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## **Act 20 and the Wisconsin Land Information Program**

Act 20, the biennial state budget for state fiscal years 2014 and 2015, has wide-ranging implications for the Wisconsin Land Information Program (WLIP). Changes to the WLIP generated by Act 20 fall under five broad categories:

- Initiative to Create a Statewide Digital Parcel Map
- Increase in Base Budget and Training & Education Grant Eligibility
- Increase in Land Information Fund Revenue
- Update Frequency for County Land Information Plans
- Penalties and Deadlines

Some of these changes, such as increased grant eligibility, take effect in the near term, while other measures, such as an increase in Land Information Fund revenue, will be implemented over the course of the next few years.

One of the most novel provisions of Act 20 affecting the WLIP is the directive for DOA to create an implementation plan for a statewide digital parcel map, which will be a collaborative effort with local governments. A complete, accurate, and continuously maintained digital parcel map would protect and grow Wisconsin's \$460 billion in taxable real estate assets, improve governmental services, and enhance the state's economic competitiveness.

### **Initiative to Create a Statewide Digital Parcel Map**

**Section 186.**<sup>1</sup> Act 20 directs DOA to create an implementation plan for a statewide parcel map and directs counties to coordinate their digital parcel mapping with the state. The implementation planning process will define the end product envisioned for a five-year process of statewide digital parcel map development—a geographic information system (GIS) that meets end users' business needs, whether at the state or local levels of government, as well as those of the private sector.

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<sup>1</sup> **SECTION 186.** 16.967 (3) (h) of the statutes is created to read:

16.967 (3) (h) Establish an implementation plan for a statewide digital parcel map.

**SECTION 186k.** 16.967 (7) (a) 2m. of the statutes is created to read:

16.967 (7) (a) 2m. In coordination with the department, the creation, maintenance, or updating of a digital parcel map.

The statewide digital parcel map implementation planning process will likely feature the following objectives:

- Establishment of an unimproved statewide parcel GIS layer by aggregating existing county parcel datasets and process for at least quarterly updates
- Analysis of current county parcel datasets
- Creation of a standard for county digital parcel datasets that meets stakeholders' business needs and maximizes benefits to the public, determined through a participatory process with stakeholders
- Determination of grant eligibility criteria for strategic grants to local governments for local source data development related to the statewide digital parcel map initiative
- Update of DOA Administrative Rule 47, which governs WLIP grant administration. The implementation planning process for the statewide digital parcel map will inform the update to Adm. Rule 47

#### **Section 1247d, h, and p.<sup>2</sup>**

- DOA-provided searchable format for the following information related to individual land parcels to be posted online:
  1. Property tax assessment data, as provided to the county by municipalities, including the assessed value of land, the assessed value of improvements, the total assessed value, the class of property, as specified in s. 70.32(2)(a), the estimated fair market value, and the total property tax
  2. Any zoning information maintained by the county
  3. Any property address information maintained by the county
  4. Any acreage information maintained by the county

#### **Section 186f.<sup>3</sup>**

- DOA will report to the legislature's Joint Committee on Finance by January 1, 2017 on progress in developing the statewide digital parcel map

The implementation planning process will also consider other potential base map layers to include in a statewide GIS database, such as aerial imagery, LiDAR elevation, land cover, address points, and street centerlines, as well as derived or value-added layers, such as school districts, floodplains, municipal boundaries, and public hunting grounds, among other possibilities.

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<sup>2</sup> **SECTION 1247d.** 59.72 (2) (a) of the statutes is renumbered 59.72 (2) (a) (intro.) and amended to read: 59.72 (2) (a) (intro.) No later than June 30, 2017, the board shall post on the Internet in a searchable format determined by the department of administration, the following information related to individual land parcels: 1. Property tax assessment data as provided to the county by municipalities, including the assessed value of land, the assessed value of improvements, the total assessed value, the class of property, as specified in s. 70.32 (2) (a), the estimated fair market value, and the total property tax.

2. Any zoning information maintained by the county.

**SECTION 1247h.** 59.72 (2) (a) 3. of the statutes is created to read:

59.72 (2) (a) 3. Any property address information maintained by the county.

