

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

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March 1, 2010

Representative Mason:

The instructions for the substitute amendment indicated that a special charge should be “tied to the address for the term of the loan.” I don’t believe that any drafting needs to be done to ensure this result.

Section 66.0627 (2) of the statutes states that a special charge may be imposed against “real property”, and if a special charge becomes delinquent, it becomes a lien on the property and is included on the property owner’s property tax bill. See s. 66.0627 (4). Current law, s. 66.0627 (8), allows loan repayments to be collected as a special charge, paid in installments, and collected through the property tax system.

Therefore, a special charge is currently tied to a particular parcel of property, and the the obligation to pay the special charge is on the owner of the property. That obligation runs with the land if the property is sold. Adding any additional requirement that a special charge or loan repayment be “tied to the address for the term of the loan” is unnecessary because the basis of imposing the special charge is its imposition on a particular parcel of property.

Likewise, the special tax provision in s. 66.0907 (3) (f) is based on the imposition of the tax on a particular lot or parcel of land and is collected through the property tax system. Please let me know if you have questions about this issue.

In the amendment of s. 66.0627 (8), I also added the phrase “for owner–arranged financing” to the phrase in the instructions, “or enter into an agreement with the owner regarding loan repayments to a 3rd party **for owner–arranged financing** for such purposes,” to make this provision clearer.

Marc E. Shovers
Managing Attorney
Phone: (608) 266–0129
E–mail: marc.shovers@legis.wisconsin.gov

Please review the new language regarding costs and savings in proposed s. 196.3745 (4) to make sure that it achieves your intent. Note that Eric Sundquist advised that the performance contracting should be available for all types of premises, rather than

just for nonresidential. As for the performance contracting language, I require the PSC to figure out in rules how they will apply to utility programs and I require political subdivisions to establish requirements and procedures for political subdivision loans.

Also, I was not sure how to treat the new prioritization for performance contracting n proposed s. 196.3745 (6) (d) and (7) (b). As a result, I maintained the priority rules in AB-755, but required that for improvements and applications with a similar priority under those rules, the greatest priority should be given to improvements and applications that are subject to performance contracts.

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov