



2001 ASSEMBLY BILL 939

May 1, 2002 - Introduced by COMMITTEE ON ASSEMBLY ORGANIZATION. Referred to Committee on Rules.

1 **AN ACT** *to repeal* 59.43 (1) (um); *to repeal and recreate* 59.43 (2) (ag), 59.43
2 (2) (ag), 59.43 (2) (e), 59.43 (2) (e), 59.72 (5) and 59.72 (5); *to create* 59.43 (1)
3 (um) of the statutes; and *to affect* 1997 Wisconsin Act 27, section 9456 (3m);
4 **relating to:** fees for recording and filing documents with the office of register
5 of deeds.

Analysis by the Legislative Reference Bureau

This bill is a reconciliation bill under Joint Rule 81m (2) (b). In regard to the recording and filing of documents with the office of register of deeds, the bill reconciles three acts that cannot be reconciled by the revisor of statutes in preparing the statutes.

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:

6 **SECTION 1.** 59.43 (1) (um) of the statutes is created to read:

ASSEMBLY BILL 939**SECTION 1**

1 59.43 (1) (um) Submit that portion of recording and filing fees collected under
2 sub. (2) (ag) 1. or (e) and not retained by the county to the land information board
3 under s. 59.72 (5).

4 **SECTION 2.** 59.43 (1) (um) of the statutes, as created by 2001 Wisconsin Act ...
5 (this act), is repealed.

6 **SECTION 3.** 59.43 (2) (ag) of the statutes, as affected by 1997 Wisconsin Act 27
7 and 2001 Wisconsin Acts 10 and 16, is repealed and recreated to read:

8 59.43 (2) (ag) 1. Subject to s. 59.72 (5), for recording any instrument entitled
9 to be recorded in the office of register of deeds, \$11 for the first page and \$2 for each
10 additional page, except that no fee may be collected for recording a change of address
11 that is exempt from a filing fee under s. 185.83 (1) (b).

12 2. In the event of conflict in the statutes regarding recording fees, subd. 1. shall
13 control.

14 **SECTION 4.** 59.43 (2) (ag) of the statutes, as affected by 2001 Wisconsin Act ...
15 (this act), is repealed and recreated to read:

16 59.43 (2) (ag) 1. For recording any instrument entitled to be recorded in the
17 office of register of deeds, \$8 for the first page if the county maintains a land
18 information office under s. 59.72 (3) and \$4 for the first page if the county does not
19 maintain such an office, and \$2 for each additional page, except that no fee may be
20 collected for recording a change of address that is exempt from a filing fee under s.
21 185.83 (1) (b).

22 2. In the event of conflict in the statutes regarding recording fees, subd. 1. shall
23 control.

24 **SECTION 5.** 59.43 (2) (e) of the statutes, as affected by 1997 Wisconsin Act 27
25 and 2001 Wisconsin Act 16, is repealed and recreated to read:

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1 59.43 (2) (e) Subject to s. 59.72 (5), for filing any instrument which is entitled
2 to be filed in the office of register of deeds and for which no other specific fee is
3 specified, \$11 for the first page and \$2 for each additional page.

4 **SECTION 6.** 59.43 (2) (e) of the statutes, as affected by 2001 Wisconsin Act ...
5 (this act), is repealed and recreated to read:

6 59.43 (2) (e) For filing any instrument which is entitled to be filed in the office
7 of register of deeds and for which no other specific fee is specified, \$8 for the first page
8 if the county maintains a land information office under s. 59.72 (3) and \$4 for the first
9 page if the county does not maintain such an office, and \$2 for each additional page.

10 **SECTION 7.** 59.72 (5) of the statutes, as affected by 2001 Wisconsin Act 16, is
11 repealed and recreated to read:

12 59.72 (5) LAND RECORD MODERNIZATION FUNDING. (a) Before the 16th day of each
13 month a register of deeds shall submit to the land information board \$7 from the fee
14 for recording or filing the first page of each instrument that is recorded or filed under
15 s. 59.43 (2) (ag) 1. or (e), less any amount retained by the county under par. (b).

16 (b) A county may retain \$5 of the \$7 submitted under par. (a) from the fee for
17 recording or filing the first page of each instrument that is recorded or filed under
18 s. 59.43 (2) (ag) 1. or (e) if all of the following conditions are met:

19 1. The county has established a land information office under sub. (3).

20 2. A land information office has been established for less than 2 years or has
21 received approval for a countywide plan for land records modernization under sub.
22 (3) (b).

23 3. The county uses \$4 of each \$5 fee retained under this paragraph to develop,
24 implement, and maintain the countywide plan for land records modernization, and
25 \$1 of each \$5 fee retained under this paragraph to develop and maintain a

ASSEMBLY BILL 939**SECTION 7**

1 computerized indexing of the county's land information records relating to housing,
2 including the housing element of the county's land use plan under s. 66.1001 (2) (b),
3 in a manner that would allow for greater public access through use of the Internet.

4 **SECTION 8.** 59.72 (5) of the statutes, as affected by 1997 Wisconsin Act 27 and
5 2001 Wisconsin Act (this act), is repealed and recreated to read:

6 59.72 (5) LAND RECORD MODERNIZATION FUNDING. A county that establishes a
7 land information office shall use \$4 of the \$8 per page received under s. 59.43 (2) (ag)
8 1. and (e) to develop, implement, and maintain a countywide plan for land records
9 modernization.

10 **SECTION 9.** 1997 Wisconsin Act 27, section 9456 (3m), as last amended by 2001
11 Wisconsin Act 16, is amended to read:

12 [1997 Wisconsin Act 27] Section 9456 (3m) ELIMINATION OF LAND INFORMATION
13 BOARD AND WISCONSIN LAND COUNCIL. The treatment of sections 15.07 (1) (b) 16.,
14 15.105 (16), 16.968 (by SECTION 142am), 20.505 (1) (title) (by SECTION 666h), 20.505
15 (1) (ka) (by SECTION 669am), 23.27 (3) (a) (by SECTION 769ad), 23.325 (1) (a), 36.09 (1)
16 (e), 36.25 (12m) (intro.), 59.72 (1) (a) and (b), (3) (intro.), (a) and (b) ~~and (5)~~ and 92.10
17 (4) (a) of the statutes, the repeal of sections 16.966 (1), (2) and (4), 16.967, 20.505 (1)
18 (ie), (ig), (ij) and (ks), 23.32 (2) (d), ~~59.43 (1) (u)~~ and 59.72 (1) (am), (3) (c) and (4) of
19 the statutes and SECTION 9101 (1) of this act take effect on September 1, 2003.

20 **SECTION 10. Effective dates.** This act takes effect on the day after publication,
21 except as follows:

22 (1) FILING FEES. The repeal of section 59.43 (1) (um) of the statutes and the
23 repeal and recreation of sections 59.43 (2) (ag) (by SECTION 4) and (e) (by SECTION 6)
24 and 59.72 (5) (by SECTION 8) of the statutes take effect on September 1, 2003.

25

(END)