

1999 DRAFTING REQUEST

Assembly Amendment (AA-AB133)

Received: **06/10/99**

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau 6-8744**

By/Representing: **Mason**

This file may be shown to any legislator: **NO**

Drafter: **shoveme**

May Contact:

Alt. Drafters:

Subject: **State Government - miscellaneous
Counties
Nat. Res. - LWSR stewardship**

Extra Copies: **JTK, MGG, PJK**

Pre Topic:

LFB:.....Mason -

Topic:

Land council; Public access to information on the use of public money to purchase certain land rights

Instructions:

See Attached, motion # 1362

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	shoveme 06/12/99	ygeller 06/13/99	mclark 06/13/99	_____	lrb_docadmin 06/13/99		
/2	shoveme 06/14/99	chanaman 06/14/99	jfrantze 06/14/99	_____	lrb_docadmin 06/14/99		
/3	shoveme 06/14/99	wjackson 06/14/99	haugeca 06/14/99	_____	lrb_docadmin 06/14/99		

6/14/99 6:41:30 PM

Page 2

FE Sent For:

<END>

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13 MES 6/14/99
FE Sent For: 13 6/14 WLJ

CH
6-14
SH
6-14
<END>

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FE Sent For:		<i>cmH 6/14 12</i>	<i>206/14</i>	<i>JG 6/14 <END></i>			

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See Attached, motion # 1362

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<i>11 MES 6/12/99</i>							

FE Sent For:

<END>



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3997 • Fax: (608) 267-6873

Date: 6-8-99

DELIVER TO:

JTK

Addressee Fax #:

Addressee Phone #:

of Pages, Including Cover:

3

Sender's Initials:

JM

From:

TONY MASON, LFB

Message:

Jeff:

The following motion was adopted at JFC this morning. Although it is titled "Natural Resources" it deals largely with DOA's Land Council, so I am sending drafting instructions first to you. [If you determine that someone else should do this draft, could you please let me know?]

This draft came straight from Rep. Albers'; office, so I am afraid I can't tell you much about intent where that may be unclear from the language of the motion. I would suggest that you talk with Scott in her office for possible clarifications.

Tony Mason, LFB

Representative Albers
Senator Shibilski

NATURAL RESOURCES -- STEWARDSHIP

**Public Access to Information on the Use of Public Dollars
for the Purchase of Intangible Land Rights**

Motion:

1. Move to Develop a system whereby intangible land rights sales utilizing state or local government funds get recorded with the Land Council.

2. Develop the system utilizing the following guidelines:

a. Direct the Land Council to develop, print and distribute to county register of deeds a form containing the following information:

1. Names and addresses of parties involved in the transaction.
2. Date of transaction.
3. Approximate acreage or footage of the real property from which the intangible right derives.
4. Approximate acreage or footage (if applicable) of the intangible right (e.g. easement, wetlands reserve program placement).
2. 5. Category of right (if applicable) – should mirror the assessment category.
6. Amount paid by the purchasing party for the intangible land right.
7. Source of funds (state, local, federal, or combination of some or all).

b. Create the form in a 3-copy fashion – the Land Council will keep the original, then send 2 copies to the individual submitting the form (1 for the county register of deeds when filing the transaction records for recording, and 1 for the individual's records).

c. Allow either the purchaser or the purchaser's agent, or the seller or seller's agent to prepare and sign the form.

d. Direct registers of deeds to make the form available to parties desiring to record a transaction.

e. Direct the DNR and Department of Revenue to make the forms available to parties desiring the form.

govt units need not disclose purchase price when sold to govt

3. Modify the statutes related to confidentiality of price, broadening the statutory exemption to confidentiality which currently applies only to government to now include non-profits that utilize or rely upon government funds to acquire land.

4. Require that all intangible land transactions utilizing government funds have a copy of the form verifying submittal to the Land Council prior to recording the transaction with a county.

5. Direct the Land Council to put the forms on the internet when such a statewide computerized land information system becomes available.