**SECTION 1247p.** 59.72 (2) (a) 4. of the statutes is created to read:

59.72 (2) (a) 4. Any acreage information maintained by the county.

<sup>3</sup> **SECTION 186f.** 16.967 (6) (b) of the statutes is created to read:

16.967 (6) (b) No later than January 1, 2017, the department shall submit to the members of the joint committee on finance a report on the progress in developing a statewide digital parcel map.

## Increase in Base Budget and Training & Education Grant Eligibility

**Section 186p.**<sup>4</sup> Act 20 increases WLIP Base Budget grant eligibility from a \$50k to a \$100k retained fee threshold. DOA will award WLIP Base Budget grants for eligible projects to enable a county land information office to develop, maintain, and operate a basic land information system. Base Budget grant eligibility equals a minimum of \$100k minus the register of deeds document recording fees a county retains for land information (\$8 per document recorded)

### Base Budget Grant Eligibility Formula

Example: County records 5,000 documents  
 $5,000 \times \$8 \text{ per document recorded} = \$40,000$   
 $\$100,000 - \$40,000 = \$60,000$

$\$60,000 = \text{minimum level of Base Budget grant eligibility}$

Based on FY 2012 revenue figures, eligibility at the \$100k level would increase the number of counties eligible for Base Budget grants from 33 to 45, increasing total grants to be awarded from \$720k to \$2.3 mil. If before 2015 funding available for Base Budget grants totals less than minimum Base Budget grant eligibility, DOA may prorate the grants.

**Section 1250g.**<sup>5</sup> Act 20 removes the designation for \$2 of the recording fee to be used for provision of land information on the internet by the county, so that all \$8 is to be used for land records modernization, including provision of land information on the internet.

**Section 186s.**<sup>6</sup> Act 20 increases county WLIP Training and Education Grant eligibility from maximum of \$300 to a minimum of \$1,000 for every county. This will amount to an increase in total Training and Education Grant eligibility from \$21,600 in previous years to at least \$72,000 for all counties combined.

### Training and Education Grant Levels

$\geq \$1,000 \text{ per county}$

<sup>4</sup> **SECTION 186p.** 16.967 (7) (am) of the statutes is created to read:

16.967 (7) (am) 1. Subject to subds. 2. and 3., the department shall award land information system base budget grants for eligible projects under par. (a) to enable a county land information office to develop, maintain, and operate a basic land information system.

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. The department is not required to award a grant to a county that retained at least \$100,000 in fees under s. 59.72 (5) (b) in the preceding fiscal year.

3. If the moneys available for grants under this paragraph in a fiscal year are insufficient to pay all amounts determined under subd. 2., the department shall establish a system to prorate the grants.

<sup>5</sup> **SECTION 1250g.** 59.72 (5) (b) 3. of the statutes is amended to read:

59.72 (5) (b) 3. The county uses the fee retained under this paragraph to satisfy the requirements of sub. (2) (a), or, if the county has satisfied the requirements of sub. (2) (a), to develop, implement, and maintain the countywide plan for land records modernization.

<sup>6</sup> **SECTION 186s.** 16.967 (7) (b) of the statutes is amended to read:

16.967 (7) (b) In addition to any other grant received under this subsection, the department may award a grant 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.

## Increase in Land Information Fund Revenue

**Section 530m.**<sup>7</sup> Act 20 puts WLIP program revenue into a segregated continuing appropriation, the Land Information Fund, with specific statutory direction not to lapse (transfer) the funds into other appropriations, such as a general program revenue appropriation in order to cover general state budget deficits.

**Section 1241-1242.**<sup>8</sup> Act 20 sets the register of deeds document recording fee at \$30 for all counties.

**Section 1242g.**<sup>9</sup> Act 20 repeals 59.43(2)(L), the section of the state statute that designated \$5 of the document recording fee for social security number redaction purposes. Therefore, counties can retain the \$5 portion to spend at their discretion until January 1, 2015. However, counties must still complete their redaction projects and report on their progress to DOA.

