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LRB-1381/1 ARG:kjf:jf

## 2015 ASSEMBLY BILL 81

March 5, 2015 – Introduced by Representatives Ballweg, Bernier, Born, Brandtjen, E. Brooks, Doyle, Edming, Gannon, Jarchow, Katsma, Kerkman, Knodl, Kolste, Krug, Kuglitsch, Macco, Milroy, Murphy, Mursau, Murtha, Ohnstad, A. Ott, Petryk, Quinn, Ripp, Rohrkaste, Schraa, Weatherston and Genrich, cosponsored by Senators Nass, Gudex, Vinehout and Wirch. Referred to Committee on State Affairs and Government Operations.

AN ACT relating to: modifying and repealing rules promulgated by the Department of Financial Institutions and the Department of Revenue relating to documents filed with county registers of deeds.

## Analysis by the Legislative Reference Bureau

Current law adopts the Uniform Commercial Code (UCC) Article 9–Secured Transactions, which governs transactions that involve the granting of credit secured by personal property of a debtor. The creditor's interest is called a "security interest." UCC Article 9 regulates the creation and enforcement of security interests in movable property (goods), but not in real property. Under UCC Article 9, if a debtor defaults, the creditor may repossess and sell the property (generally called collateral) to satisfy the debt, but the rights of the creditor against other creditors depends in part on when or if the creditor "perfected" its security interest. Perfection of a security interest usually occurs with the filing by the creditor of a "financing statement" in a "filing office." In Wisconsin, this filing office is usually the Department of Financial Institutions (DFI). However, if the collateral is a fixture (goods attached to real property), standing timber to be cut, or "as–extracted collateral" (oil, gas, or other minerals before extraction), the filing office is the office of register of deeds in the county where the property is located.

This bill makes minor modifications to DFI's rules relating to UCC Article 9 filings made in an office of register of deeds.

Under current law, generally, a person who conveys real property to another person must pay a real estate transfer fee to, and file a return with, the register of

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deeds for the county where the property is located. The county retains 20 percent of the fees collected and submits the remainder to the Department of Revenue (DOR) with the return.

This bill makes a minor modification to DOR's rules relating to the real estate transfer fee and return submitted to an office of register of deeds.

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

**SECTION 1.** DFI-CCS 7.03 (3) of the administrative code is repealed.

**SECTION 2.** DFI-CCS 7.03 (9) of the administrative code is amended to read:

DFI-CCS 7.03 (9) A UCC1 shall have item 6 checked and a UCC3 shall have item 1b checked.

**Section 3.** Tax 15.04 (1) of the administrative code is amended to read:

Tax 15.04 (1) Original contract. Any original contract or any instrument evidencing the existence of a land contract, either of which indicates that such original land contract was made on October 1, 1969 or thereafter, requires the submission of a return as a condition to recording by the register of deeds. However, no fee is imposed at time of such recording.

11 (END)