

CR 92108

CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPARTMENT OF REVENUE)

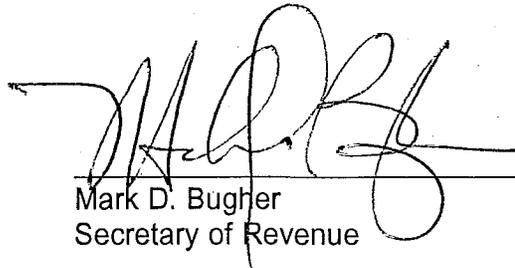
I, Mark D. Bugher, Secretary of the Department of Revenue and custodian of the official records certify that the attached rule, relating to the amending of rule Tax 15.02 was duly approved and adopted by this department on October 26, 1992.

I further certify that this copy has been compared by me with the original on file in this department and that it is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand at 125 South Webster Street in the city of Madison, this 26th day of October, 1992.

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NOV - 2 1992
10:35am
Revisor of Statutes
Bureau


Mark D. Bugher
Secretary of Revenue

ORDER OF THE DEPARTMENT OF REVENUE
AMENDING RULES

The Wisconsin Department of Revenue adopts an order to amend Tax 15.02(1), relating to value subject to real estate transfer fee.

Analysis by the Department of Revenue

Statutory authority: s.227.11(2)(a), Stats. and s.77.30, Stats.

Statutes interpreted: ss. 77.21(3), Stats.

SECTION 1. Tax 15.02(1) is amended to reflect the Court of Appeals, District II, No. 91-2368, March 25, 1992 decision in Wisconsin Department of Revenue v. Mark which held that the full ownership interest in the property was transferred to the partnership in exchange for the amount of the full actual consideration paid therefor or to be paid, including the amount of a lien or liens thereon.

SECTION 1. Tax 15.02(1) is amended to read:

Tax 15.02(1) The conveyance of a parcel of real property by a partner to a partnership is subject to both real estate transfer fee and return. ~~The measure of value subject to the fee is the value of the ownership of the property actually relinquished.~~

Note to Revisor: Delete the example which follows s. Tax 15.02(1): Also, add the following note after the example which follows s. Tax 15.02(2):

Note: The amending of Tax 15.02(1) is necessitated by a March 25, 1992 Court of Appeals, District II decision of Wisconsin Department of Revenue v. Mark, which overruled Department of Revenue policy as stated in the rule which imposes the transfer fee on an amount less than provided for by sec. 77.21(3), Stats. As a result of that decision, this section shall have an effective date of March 25, 1992.

Final Regulatory Flexibility Analysis

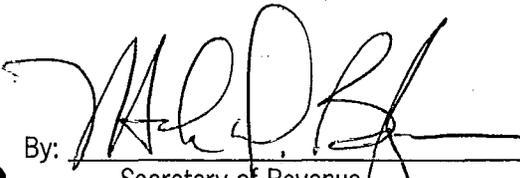
The rule order does not have a significant economic impact on a substantial number of small businesses.

Dated: October 26, 1992

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By: 

Secretary of Revenue
WISCONSIN DEPARTMENT OF REVENUE

FISCAL ESTIMATE

DOA-2048 (R11/90)

ORIGINAL
 CORRECTED

UPDATED
 SUPPLEMENTAL

Subject

Value of Real Property Subject to the Real Estate Transfer Fee

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Costs - May be possible to Absorb Within Agency's Budget Yes No

Increase Existing Appropriation Increase Existing Revenues
 Decrease Existing Appropriation Decrease Existing Revenues
 Create New Appropriation

Decrease Costs

Local: No local government costs

1. Increase Costs
 Permissive Mandatory

3. Increase Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:
 Towns Villages Cities

2. Decrease Costs
 Permissive Mandatory

4. Decrease Revenues
 Permissive Mandatory

Counties Others _____
 School Districts VTAE Districts

Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

Prior to the March 25, 1992 decision of the Court of Appeals, District II, in Wisconsin Department of Revenue v. Mark, the Department assessed real estate transfer fees of property transfers from individuals to partnerships on the basis of the consideration paid times the percentage of the partnership owned by individuals other than the transferor. Since the decision, the Department has assessed such transfers on the basis of the full consideration paid.

