

70-08

September 16, 2008

TO THE HONORABLE CHAIRMAN AND MEMBERS
OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies & Gentlemen:

**RESOLUTION REGARDING: SUPPORT OF A CHANGE IN THE REGISTER OF DEEDS
RECORDING FEE FROM A "PER PAGE" TO A "FLAT FEE".**

WHEREAS, Wisconsin Act 339 created a statewide Land Information Program in 1989 for the purpose of facilitating land records modernization within each County across the State; and

WHEREAS the Polk County Board, like other counties across the state, established a Land Information Office Committee in 1990 for the purpose of directing and supervising the County's Land Information Program and Geographic Information System; and;

WHEREAS, Per Wisconsin State Statutes 59.72 and 59.43, each County funds its Land Information Program through real estate document recording fees collected in the Register of Deeds office (see attachment 1); and

WHEREAS, State Statute 59.72 allows the County to retain \$5 from the fee for recording or filing the first page of each instrument that is recorded or filed under s. 59.43 (2) into a Special Revenue Account to be used as follows:

- o \$4 is used to develop, implement, and maintain the countywide plan for land records modernization; and
 - o \$1 is used to develop and maintain public access to land information through the Internet;
- and

WHEREAS, the retained fees to be used to develop, implement, and maintain land information is no longer sufficient to fund the County's Land Information Program, and

WHEREAS insufficient funding could adversely affect the County's ability to provide basic public records to our constituents and to support vital county services such as assessment mapping, E911, planning and economic development, land conservation, and other activities; and

WHEREAS, the real estate recording fees in Wisconsin are significantly lower than similar fees collected in neighboring states (see attachment 2).

NOW, THEREFORE, BE IT RESOLVED that the Polk County Board of Supervisors respectfully requests that the Real Estate Recording Fee collected under State Statute 59.43 (2) (ag) be changed to a flat fee of \$25 per document and that the distribution of the fee under State Statute 59.72 (5)(a) be changed to \$8 \$10 to the Department of Administration; 59.72(5)(b) changed to a County may retain \$6 \$8 of the \$8 \$10 if the County has established a Land Information Office under sub. 3; and change 59.72(5)(b)(3) to the county uses \$6 of each \$8 fee retained under this paragraph to develop, implement, and maintain the countywide plan for land records modernization and \$2 of each \$8 fee retained for the provision of land information on the Internet.

BE IT FURTHER RESOLVED that the flat fee of \$25 per document be distributed as follows:

- o \$2 to the Wisconsin Department of Administration;
- o \$6 retained by the county to develop, implement, and maintain the countywide plan for land records modernization;
- o \$2 retained by the county for the provision of land information on the Internet
- o \$15 retained by the county for general purpose revenue;

Attachment 3 provides a comparison of current & proposed document recording fees.

ATTACHMENT 1 TO RESOLUTION

Wisconsin State Statute 59.72

59.72 Land information.

(1) DEFINITIONS. In this section:

(a) "Land information" means any physical, legal, economic or environmental information or characteristics concerning land, water, groundwater, subsurface resources or air in this state. "Land information" includes information relating to topography, soil, soil erosion, geology, minerals, vegetation, land cover, wildlife, associated natural resources, land ownership, land use, land use controls and restriction, jurisdictional boundaries, tax assessment, land value, land survey records and references, geodetic control networks, aerial photographs, maps, planimetric data, remote sensing data, historic and prehistoric sites and economic projections.

(b) "Land records" means maps, documents, computer files and any other storage medium in which land information is recorded.

(c) "Local governmental unit" means a municipality, regional planning commission, special purpose district or local governmental association, authority, board, commission, department, independent agency, institution or office.

(3) LAND INFORMATION OFFICE. The board may establish a county land information office or may direct that the functions and duties of the office be performed by an existing department, board, commission, agency, institution, authority, or office. If the board establishes a county land information office, the office shall:

(a) Coordinate land information projects within the county, between the county and local governmental units, between the state and local governmental units and among local governmental units, the federal government and the private sector.

(b) Within 2 years after the land information office is established, develop and receive approval for a countywide plan for land records modernization. The plan shall be submitted for approval to the department of administration under s. 16.967 (3)(e).

(c) Review and recommend projects from local governmental units for grants from the department of administration under s.16.967 (7).

(4) AID TO COUNTIES. A board that has established a land information office under sub. (3) may apply to the department of administration for a grant for a land information project under s.16.967 (7).

(5) LAND RECORD MODERNIZATION FUNDING. (a) Before the 16th day of each month a register of deeds shall submit to the department of administration \$7 from the fee for recording or filing the first page of 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).

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

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

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

3. The county uses \$4 of each \$5 fee retained under this paragraph to develop, implement, and maintain the countywide plan for land records modernization and \$1 of each \$5 fee retained under this paragraph for the provision of land information on the Internet, including the county's land information records relating to housing.

History: 1989 a. 31, 339; 1995 a. 201 s. 457; Stats. 1995 s. 59.72; 1997 a. 27 ss. 2175aj to 2175c, 9456 (3m); 2001 a. 16, 104; 2003 a. 33 s. 2811; 2003 a. 48 ss. 10, 11; 2003 a. 206 ss. 8 to 9, 23, 24; 2005 a. 25 ss. 1236 to 1238, 249

Attachment 2 to Resolution:

Comparison of real estate document recording fees in neighboring states

| | Wisconsin | Michigan | Illinois | Iowa | Minnesota |
|--|--|---|---|---|--|
| Recording Fee for Real Estate Documents | \$11- 1st page plus \$2 each add'l page | \$14- 1st page plus \$3 each add'l page | \$36 each up to 4 pages, \$1 each add'l page | \$7 - 1st page, \$5 each add'l page, plus \$5 for deeds | \$46 |
| | | | | | |
| | | | | | |
| | \$2 of 1st page to Wis.DOA and \$5 to County LIO | \$4 of 1st page to State MSSR Fund | Incl. \$12 recording fee plus \$4 automation charge, \$10 GIS charge, and \$10 surcharge for State rental housing support program | Fees shall not exceed \$50 per document | \$10.50 to State Treasury Fund, \$10 to Recorder Tech Fund, \$11 Unallocated Fund, \$14.50 County General Fund |

ATTACHMENT 3:
CURRENT & PROPOSED RECORDING FEES

Recording Fees (Current)

\$11 for the first page, plus \$2 each additional page

Breakdown:

\$11 first page

 \$2 DOA (State)

 \$4 County LIO

 \$1 County Public Access Fund

 \$4 County General Fund

\$2 additional pages

 \$6.80 (average per/doc based on 4.4 average pages/doc) to County General Fund

Recording Fees (Proposed)

\$25 Flat Fee per Document

 \$2 DOA (State)

 \$6 County LIO

 \$2 County Public Access Fund

 \$15 County General Fund

Using the above scenarios and recording 15,000 documents per year:

Current

\$30,000 to DOA

\$60,000 to LIO

\$15,000 to Public Access

~\$130,000 to General Fund

Proposed

\$30,000 to DOA

\$90,000 to LIO

\$30,000 to Public Access

\$225,000 to General Fund