of value, followed by sales of comparable properties
   - Regardless of permit ownership, there is no value attached to the permit for assessment purposes
   - Income produced by holding the permit cannot be capitalized

Chapters 9 and 13 provide information on the approaches to value.

List and Value

State laws provide two processes to list and value buildings, improvements, and fixtures that are on leased land, exempt land, FCL~~forest crop~~land and MFL~~managed forest~~ land:

1. Under sec. 70.03, Wis. Stats., update the existing parcel's listing and value to include all buildings, improvements and fixtures
2. Under secs. 70.17(3) or 70.27, Wis. Stats., create a separate parcel for the buildings, improvements and fixtures
   a. Property owners have the option of using sec. 70.17(3), Wis. Stats., by recording a document with the Register of Deeds that describes the parcel specific to a building, improvement or fixture
   b. Municipalities have the option of using the Assessor's Plat process provided under sec. 70.27, Wis. Stats., to create a parcel if the real property improvements on a parcel are owned by a separate person than the person who owns the land.
   c. See the Multiple Parcels section below for additional information

Existing Parcel

Sec. 70.03, Wis. Stats., defines real property as "…not only the land itself but all buildings and improvements thereon, and all fixtures and rights and privileges appertaining thereto…" Secs. 70.12, 70.17, 70.23 and 70.32, Wis. Stats., require the assessor to list and value each parcel of real property on the assessment roll.

After discovering and determining a parcel's taxable real property, update the existing parcel's real property listing and valuation to include the land and all buildings, improvements, fixtures and rights and privileges appertaining thereto. Include with the listing and valuation all:

- manufactured and mobile homes (unless subject to a parking permit fee under sec. 66.0435(3), Wis. Stats., or otherwise exempt under a state law discussed below.)
- buildings, improvements, and fixtures on leased lands
- buildings, improvements, and fixtures on exempt lands
- buildings, improvements, and fixtures on FCL~~forest crop~~lands
- buildings, improvements, and fixtures on MFL~~managed forest~~ lands

The parcel owner may appeal the assessment and also receives the property tax bill:

- Parcel owner or owner's agent has the authority to appeal the parcel's assessment:
  - Sec. 70.47(7), Wis. Stats.: "…Persons who own land and improvements to that land may object to the aggregate valuation of that land and improvements to that land, but no person who owns land and improvements to that land may object only to the valuation of that land or only to the valuation of improvements to that land…"
- Parcel owner receives the property tax bill: responsible for timely payment of tax
  - Sec. 74.09(5), Wis. Stats.: "… No later than the 3rd Monday in December, the taxation district clerk or the clerk's designee shall mail the property tax bill to each property taxpayer of the taxation district or the taxpayer's designee. If the property tax bill is mailed to the taxpayer's designee, the designee shall furnish the taxpayer with a copy of the bill.…"

An assessor may create separate property records when there are multiple buildings, improvements and fixtures on one parcel. The Appendix provides local assessment codes on pages A-23 to A-30. As an example, commercial sites are coded 260. Code each commercial building on that site through an extension of the existing coding structure, i.e. 261, 262, etc.

Parcel ###-##-###	Code	Acres	Land Value	Improvement Value

Site owner	260	2	30,000	300,000
Building 1 Owner	260-1			10,000
Building 2 Owner	260-2			10,000
Parcel total		2	30,000	320,000

Note: when the real property assessment changes from the prior year, sec. 70.365, Wis. Stats., requires the assessor distribute a Notice of Changed Assessment (PR-301).

Multiple Parcels

Sec. 70.17(3), Wis. Stats., allows creation of a separate parcel for a building, improvement and/or fixture: If buildings, improvements, and fixtures, but not the underlying land, are leased to a person other than the landowner or if the buildings, improvements, and fixtures are owned by a person other than the landowner, the assessor may create a separate tax parcel for the buildings, improvements, and fixtures and assess the buildings, improvements, and fixtures as real property to the owner of the buildings, improvements, and fixtures. Make sure to discover and list the correct property owner of the buildings on leased land in the assessment roll.

- The following lists parcel requirements by state law for real property assessment and taxation:
  - Recorded document and legal description
    - Record a document (e.g. affidavit, deed) with the Register of Deeds containing a legal description that can be metes and bounds, certified survey map, subdivision or condominium plat
    - Act 12 created sec. 706.05(2m)(b)3, Wis. Stats. that allows for abbreviated legal descriptions of property specified under sec. 70.17 (3),Wis. Stats. A recommended abbreviated description contains town, range, section, quarter section, quarter-quarter, or Government Log number and reference to the land parcel number/document where the improvement is located.
    - Related laws: 59.72(2)(a), 70.09(2)(a)2., 70.23, 70.25, 70.27, 70.65(2)(a), 74.09(3)(a), 74.57(4)(b)1., 74.59(3)(b), 75.144(2)(c), 75.521(3)(am)
  - Parcel number
    - Real Property Lister, or assessor when the municipality's assessor completes the listing process, creates a parcel in the assessment/tax roll based on the requirements in the document recording
    - Related laws: 70.337(1)(b); 70.09(3)(a), 70.17 (3), 74.09(2)
  - Value
    - Assessor values the parcel
    - Related laws: 59.72(2)(a), 70.32(2)(a), 70.53, 70.65(2)(a), 74.09(3)(b)
  - Tax collection
    - Treasurer has information required to complete delinquent tax process and foreclose on a parcel
    - Related laws: 75.144(2)(c), 75.521(3)(am)

