



State of Wisconsin
2023 - 2024 LEGISLATURE

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2023 SENATE BILL 872

January 5, 2024 - Introduced by Senators BALLWEG and JAMES, cosponsored by Representatives NOVAK, TRANEL, O'CONNOR, ROZAR, SUBECK and MELOTIK. Referred to Committee on Government Operations.

AN ACT *to amend* 16.967 (7) (am) 2., 16.967 (7) (b), 16.967 (7m) (b), 59.43 (2)

(ag) 1., 59.43 (2) (e), 59.72 (5) (a) and 59.72 (5) (b) (intro.) of the statutes;

relating to: fees for recording and filing instruments with the registers of deeds; the portion of such fees used for the land information program; and the minimum state grant amounts under the program.

Analysis by the Legislative Reference Bureau

This bill increases the general recording and filing fees charged by county registers of deeds, increases the amount of the fees that counties must submit to the Department of Administration for the land information program, and increases the minimum grant amount DOA may award to counties for education and training grants under the program.

Under current law, DOA directs and supervises the land information program and serves as a state clearinghouse for access to land information. Under the land information program, DOA provides technical assistance to state agencies and local governmental units with land information responsibilities, reviews and approves county plans for land records modernization, and provides aids to counties, derived from recording fee revenues collected by counties, for land records modernization projects.

SENATE BILL 872**SECTION 1**

Under current law, counties collect fees for recording or filing instruments that are recorded or filed with a register of deeds. Currently, the general fee for recording or filing an instrument is \$30. Currently, a county must submit \$15 of each \$30 recording fee to DOA for the land information program, but the county may retain \$8 of the amount it would have been required to submit to DOA if the county meets certain requirements, including establishing a land information office and council and using the retained fees to develop, implement, and maintain a DOA-approved countywide plan for land records modernization on the Internet.

The bill increases the general recording and filing fee from \$30 to \$45. The bill also increases the amount of each fee that a county must submit to DOA from \$15 to \$30 and increases the amount the county may retain from \$8 to \$15 if the current law requirements are met.

Under current law, DOA awards land information system base budget grants to counties to enable county land information offices to develop, maintain, and operate basic land information systems. Currently, the minimum amount of a grant is \$100,000 less the amount of certain fees retained by the county in the preceding fiscal year. The bill increases that base amount to \$175,000 less the retained fees.

Under current law, DOA may award a grant under the land information program to any county in an amount not less than \$1,000 per year to be used for the training and education of county employees for the design, development, and implementation of a land information system. The bill increases the minimum training and education grant amount from \$1,000 to \$5,000.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 16.967 (7) (am) 2. of the statutes is amended to read:

16.967 (7) (am) 2. The minimum amount of a grant under this paragraph is determined by subtracting the amount of fees that the county retained under s. 59.72 (5) (b) in the preceding fiscal year from ~~\$100,000~~ \$175,000. The department is not required to award a grant to a county that retained at least ~~\$100,000~~ \$175,000 in fees under s. 59.72 (5) (b) in the preceding fiscal year.

SECTION 2. 16.967 (7) (b) of the statutes is amended to read:

16.967 (7) (b) In addition to any other grant ~~received~~ awarded under this

SENATE BILL 872**SECTION 2**

subsection, the department may award a grant to any county in an amount not less than ~~\$1,000~~ \$5,000 per year to be used for the training and education of county employees for the design, development, and implementation of a land information system.

SECTION 3. 16.967 (7m) (b) of the statutes is amended to read:

16.967 **(7m)** (b) If the department determines that a county has violated s. 59.72, the department shall suspend the eligibility of the county to receive grants under sub. (7) and, after June 30, 2017, the county shall be eligible to retain only ~~\$6~~ \$10 of the portion of each fee submitted to the department under s. 59.72 (5) (a). After not less than one year, if the department determines that the county has resolved the violation, the department may reinstate the eligibility of the county for grants under sub. (7) and for retaining ~~\$8 of the full amount allowed to be retained from the~~ portion of each fee submitted to the department under s. 59.72 (5) (a).

SECTION 4. 59.43 (2) (ag) 1. of the statutes is amended to read:

59.43 **(2)** (ag) 1. Subject to s. 59.72 (5), for recording any instrument that is entitled to be recorded in the office of the register of deeds, ~~\$30~~ \$45, except that no fee may be collected for recording a change of address that is exempt from a filing fee under s. 185.83 (1) (b) or 193.111 (1) (b).

SECTION 5. 59.43 (2) (e) of the statutes is amended to read:

59.43 **(2)** (e) Subject to s. 59.72 (5), for filing any instrument ~~which~~ that is entitled to be filed in the office of register of deeds and for which no other specific fee is specified, ~~\$30~~ \$45.

SECTION 6. 59.72 (5) (a) of the statutes is amended to read:

SENATE BILL 872**SECTION 6**

59.72 (5) (a) Before the 16th day of each month a register of deeds shall submit to the department of administration ~~\$15~~ \$30 from the fee for recording or filing each instrument that is recorded or filed under s. 59.43 (2) (ag) 1. or (e), less any amount retained by the county under par. (b).

SECTION 7. 59.72 (5) (b) (intro.) of the statutes is amended to read:

59.72 (5) (b) (intro.) Except as provided in s. 16.967 (7m), a county may retain ~~\$8~~ \$15 of the portion of each fee submitted to the department of administration under par. (a) from the fee for recording or filing each instrument that is recorded or filed under s. 59.43 (2) (ag) 1. or (e) if all of the following conditions are met:

SECTION 8. Initial applicability.

(1) The treatment of ss. 16.967 (7m) (b), 59.43 (2) (ag) 1. and (e), and 59.72 (5) (a) and (b) (intro.) first applies to an instrument that is submitted for recording or filing on the effective date of this subsection.

SECTION 9. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The treatment of ss. 16.967 (7m) (b), 59.43 (2) (ag) 1. and (e), and 59.72 (5) (a) and (b) (intro.) and SECTION 8 (1) of this act take effect on the first day of the 4th month beginning after publication.

(END)