The court decision and proposed rule change will increase real estate transfer fees retained by counties (20% of collections) and remitted to the state. Current available data do not permit a reliable estimate of this increase.

Long-Range Fiscal Implications

Agency/Prepared by: (Name & Phone No.)
Wisconsin Department of Revenue
Daniel P. Huegel, 266-5705

Authorized Signature/Telephone No. /266-2700
Ron Rosner

Date
June 18 '92

FISCAL ESTIMATE WORKSHEET

1991 Session

Detailed Estimate of Annual Fiscal Effect ORIGINAL UPDATED
 DOA-2047(R11/90) CORRECTED SUPPLEMENTAL

LRB or Bill No./Adm. Rule No. Amendment No.
 Tax 15.02

Subject

Value of Real Property Subject to the Real Estate Transfer Fee

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

II. Annualized Costs:	Annualized Fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
A. State Costs by Category		
State Operations - Salaries and Fringes	\$	\$ -
(FTE Position Changes)	(FTE)	(- FTE)
State Operations - Other Costs		-
Local Assistance		-
Aids to Individuals or Organizations		-
TOTAL State Costs by Category	\$	\$ -
B. State Costs by Source of Funds		
GPR	\$	\$ -
FED		-
PRO/PRS		-
SEG/SEG-S		-
III. State Revenues- Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	Increased Rev.	Decreased Rev.
GPR Taxes	\$	\$ -
GPR Earned		-
FED		-
PRO/PRS		-
SEG/SEG-S		-
TOTAL State Revenues	\$	\$ -

NET ANNUALIZED FISCAL IMPACT

STATE

LOCAL

NET CHANGE IN COSTS \$ _____ \$ _____

NET CHANGE IN REVENUES \$ unable to determine \$ unable to determine

Agency/Prepared by: (Name & Phone No.)
 Wisconsin Department of Revenue
 Daniel P. Huegel, 266-5705

Authorized Signature/Telephone No. 266-2700

Date

[Handwritten Signature]

June 18 '92



State of Wisconsin • DEPARTMENT OF REVENUE

125 SOUTH WEBSTER STREET • P.O. BOX 8933 • MADISON, WISCONSIN 53708-8933 • 608-266-6466 • FAX 608-266-5718

Tommy G. Thompson
Governor

Mark D. Bugher
Secretary of Revenue

October 26, 1992

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Gary L. Poulson
Assistant Revisor
30 West Mifflin Street, Suite 702
Madison, Wisconsin 53703

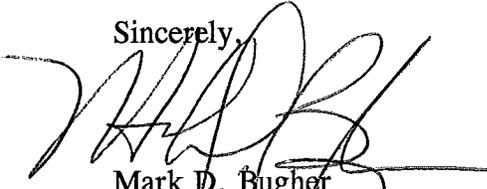
Re: Clearinghouse Rule 92-108

Dear Mr. Poulson:

Enclosed are a certified copy of an extra copy of an Order of the Department of Revenue promulgating rules relating to Tax 15.02 as contained in the Wisconsin Department of Revenue Administrative Code.

These materials are filed with you pursuant to s. 227.20(1), Stats.

Sincerely,



Mark D. Bugher
Secretary of Revenue

MDB:cal

Enclosure

cc: Douglas J. LaFollette, Secretary of State
Prentice Hall, Inc.
Commerce Clearinghouse, Inc.

doc:letter14.let



State of Wisconsin • DEPARTMENT OF REVENUE

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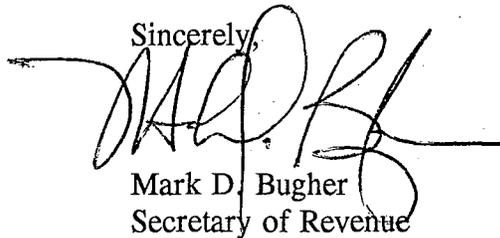
Douglas LaFollette
Secretary of State
30 West Mifflin Street, 10th Floor
Madison, Wisconsin 53703

Dear Secretary LaFollette:

Enclosed are a Certificate and an Order of the Department of Revenue adopting Clearinghouse Rule 92-108.

These materials are filed with you pursuant to s. 227.20, Stats.

Sincerely,



Mark D. Bugher
Secretary of Revenue

MDB:cal

Enclosure

cc: Revisor of Statutes

doc:letter9.let