Parcel creation

- Property owners:
  - May use sec. 70.17(3), Wis. Stats., by recording a document, with the Register of Deeds, which describes the parcel specific to a building, improvement or fixture
  - The description can be metes and bounds, certified survey map, subdivision plat or condominium plat. Act 12 created sec. 706.05(2m)(b)3, Wis. Stats. that allows for abbreviated legal descriptions of property specified under sec. 70.17 (3),Wis. Stats. A recommended abbreviated description contains town, range, section, quarter section, quarter-quarter, or Government Log number and reference to the land parcel number/document where the improvement is located.
- Municipalities:
  - May use the assessor's plat process under sec. 70.27, Wis. Stats., and create a parcel for buildings, improvements, and fixtures on exempt lands, buildings, improvements, and fixtures on ~~forest~~ FCL ~~crop~~lands, and buildings, improvements, and fixtures on MFL~~managed forest~~ lands and assess the buildings, improvements, and fixtures as real property to the owner of the buildings, improvements, and fixtures
  - Assessor's plat is an existing process under state law for a municipality to create a plat recorded with the Register of Deeds (ROD) containing separate parcel numbers and legal descriptions for each property identified in the plat
  - Act 12 amended sec. 70.27, Wis. Stats., to allow this process for buildings, improvements, and fixtures that are on leased land, exempt land, FCL~~forest crop~~land and MFL~~managed forest~~ land along with mobile homes not subject to a parking permit fee or otherwise exempt. The process allows for separate parcels, assessments, appeals and tax bills for the land and each building, improvement, fixture owner.
  - See the Assessor Plat manual for additional process information
- Note: with separate parcels for the land, buildings, improvements and fixtures, the building, improvement and fixture parcels do not require a land value

When either the property owner or the municipality create a parcel, the following steps apply:

- The document with the parcel's description is recorded with the County Register of Deeds
- The County Real Property Lister creates the parcel according to the recorded document, establishes a parcel number
- The Assessor lists and values each parcel on the assessment roll

Building (s), fixture (s), or improvement (s) recording document

- Available for sec. 70.17(3) Wis. Stats., and:
  - Creating a new parcel for the building(s), fixture(s), and/or Improvement(s)
  - Transferring building(s), fixture(s), and/or improvement(s)
  - Adding building(s), fixture(s), and/or improvement(s)
  - Removing building(s), fixture(s), and/or improvement(s)
- See Register of Deeds Association website for the statewide template
- Contact the County Real Property Lister with questions

Compelling parcel creation

Situations may require separate land and improvement parcels. As an example, consider Native American tribal land not subject to taxation with buildings not owned by the tribe and subject to taxation. The situation requires separate parcels since the property tax delinquency and tax deed foreclosure process is not possible for a parcel owned by a Native American tribe.

Complete the assessor's plat process under sec. 70.27, Wis. Stats., if the property owners do not create separate parcels in these situations. If the assessor's plat separate parcel creation process is not complete by the January 1 assessment date:

- Sec. 70.323, Wis. Stats., allows for the assessment of a divided parcel
- Establish the taxable value as of the January 1 assessment date
  - Attribute to each new parcel its value for the year of division according to sec. 70.323(1), Wis. Stats.
  - Apply the value established for the associated January 1: $0 for the land parcel (assuming an exempt entity owns the land) and the taxable value of building for the building parcel
- Distribute notices of changed assessment under sec. 70.365, Wis. Stats., to establish the value determination and the value determination date
- Sec. 70.323(2), Wis. Stats., allows an appeal of the value determination by action in circuit court within 60 days after the determination

Mobile Homes (MH), Manufactured Homes (MFH), and Recreational Mobile Homes (RMH)

Real Property vs. Personal Property

2023 Wisconsin Act 12 repealed the real and personal property definitions specific to manufactured and mobile homes under sec. 70.043, Wis. Stats., and created sec. 70.17(3), Wis. Stats., which requires all manufactured and mobiles homes that are not exempt from taxation to be assessed as real property beginning January 1, 2024. Beginning in 2024, discover and list manufactured and mobile homes on the parcel upon which they sit on January 1 of the assessment year.

Exemptions

Sec. 70.109 Wis. Stats., provides that exemptions to taxation shall be strictly construed in every instance with a presumption that the property in question is taxable. The burden of proof is on the person who claims the exemption.

State law exempts recreational prefabricated structures, camping trailers and recreational mobile homes

Recreational prefabricated structures

Sec. 70.11 (49), Wis. Stats., exempts any prefabricated structure originally designed to be towed upon a highway by a motor vehicle and used primarily as temporary living quarters for recreational, camping, travel, or seasonal purposes if the prefabricated structure is located in a licensed campground under sec. 97.67, Wis. Stats., and is on land not owned by the owner of the prefabricated structure.

- The exemption applies to prefabricated structures that meet all of the following:
  - The dictionary defines prefabricated as: to fabricate the parts of at a factory so that construction consists mainly of assembling and uniting standardized parts

- Originally designed to be towed upon a highway by a motor vehicle
  - See the DOT website for towing requirements
- Used as temporary living quarters for recreational, camping, travel or seasonal purposes
- Located in a licensed campground under sec. 97.67, Wis. Stats.
  - See the DATCP website for a list of licensed campgrounds
  - NOTE: the list excludes licensed campgrounds in five counties. Contact the following Health Departments directly for licensed campground information: Dane County, Menominee County, Milwaukee Public Health, Monroe County and Waushara County.
- On land not owned by the owner of the prefabricated structure