MO#	
Burke	Y N
Decker	Y N
Jauch	Y N
Moore	Y N
Shiblski	Y N
Flacha	Y N
Cowles	Y N
Panzer	Y N
Gard	Y N
Porter	Y N
Kaufert	Y N
Albers	Y N
Duff	Y N
Ward	Y N
Huber	Y N
Riley	Y N

16-0



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0618/1
MES.....

↑
jlg

LFB:.....Mason – Land council; Public access to information on the use of public money to purchase intangible land rights

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

0-note

1 At the locations indicated, amend the bill as follows:

2 1. Page 132, line 21: after that line insert:

3 (3) "SECTION 43^h 16.023 (1m)^x of the statutes is created to read:

4 (check A) 16.023 (1m) (a) In this subsection:

5 1. "Intangible land rights" means a holder's nonpossessory interest in land that
6 imposes a limitation or affirmative obligation the purpose of which is to retain or
7 protect natural, scenic or open space values of land, assuring the availability of land
8 for agricultural, forest, wildlife habitat or open space use, protecting natural
9 resources or maintaining or enhancing air or water quality.

10 2. "Political subdivision" means a city, village, town or county. ✓

1 3. "Public funds" means funds of the [✓]United States, this state or of a political
2 subdivision, or an instrumentality, agency or subunit of any of the foregoing.

3 4. "Transaction" means a conveyance of intangible land rights that use public
4 funds to accomplish the conveyance.

5 (b) The council [✓]shall develop and distribute a triplicate form ^{that is in} to each register
6 of deeds, the department of natural resources and the department of revenue ^{which that}
7 contains ^{space for} the following information:

8 1. The name and address of each party that is involved in a transaction.

9 2. The date of the transaction.

10 3. The approximate size of the parcel to which the intangible land rights relate.

11 4. The approximate total size of the parcel of which the intangible land rights
12 constitute a portion.

13 5. The classification of the parcel under s. 70.32 (2) (a) [✓]to which the intangible
14 land rights relate.

15 6. The amount paid by the purchaser for the intangible land rights.

16 7. The source of the public funds that were used in the ^{conveyance} ~~purchase~~ of the
17 intangible land rights.

18 (c) A person who is a party to a transaction, as a purchaser or purchaser's agent
19 or as a seller or seller's agent, may prepare and sign the form described in par. [✓](b).
20 If the person prepares and signs the form, the person shall send one copy of the form
21 to the council and record one copy with the register of deeds of the county in which
22 the transaction is recorded.

23 (d) A register of deeds, the department of natural resources [✓]and the department
24 of revenue shall make the form available to any person who requests one.

1

(e) The council shall post the form on the internet when a ^{site for a} statewide computerized land information system ~~is~~ is created and makes such a posting possible.

4

~~SECTION 43.~~ 16.023 (3) ^j of the statutes is amended to read:

5

16.023 (3) Subsections (1) ~~and to~~ [✓] (2) do not apply after August 31, 2003." [✓]

History: 1997 a. 27.

6

(END) [✓]

check-A

D-note



DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0618/1dn

MES...:.....

↑
JG

Tony Mason:

Please review this amendment very carefully; because I had difficulty determining what the intent of the motion is, I'm not sure if the amendment reflects the intent of Joint Finance (JCF). I could not draft all of the instructions contained in the motion because some of the instructions did not make sense to me; other instructions were so vague that I could only guess at JCF's intent. Please note the following:

Committee on

1. On a very basic level, I'm not sure what is meant by "intangible land rights." In instruction 2^a. 4., the motion contains, as an example, "e.g. easement, wetlands reserve program placement." From this reference, I'm guessing that JCF means some kind of conservation easement. I based the definition of "Intangible land rights" in created s. 16.023 (1m) (a) on the definition of "development rights" in s. 71.605 (1) (a), which is created in the bill. See bill section 1782. Is this OK?

2. Instruction 2^a. 5. refers to "Category of right" and "assessment category." I have no idea what this is, and "assessment category" does not appear in the statutes. Is created s. 16.023 (1m) (b) 5. what was intended?

3. The amendment does not require any person to fill out the form because the motion does not require any person to fill out the form. The motion only refers to "allowing" certain persons to fill out the form, and "directs registers of deeds", DNR and DOR to "make the form available to parties *desiring* to record a transaction" or "*desiring* the form."

4. I did not execute instruction 3^a because I have no idea what is wanted. The instruction states "Modify the statutes related to confidentiality of price, broadening the statutory exemption to confidentiality which currently applies only to government to now include non-profits that utilize or rely upon government funds to acquire land." What statute is referred to? It's not the real estate transfer fee. I consulted with the attorneys who draft in real estate and property taxes and neither of them have any idea what this "confidentiality of price" instruction refers to.

5. I did not execute instruction 4^a because I have no idea what is wanted. The instruction states "Require that all intangible land transactions utilizing government funds have a copy of the form verifying submittal to the Land Council prior to recording the transaction with a county." First of all, the sentence seems to be missing some words. The sentence is unclear as to who or what is required to act. The instruction

also seems to indicate that there is supposed to be some kind of second form; a form that "verifies" submittal of the first form to the land council.

Please let me know if you have any answers to the questions I have raised. I will be happy to redraft the amendment if you can provide me with some additional information as to what JCF intended.

Marc E. Shovers
Senior Legislative Attorney
Phone: (608) 266-0129
E-mail: Marc.Shovers@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0618/1dn
MES:jlg:mrc

June 13, 1999

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Please review this amendment very carefully; because I had difficulty determining what the intent of the motion is, I'm not sure if the amendment reflects the intent of Joint Committee on Finance (JCF). I could not draft all of the instructions contained in the motion because some of the instructions did not make sense to me; other instructions were so vague that I could only guess at JCF's intent. Please note the following:

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LFB:.....Mason – Land council; Public access to information on the use of public money to purchase intangible land rights

FOR 1999-01 BUDGET – NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

I have never seen this with RE. It will cause confusion. I would delete "Intangible". All RE interests are intangible.

- 1 At the locations indicated, amend the bill as follows:
- 2 1. Page 132, line 21: after that line insert:
- 3 "SECTION 43h. 16.023 (1m) of the statutes is created to read:
- 4 16.023 (1m) (a) In this subsection:
- 5 1. Intangible land rights" means a holder's nonpossessory interest in land that
- 6 imposes a limitation or affirmative obligation the purpose of which is to retain or
- 7 protect natural, scenic or open space values of land, assuring the availability of land
- 8 for agricultural, forest, wildlife habitat or open space use, protecting natural
- 9 resources or maintaining or enhancing air or water quality.
- 10 2. "Political subdivision" means a city, village, town or county.

1 3. "Public funds" means funds of the United States, this state or of a political
2 subdivision, or an instrumentality, agency or subunit of any of the foregoing.

3 4. "Transaction" means a conveyance of intangible land rights that use public
4 funds to accomplish the conveyance.

5 (b) The council shall develop and distribute a form, that is in triplicate, to each
6 register of deeds, the department of natural resources and the department of revenue
7 that contains space for the following information:

8 1. The name and address of each party that is involved in a transaction.

9 2. The date of the transaction.

10 3. The approximate size of the parcel to which the intangible land rights relate.

11 4. The approximate total size of the parcel of which the intangible land rights
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15 6. The amount paid by the purchaser for the intangible land rights.

16 7. The source of the public funds that were used in the conveyance of the
17 intangible land rights.

18 (c) A person who is a party to a transaction, as a purchaser or purchaser's agent
19 or as a seller or seller's agent, may prepare and sign the form described in par. (b).
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22 the transaction is recorded.