- Under sec. 70.11 (49), Wis. Stats., the prefabricated structure exemption includes accessory decks, sheds, and porches
- The exemption does not apply to:
  - Land where the prefabricated structure, accessory decks, sheds or porches are located
  - Prefabricated structures not originally designed to be towed upon a highway by a motor vehicle
  - Prefabricated structures used as primary or permanent living quarters
  - Prefabricated structures not located in a licensed campground under sec. 97.67, Wis. Stats.
  - Prefabricated structures on land owned by the owner of the prefabricated structure
  - Other real property not otherwise exempt from taxation, e.g. concrete pad where the prefabricated structure or accessories are located, access roads or driveways to the prefabricated structure, utility connections (water, sewer, electric) for the prefabricated structure

Camping trailers

Sec. 70.111(19)(a), Wis. Stats., exempts camping trailers as defined in sec. 340.01(6m), Wis. Stats.: "a vehicle with a *collapsible or folding structure* designed to provide temporary living quarters for recreation, camping, or travel use and to be towed upon a highway by a motor vehicle."

- The exemption applies to camping trailers that meet all of the following:
  - A vehicle with a collapsible or folding structure
  - Designed to provide temporary living quarters for recreation, camping, or travel use
  - Designed to be towed upon a highway by a motor vehicle (e.g. towed on the highway during 2024 establishes a trailer is designed to be towed upon a highway for the January 1, 2025, assessment)
- Exemption does not apply to:
  - Land where the trailer is located
  - Additions, attachments, decks or patios
  - Trailers that are no longer designed to provide temporary living quarters (e.g. changes, additions, attachments, decks or patios that establish use as living quarters that is not temporary)
  - Trailers that are no longer designed to be towed upon a highway by a motor vehicle. (e.g. changes or modifications to the trailer such that the trailer is no longer designed to be towed upon a highway, the trailer is not designed to be towed on the highway during 2024 for the January 1, 2025, assessment). Apply the "Determining Real or Personal Property" process above to determine taxability.

Recreational mobile homes (RMH)
Sec. 70.111(19)(b), Wis. Stats., exempts RMHs as defined in sec. 66.0435(1)(hm), Wis. Stats.: "a prefabricated structure that is *no larger than 400 square feet,* or that is certified by the manufacturer as complying with the code promulgated by the American National Standards as ANSI A119.5, and that is designed to be towed and used primarily as temporary living quarters for recreational, camping, travel or seasonal purposes." (Emphasis added) Recreational mobile homes certified as complying with ANSI A119.5 are identified with a metal plate as shown on Exhibit 15-2. See Examples RMH-1 and RMH-2.

A November 2020 Wisconsin Tax Appeal Commission decision ruled secs. 70.111(19)(b), and 66.0435(1)(hm), Wis. Stats., exempt RMHs whether or not the RMH is attached to the real estate.

- The exemption applies to:
  - RMHs defined in sec. 66.0435(1)(hm), Wis. Stats.
  - Steps and a platform, not exceeding 50 square feet that lead to a doorway of a RMH
- Exemption does not apply to:
  - Land where the RMH is located
  - Other additions, attachments, decks or patios (ex: garages, foundations, sheds)
  - RMH that is a prefabricated structure that exceeds 400 square feet or is not certified by the manufacturer as complying with the code promulgated by the American National Standards Institute as ANSI A119.5
  - RMH that is not designed to be towed and used primarily as temporary living quarters
  - Apply the "Determining Real or Personal Property" process above to determine if property qualifies as exempt personal property under sec. 70.111(28), Wis. Stats.

Monthly Municipal Permit Fee

The permit fee issued under sec. 66.0435, Wis. Stats., has been ruled to be in the nature of a local excise tax and not a general property tax by the Wisconsin Supreme Court. The fair market value of the manufactured or mobile home (excluding the tax-exempt household furnishings) is equated to the overall level of assessment from the prior year's assessment roll. This equated value is multiplied by the general property net tax rate from the preceding year's assessment. The result is the total annual permit fee. The annual fee, less any applicable lottery credit, is divided by 12 to calculate the monthly municipal permit fee.

Sec. 66.0435(3)(c), Wis. Stats., permits any municipality to assess monthly municipal permit fees on camping trailers and recreational mobile homes "regardless of whether or not the unit is occupied during all or part of the calendar year" except in the following situations: (1) the fee cannot be imposed on a unit located in a campground licensed by the Department of Health and Social Services; and, (2) the fee cannot be imposed on a unit located on land where the principle residence of the owner is located.

Sec. 70.112(7), Wis. Stats., exempts from property taxation "Every unit as defined in s. 66.0435(1)(j), that is subject to a monthly municipal permit fee under s. 66.0435(3)." A municipality may enact an ordinance to collect a monthly municipal permit fee from all units located within the municipality except for recreational mobile homes and camping trailers (sec. 70.111(19), Wis. Stats.) and except for recreational mobile homes located in campgrounds licensed under sec. 97.67, Wis. Stats., and mobile homes located on land where the principal residence home owner is located (sec. 66.0435(9), Wis. Stats.).

Sec. 70.112(7), Wis. Stats., exempts units (a single or manufactured or mobile home per. Sec. 66.0435(1)(j), Wis. Stats.) subject to a monthly municipal permit fee from property taxation. Municipalities that have established a manufactured and mobile home community shall collect a permit fee for all units in the park. The permit fee is collected either by the municipality or, by ordinance, through the manufactured or mobile home community operator.

Under sec. 66.0435(3)(cm), Wis. Stats., an exemption is established for up to an additional 50 square feet for steps and a platform leading to the doorway of a recreational mobile home or recreational vehicle. The steps and platform may be physically attached or directly adjacent to the doorway of a recreational mobile home or recreational vehicle. The steps and platform must allow direct access to the doorway. The exemption does not apply to any other addition, attachment, deck or patio. Apply the "Determining Real or Personal Property" process above in these situations to determine if property qualifies as exempt personal property under sec. 70.111(28), Wis. Stats.

When the steps and platform exceed 50 square feet, the square footage exceeding the allowable 50 square feet is taxable if real property. The assessor should subtract 50 square feet from the total measurement of the steps and platform. The area remaining after the subtraction is taxable if real property. For example, the steps and platform leading to recreational mobile home or recreational vehicle measures 75 square feet. The assessor should subtract 50 from 75. The remaining 25 square feet is taxable if real property. Please see Example RMH-1.

Attachments or additions such as enclosed porches or rooms are taxable as well if real property. The 50 square foot exemption under sec. 66.0435(3)(cm), Wis. Stats., applies to steps and a platform and not any other addition, attachment or patio. See Example RMH-2.

Valuation of Manufactured and Mobile Homes

Use the manufactured & mobile home valuation worksheet to collect data regarding the unit (see: Manufactured & Mobile Home Valuation Worksheet (PA-117)). The physical attributes to consider include: manufacturer, model name, serial number, size, age, condition, and number of rooms. The form includes entries for extras like porches, patios, skirting, air conditioning and basement. The assessor should consult with dealers for current data on the cost of new units. These dealers should also have information on the sale value of used mobile homes. Mobile home "blue books" contain cost data on the resale value of various models of mobile homes. Several sources of blue books are included in the Appendix. See DOR's Publication 231 for information on what mobile homes sales include sales tax.

Typically, the manufacturer will provide the length and width measurements on the exterior of the unit. If the measurements are not provided or if there are any modifications, additions, or attachments, the assessor will need to determine the length and width measurements. The total square footage (rounded to the nearest square foot) should be calculated using the outside length and width of the mobile home, including the area of any additions and attachments. It is important that only additions and attachments that are clearly attached to the recreational mobile home be included in the calculation of total square footage. The

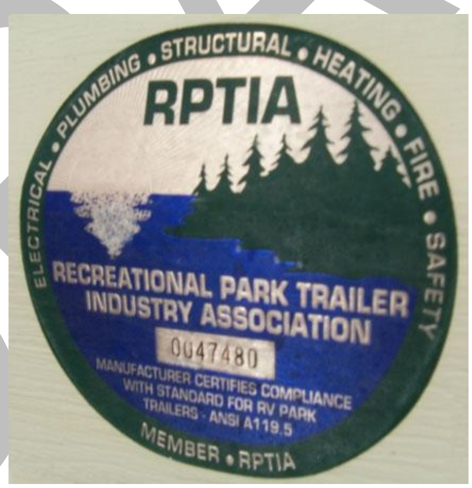
Wisconsin Court of Appeals, affirmed by the Supreme Court, in *Ahrens et al.* vs. *the Town of Fulton*, defined how the assessor should determine what is an addition and attachment. The court stated, "It seems clear from the forgoing that any rooms, porches, decks and the like, that are attached in any way to the basic unit are included within the definition of a mobile home."

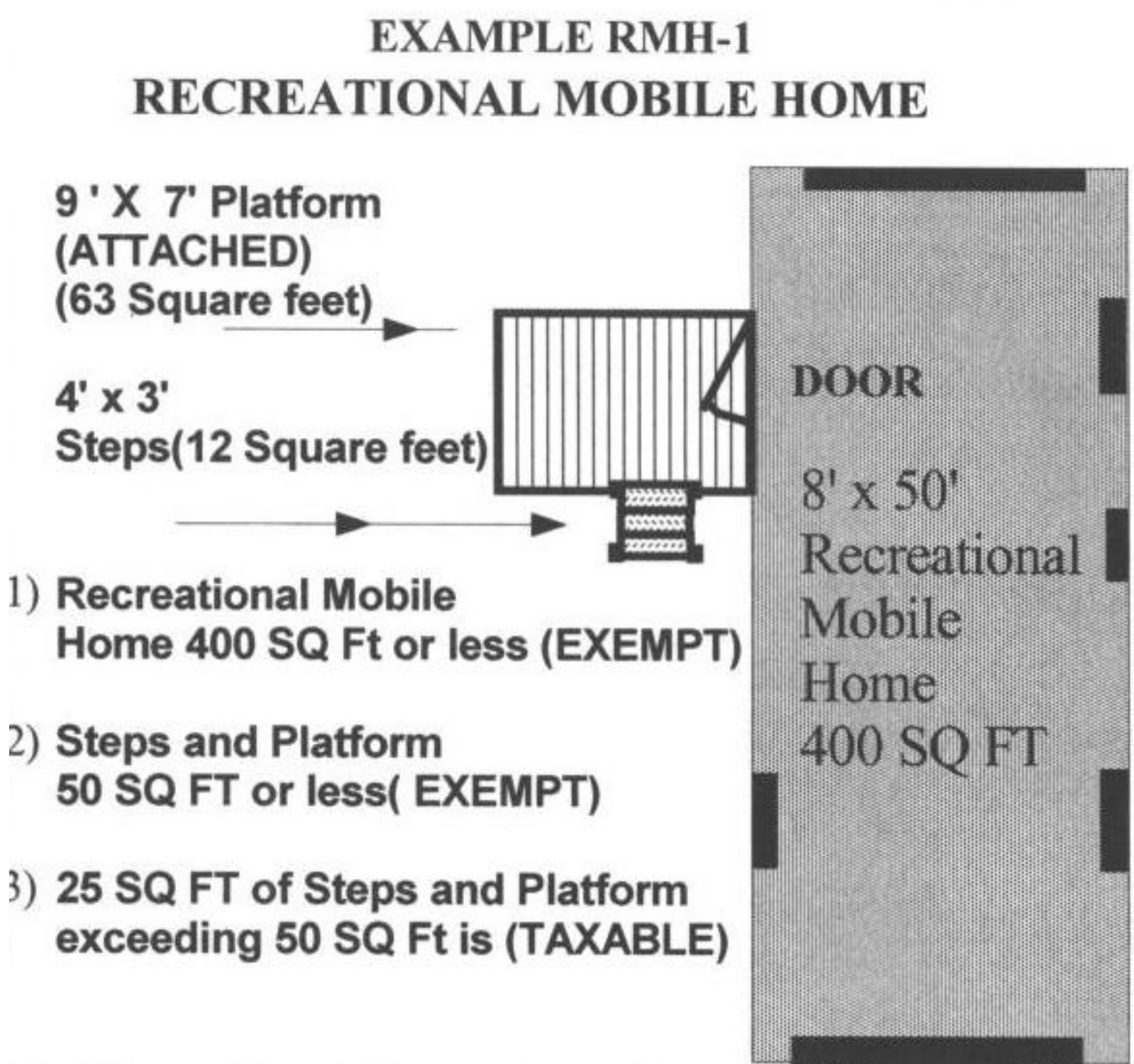
Depending upon the number of manufactured and mobile home sales in the municipality, use of sales from neighboring municipalities may be necessary to perform an accurate sales analysis. The assessor should be careful not to include any personal property when analyzing mobile home sales. Household furnishings are often included in mobile homes sales, but the value of these items should not be included in the analysis of mobile home sales.