23 (d) A register of deeds, the department of natural resources and the department
24 of revenue shall make the form available to any person who requests one.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0618/P
MES:jlg:mrq
ecmt
FMR

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W.P.O.
please
fix topic
line on
request
cover sheet

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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0078/1dn
MES:jlg:47

E cmf

June 13, 1999

Also, in this version, I have avoided use of the word "intangible."

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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0670/2dn
MES:kmg:jf

June 14, 1999

This note is meant to alert you that it is possible that a Wisconsin court would find that this legislation is a "private or local bill" that, under art. IV, sec. 18, of the Wisconsin Constitution, must be enacted as single-subject legislation. If so, this legislation cannot validly be enacted as part of the state budget bill because the budget bill clearly encompasses more than one subject.

Under *Milwaukee Brewers Baseball Club v. Wisconsin Dept. of Health and Social Services*, 130 Wis. 2d 79, 115 (1986), "a legislative provision which is specific to any person, place or thing is a private or local law within the meaning of art. IV, sec. 18, unless: 1) the general subject matter of the provision relates to a state responsibility of statewide dimension; and 2) its enactment will have direct and immediate effect on a specific statewide concern or interest". This proposal is applicable only to the Village of Birnamwood.

Because it is difficult to predict the potential for and outcome of any court action on this proposal, should it be enacted as part of the budget, you may wish to consider introducing this proposal as a separate bill.

Marc E. Shovers
Senior Legislative Attorney
Phone: (608) 266-0129
E-mail: Marc.Shovers@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0618/2dn
MES:jlg&cmh:jf

June 14, 1999

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Marc E. Shovers
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1) TONY MASON 6/17/99 instructions
require the council to develop the
form by 4/1/2000 4/1/00

2) Req. by 7/1/2000, Reg. of deeds to
rev the form

reg of deeds must record the form
if public funds have been used

if public funds are involved, form
must be filed

★ CALL Bill Ford to
get info on "confidentiality of price"
instruction T

Conversation w/ Bill Ford 6/14/99
Rep. Albers is mad that nonprofits are
buying up ^{interests in} land w/ public \$ &
she wants to find out how much
they pay for the land w/out going to
the registers of deeds office & doing the

not that she knows
fee is \$3/\$1000 calculation ←

~~CR~~ ^{CR} _{in new} 77,265 -- x-ref to
23,0955 (1)

any person may use a return ^{filed and result}
result of a conveyance to a
nonprofit ^{conservation} org, as defined in S. 23.0955(1)
that used \$ from a govt to finance
the acquisition of the property.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0618/2
MES:jlg&cmh

E. W. J.
RMR

LFB:.....Mason – Land council; Public access to information on the use of public money to purchase certain land rights

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

D-Note

- 1 At the locations indicated, amend the bill as follows:
- 2 1. Page 132, line 21: after that line insert:
- 3 "SECTION 43h. 16.023 (1m) of the statutes is created to read:
- 4 16.023 (1m) (a) In this subsection:
- 5 1. "Land rights" means a holder's nonpossessory interest in land that imposes
- 6 a limitation or affirmative obligation the purpose of which is to retain or protect
- 7 natural, scenic or open space values of land, assuring the availability of land for
- 8 agricultural, forest, wildlife habitat or open space use, protecting natural resources
- 9 or maintaining or enhancing air or water quality.
- 10 2. "Political subdivision" means a city, village, town or county.

1 3. "Public funds" means funds of the United States, this state or of a political
2 subdivision, or an instrumentality, agency or subunit of any of the foregoing.

3 4. "Transaction" means a conveyance of land rights that use public funds to
4 accomplish the conveyance.

5 (b) ^{Not later than January 1, 2000,} The council shall develop and distribute a form, that is in triplicate, to each
6 register of deeds, the department of natural resources and the department of revenue
7 that contains space for the following information:

8 1. The name and address of each party that is involved in a transaction.

9 2. The date of the transaction.

10 3. The approximate size of the parcel to which the land rights relate.

11 4. The approximate total size of the parcel of which the land rights constitute
12 a portion.