Square footage disagreements should first be discussed with the assessor. Manufactured and mobile home assessments are appealed to the BOR in the same manner as other assessments. The unit owner may appeal the valuation placed on the mobile home by appearing before the local BOR and presenting sworn oral testimony as to its true and correct market value. This applies to a Mobile Home whether it is assessed as real property or subject to the municipal permit fee.

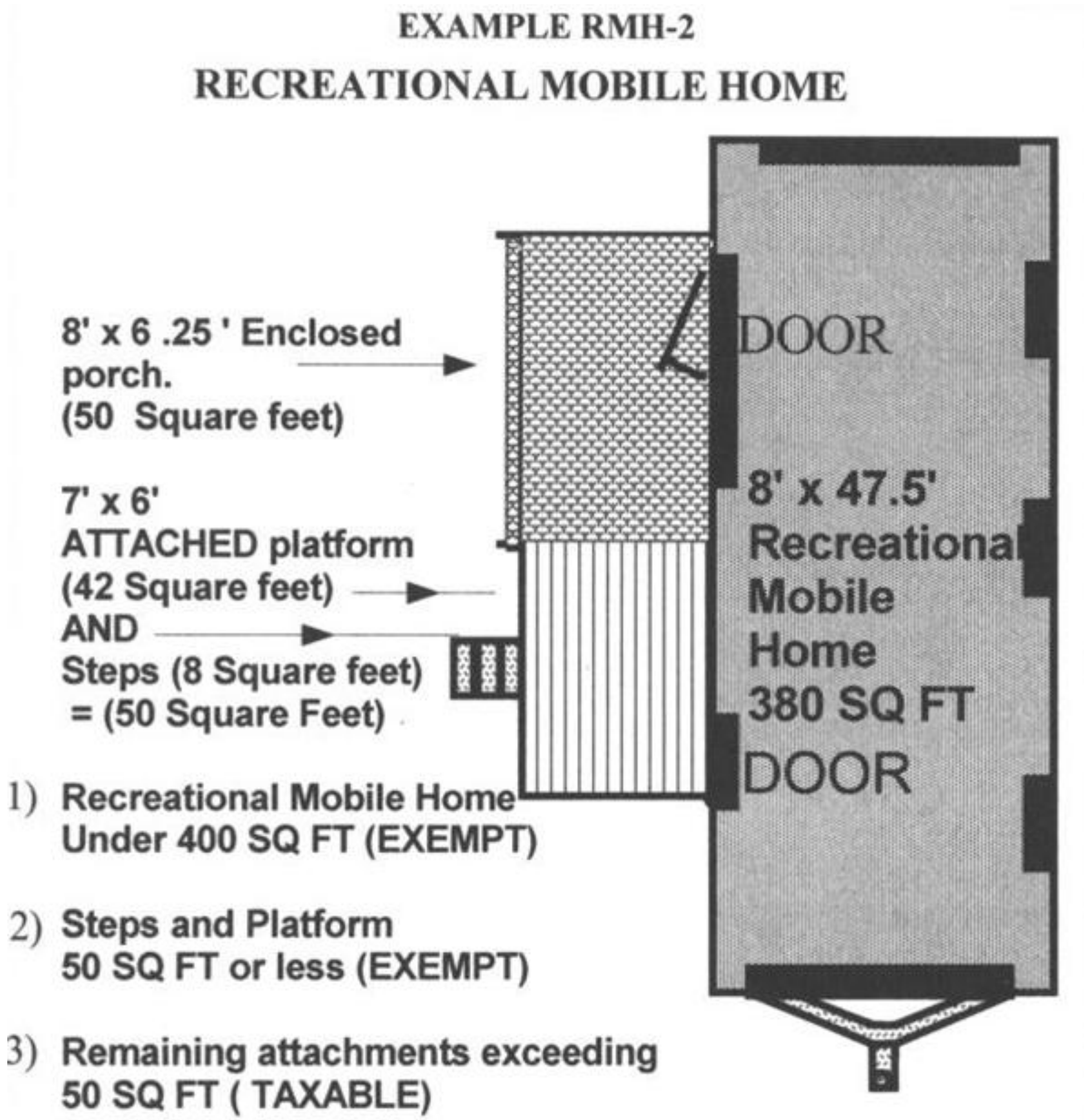
Disputes concerning exemption issues are not heard at the BOR. Property owners contesting exemption status may file a claim of unlawful tax with the municipality (sec. [74.35](), Wis. Stats.). If the municipality rejects the claim, a direct appeal may be made to the Circuit Court of the county in which the property is located.

Figure 18-1





The platform and steps in this recreational mobile home exceed 50 square feet. The recreational mobile home and 50 square feet of the platform are exempt. The remaining 25 square feet is taxable property if real property or maybe subject to a parking fee when a municipal mobile home ordinance is in effect.



The recreational mobile home does not become taxable. The steps and platform under 50 square feet are exempt. The 50 square feet of enclosed porch are taxable if real property or maybe subject to a parking fee when a mobile home ordinance is in effect.

Figure 18-2

Overview of Manufactured & Mobile Home (Unit) Property Taxes

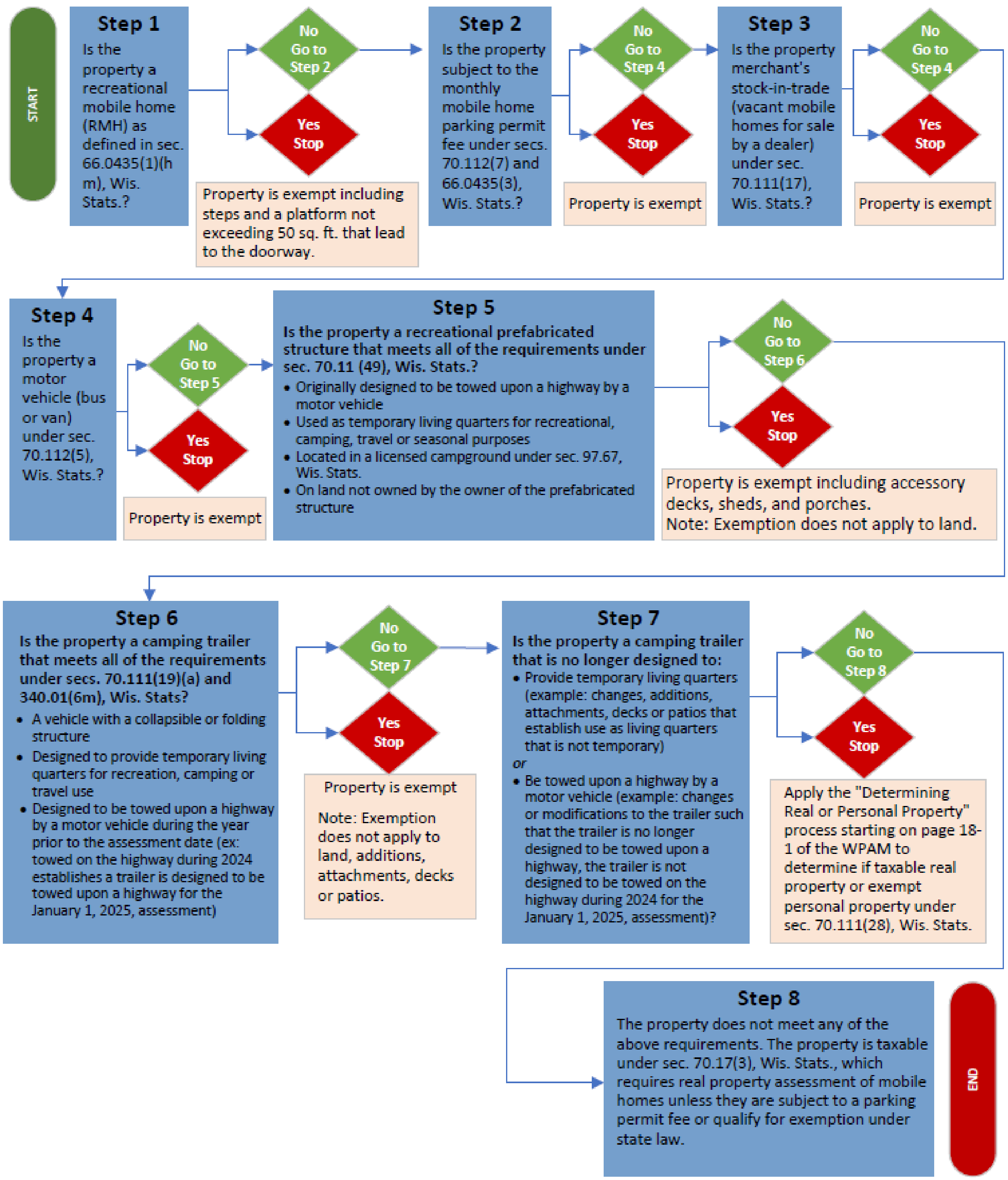
Item	Unit Per Sec. 66.0435(1)(j), Wis. Stats	Subject to General Property Tax	Subject to Municipal Permit Fee	Comments
Unit of any size including additions	Yes	Yes, as real property unless exempt as a recreational prefabricated structure under sec. 70.11 (49), Wis. Stats.	No	Meets definition in sec. 66.0435, Wis. Stats., and real property in sec. 70.17(3), Wis. Stats.
Unit of any size including additions still on wheels	Yes	Yes, as real property unless subject to permit fee or exempt as a recreational prefabricated structure under sec. 70.11 (49), Wis. Stats.	Yes, if located in municipality with sec. 66.0435, Wis. Stats., permit fee	Meets definition in sec. 66.0435, Wis. Stats., and real property in sec. 70.17(3), Wis. Stats. Subject to permit fee if in sec. 66.0435, Wis. Stats., community; if subject to fee, exempt under sec. 70.112(7), Wis. Stats.
Recreational mobile home or vehicle no larger than 400 square feet designed to be towed and used as temporary living quarters.	Yes	Exempt under sec. 70.111(19)(b), Wis. Stats., to include steps and a platform, not exceeding 50 square feet leading to a doorway of a RMH, does not apply to any other addition, attachment, deck, or patio*	No, by sec. 66.0435(3)(c), Wis. Stats.	Meets definition in sec. 66.0435(1)(hm), Wis. Stats., and is exempt from property tax under sec. 70.111(19)(b), Wis. Stats., exempt from permit fee under sec. 66.0435(3)(c), Wis. Stats.
Camping trailer designed to expand into a tent with built-in space for mattress and other fixtures	No	Exempt under sec. 70.111(19)(a), Wis. Stats.	No, by sec. 66.0435(3)(c), Wis. Stats.	"Pop-up" trailer meets definition of camping trailer in sec. 340.01(6m), Wis. Stats., as trailer with collapsible or folding structure designed to be towed on the highway.