13 5. The classification of the parcel under s. 70.32 (2) (a) to which the land rights
14 relate.

15 6. The amount paid by the purchaser for the land rights.

16 7. The source of the public funds that were used in the conveyance of the land
17 rights.

18 (c) ^{For a transaction that is completed after June 30, 2000,} A person who is a party to a transaction, as a purchaser or purchaser's agent
19 or as a seller or seller's agent, ~~who~~ ^{shall} prepare and sign the form described in par. (b).[✓]
20 ~~the person~~ ^{who} prepares and signs the form ~~the person~~ shall send one copy of the form
21 to the council and record one copy with the register of deeds of the county in which
22 the transaction is recorded.

23 (d) A register of deeds, the department of natural resources and the department
24 of revenue shall make the form available to any person who requests one.

1 (e) The council shall post the form on the Internet when a site for a statewide
2 computerized land information system is created and makes such a posting possible.

3 **SECTION 43j.** 16.023 (3) of the statutes is amended to read:

4 16.023 (3) Subsections (1) and to (2) do not apply after August 31, 2003.”

5 (END)

Handwritten circled notes: "NC 11-4"

Do note

I believe this version of the amendment conforms to your instructions, but 16.023(1m) (1) is somewhat vague. No particular actor has the duty to file the form, although the form must be filed with the council and recorded with a register of deeds.

AM Ed

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0618/3ins
MES:jlg&cmh:jf

INS 3-4

1 ~~#4~~ 1. Page 907, line 16: after that line insert:

2 "SECTION 1812k. 77.265 (10)[✓] of the statutes is created to read:

3 77.265 (10) Any person may use a return filed as a result of a conveyance to
4 a nonprofit conservation organization, as defined in s. 23.0955 (1)[✓], that uses public
5 funds, as defined in s. 16.023 (1m) (a) 3.[✓], for a transaction, as defined in s. 16.023 (1m)
6 (a) 4.[✓]

7 SECTION 1812L. 77.265 (10)[✓] of the statutes, as affected by 1999 Wisconsin Act
8 ~~delete extra spaces~~ /... [this act], is repealed."

9 ~~#4~~ 2. Page 1476, line 24: after that line insert:

10 (10) ⁿ "(3~~2~~) REAL ESTATE TRANSFER FEE RETURN. The repeal of section 77.265 (10)[✓] of the
11 statutes takes effect on September 1, 2003."
12

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb0618/3dn
MES:jlg&cmh&wlj:ch

June 14, 1999

I believe this version of the amendment conforms to your instructions, but s. 16.023 (1m) (c) is somewhat vague. No particular actor has the duty to file the form, although the form must be filed with the council and recorded with a register of deeds.

Marc E. Shovers
Senior Legislative Attorney
Phone: (608) 266-0129
E-mail: Marc.Shovers@legis.state.wi.us



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0618/3
MES:jlg&cmh&wlj:ch

LFB:.....Mason – Land council; Public access to information on the use of
public money to purchase certain land rights

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 132, line 21: after that line insert:

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7 natural, scenic or open space values of land, assuring the availability of land for
8 agricultural, forest, wildlife habitat or open space use, protecting natural resources
9 or maintaining or enhancing air or water quality.

10 2. “Political subdivision” means a city, village, town or county.

1 3. "Public funds" means funds of the United States, this state or of a political
2 subdivision, or an instrumentality, agency or subunit of any of the foregoing.

3 4. "Transaction" means a conveyance of land rights that use public funds to
4 accomplish the conveyance.

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17 7. The source of the public funds that were used in the conveyance of the land
18 rights.

19 (c) For a transaction that is completed after June 30, 2000, a person who is a
20 party to a transaction, as a purchaser or purchaser's agent or as a seller or seller's
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13 **3.** Page 1476, line 24: after that line insert:

14 “(3n) REAL ESTATE TRANSFER FEE RETURN. The repeal of section 77.265 (10) of the
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16 (END)