Item	Unit Per Sec. 66.0435(1)(j), Wis. Stats	Subject to General Property Tax	Subject to Municipal Permit Fee	Comments
Twin-sections units transported on wheels of dolly and assembled on site.	No	Yes, unless exempt as a recreational prefabricated structure under sec. 70.11 (49), Wis. Stats.	No	Not a unit under sec. 66.0435, Wis. Stats. Determine if taxable real property, see Discover section above.
Buses or vans	No	Exempt under sec. 70.112(5), Wis. Stats.	No	Motor vehicle exempt from property tax under sec. 70.112(5), Wis. Stats.
Vacant unit held for sale by a dealer	No	No	No	Considered merchant's stock under sec. 70.111(17), Wis. Stats.

* Apply the "Determining Real or Personal Property" process above to determine if property qualifies as exempt personal property under sec. 70.111(28), Wis. Stats.

Determining if a mobile home is exempt or taxable

This flow chart provides general information and may not apply in every situation. A thorough review of each property is still required.



Omitted Personal Property

2023 Wisconsin Act 12 exempted personal property. However, Act 12 also amended sec. 70.44, Wis. Stats., to allow assessment of personal property omitted from the 2022 or 2023 assessment roll. If it can be established that certain personal property assessments made before January 1, 2024, were omitted from assessment, the assessor may go back two years, as provided in sec. 70.44, Wis. Stats., and assess any such property for each year of omission.

There may be cases where a personal property account is under assessed because the taxpayer does not report all personal property or where a portion of that property is assumed to be exempt, and it is later learned that the property was taxable on the assessment date. It is not necessary that the assessor have failed to assess all of the personal property of the particular taxpayer in order to assess property under sec. 70.44, Wis. Stats., as omitted property.

Omitted property is entered once for each year it was omitted from assessment, in a separate section of the assessment roll (called the omitted property assessment roll).

Occupational Taxes

The various occupational taxes and the rate of each are listed in Figure 18-3.

In 1991, the U.S. 7th Circuit Court of Appeals invalidated the Wisconsin iron ore concentrates occupational tax by ruling that the tax was discriminatory under the federal Railroad Revitalization and Regulatory Reform Act of 1976 (the 4-R Act) because the tax burden applied to only one railroad—the Burlington Northern. As a result of this case, the tax is no longer imposed.
Taxpayers with property subject to occupational taxes are listed in a separate part of the assessment roll, which is called the Occupational Tax Assessment Roll. For iron ore concentrates, coal docks, and petroleum refineries the assessor enters in the assessment roll the name of the operator and the number of tons.

By law, persons subject to occupational taxes on iron ore concentrates, coal, and petroleum or petroleum products must, by February 1, furnish the assessor with a list or statement specifying the amounts of each handled during the preceding year. To aid in the reporting process, DOR has designed occupational tax forms which are to be completed by persons subject to the occupational taxes on iron ore concentrates, coal, and petroleum. These forms are available from the county clerk.

The assessor is not required to accept the figures reported on the occupational tax forms. If the assessor or BOR has reason to believe that the form is incorrect, or when a person has failed or refused to furnish the form as required by law, the assessor or BOR may enter in the assessment roll such taxes as they feel are correct. If such a change is made by the assessor, the assessor must give a written notice of the amount of the assessment at least six days before the meeting of the BOR. If a change is made by the BOR, notice of the change must be given in time to allow the person to appear and be heard before the BOR in relation to the assessment.

Figure 18-3

Occupational Taxes

Type	Law	Tax Rate	Apportionment of Tax		
			Local	County	State
Iron Ore Concentrates	70.40	5 cents/ton	70%		30%
Coal docks	70.42	5 cents/ton on bituminous prod. 7 cents/ton on anthracite prod.	70%	20%	10%
Crude oil refinery	70.421	5 cents/ton	100%	—	—

* The remaining 20% of the tax monies collected are turned over to the Investment and Local Impact Fund created under sec. 70.395(2), Wis. Stats.

Public Utilities

Whenever the property of a public utility extends into more than one taxation district, it becomes assessable under Chapter 76, Wis. Stats., by DOR. The courts in Wisconsin have determined that these properties must be assessed as a whole and going concern. This is necessary to guarantee a uniform and equitable assessment of utility property.

State law requires DOR to annually assess all taxable property, owned or leased, used by railroads, electric and gas utilities, telegraph, conservation and regulation, airlines and pipeline companies in the State of Wisconsin. Therefore, the Manufacturing & Utility Bureau not only assesses property owned by the utilities (if located in more than one taxation district) but also assesses personal property leased to utilities. A list of utility companies assessed by the state is provided to assessors in the annual Supplement. If any leasing companies submit a statement of personal property leased to an electric, gas, pipeline, railroad, telegraph, airline, conservation and regulation company, the return should be forwarded to the Manufacturing & Utility Bureau.

State vs. Local Assessment
When Used in Part for Non-Utility Purposes

Any public utilities assessed by DOR under Chapter 76, Wis. Stats., are exempt from property taxes except in cases where a general structure (this does not include land) is used in part for the operation of a public utility and in part for non-operating purposes of a utility. In such cases, the general structure is assessed by the local assessor at the percentage of its full market value that fairly measures and represents the extent of its use for non-operating purposes (sec. 70.112(4), Wis. Stats.).

Where DOR has knowledge of utility properties that are used in part for non-utility purposes it will annually notify assessors of this fact and of the percentage of non-utility use as estimated by the utility company if available. The assessor will be asked to investigate the use of such properties to determine if the property is used for both utility and non-utility purposes, and to determine if the percentage allocation estimated by the utility company is accurate. The procedure to estimate the proportional use of a structure follows.

Determine Proportional Use of General Structure

Only the general structure (improvement) is considered. If the structure is homogeneous in construction and economic rental value, appraise the total structure as you do others of its kind in your taxation district. Then take that figure times the percentage of the structure that represents non-utility use based upon area (sq. ft. or cubic ft.).

If the structure is not homogeneous, identify the part used for non-utility and the part used for utility purposes and value each part separately by cost, income, gross rent multiplier, etc.

Utility Portion	$ XXX
Non-Utility Portion	$ YYY
Total Structure	$ ZZZ

Proportion of Utility Use	=	$ XXX	÷	$ ZZZ
Proportion of Non-Utility	=	$ YYY	÷	$ ZZZ

In cases where the utility company and the local assessor disagree on the percentage of the structure that is utility vs. non-utility, the discrepancy must be resolved by DOR, municipality, and utility so an equitable assessment can be made.

While part of a general structure may be assessed locally and part by DOR, this is not the case with land. In cases where a property is used in part for the operation of a public utility and in part for non-operating purposes, the land is either completely exempt from local taxation, or entirely subject to local taxation, depending upon the predominant use. This method of assessing the land according to its predominant was upheld in *TDS Real Estate Investment Corp. and Central State Telephone Co.* v. *City of Madison,* 151 Wis.2d 530, 445 N.W.2d 53 (1989).

Determine Predominant Use of Land

Analyze the land and divide it between (a), the land under the general structure necessary for the location and convenience of the structure and (b), any additional or excess land included in the parcel under consideration.

With respect to (a), the land under the structure, the percent utility and percent non-utility use would follow the same proportions determined for the general structure itself.

Example: If there is no excess or additional land, the proportions for the general structure to determine the predominant use of the land. For example, if the general structure utility use is 52% and non-utility use is 48%, the predominant use of the land is utility, assessable by DOR, and not entered on the local assessment roll. The assessed value of the non-utility portion of the general structure is listed on the local real property assessment roll.

Conclusion:

- Land: Predominant use is utility, hence no land is to be assessed locally
- General Structure: 48% non-utility; assessed locally as real property; 52% utility; assessed by State.
- If there is excess land other than under the structure, weight the excess land in relation to the land under the structure to determine a "composite" proportion of land use

Example: Assume a situation where the general structure is 52% utility use and 48% non-utility use. The parcel under consideration includes a substantial amount of excess land so that the land under the general structure is 60% of the total land parcel and the excess land is 40% of the total land parcel. The excess land is 20% utility use and 80% non-utility use. The composite land use proportion is computed as follows:

	(1) Weight	**(2) Utility use**	**(3) (1) X (2)**	**(4) Non-utility use**	**(5) (1) X (4)**
Land Under Structure	60%	52%	31.2	48%	28.8
Excess Land	40%	20%	8.0	80%	32.0
			39.2		60.8

Conclusion:

- Land: Predominant use is non-utility (60.8%), hence all land is locally assessed.
- General Structure: 48% non-utility; assessed locally 52% utility; assessed by State
- Since land is assessed locally under the doctrine of predominant use, enter both the land and 48% of improvement value in the real estate section of the local assessment roll.

Telephone Companies and Equipment

The Manufacturing and Utility Assessment Section is responsible for telephone company assessment. Taxes collected from telephone companies go to the state's general fund. Property of telephone companies is assessed according to sec. 70.32(1), Wis. Stats., and sec. 70.34, 2021, Wis. Stats. Taxable telephone property includes local exchanges, inter-exchanges, cellular, personal communication systems, and reseller companies.

Municipal assessors are to assess one-way radio paging and any non-operating telephone company property including retail stores selling phones. Municipal assessors must also assess property owned by a telephone company and leased to a non-operator along with property on right-of-way easement.