**Section 1248 and Section 9429.**<sup>10</sup> Beginning January 1, 2015, counties will submit \$7 per document recorded to the state's Land Information Fund, which will increase the Land Information Fund revenue to approximately \$8 mil per year. Much of the revenue collected will be targeted for investment at the local level, likely in the form of WLIP Base Budget and Strategic Initiative grants to develop local geospatial data, such as parcel datasets, for integration into a statewide GIS.

**Section 1249.**<sup>11</sup> Counties are still enabled to retain \$8 of the \$30 fee per document recorded for land information purposes.

<b>\$30 Document Recording Fee</b>	
<b>Before 2015:</b>	
\$20 County Undesignated	
\$8 County Retained for Land Information	
\$2 State Land Information Fund	
<b>Beginning January 1, 2015:</b>	
\$15 County Undesignated	
\$8 County Retained for Land Information	
\$7 State Land Information Fund	

<sup>7</sup> **SECTION 530m.** 25.55 of the statutes is created to read:

**25.55 Land information fund.** There is created a separate nonlapsible trust fund designated as the land information fund, consisting of moneys received under s. 59.72 (5) (a).

<sup>8</sup> **SECTION 1241.** 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 entitled to be recorded in the office of the register of deeds, \$30, 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 1242.** 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 is entitled to be filed in the office of register of deeds and for which no other specific fee is specified, \$30.

<sup>9</sup> **SECTION 1242g.** 59.43 (2) (L) of the statutes is repealed.

<sup>10</sup> **SECTION 1248.** 59.72 (5) (a) of the statutes is amended to read:

59.72 (5) (a) Before the 16th day of each month a register of deeds shall submit to the department of administration \$15 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 9429. Effective dates; Local Government.**

(1i) REGISTER OF DEEDS FEES. The treatment of section 59.72 (5) (a) of the statutes takes effect on January 1, 2015.

<sup>11</sup> **SECTION 1249.** 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 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) . . .

## Update Frequency for County Land Information Plans

Before Act 20, counties were required by statute to develop and receive approval for a countywide plan for land records modernization (county land information plan) within 2 years of the land information office being established. Because land information offices were established in the early 1990s, WLIP policy required counties to update their plans and submit them for approval every five years in order for the approval to remain valid.

**Section 1247t.**<sup>12</sup> Act 20 will require a more frequent update and approval of county land information plans—every three years. Act 20 requires that the original plan be updated and approved by January 1, 2014. All 72 counties have already met this requirement, because previous DOA-approved updates to original plans satisfy this requirement. Act 20 requires that county land information plans be updated every three years, with the first post-Act 20 required update deadline January 1, 2017.

**Section 185r.**<sup>13</sup> Act 20 requires DOA to provide standards for the preparation of countywide land information plans, including a list of minimum elements to be addressed in the plan. This codifies current practice, as DOA last updated instructions in 2009. The instructions were updated with input from county land information officers and a list of minimum elements was provided, describing required framework data or “foundational” GIS datasets.

## Penalties and Deadlines

**Section 186y.**<sup>14</sup> Act 20 adds penalties for not meeting the requirements in s. 59.72 for a county land information system. Act 20 also adds new requirements to s. 59.72, which states counties must provide certain information related to individual parcels of land online in a searchable format determined by DOA by June 30, 2017 (Section 1247d. 59.72(2)(a)). If a county does not meet this June 30, 2017 deadline, the county will lose WLIP grant eligibility, will lose 25% of the fees retained at the county level for land information, and the remaining retained fee revenue must be dedicated to meeting the requirements of s. 59.72(2)(a).

### County Land Information Plan Updates

Every 3 Years  
Next Update and DOA Approval Due by  
January 1, 2017

<sup>12</sup> **SECTION 1247t.** 59.72 (3) (b) of the statutes is amended to read:

59.72 (3) (b) Within 2 years after the land information office is established, develop and receive approval for a countywide plan for land records modernization. For any county in which land records are not accessible on the Internet, the plan shall include a goal of providing access to public land records on the Internet. The plan shall be submitted for approval to the department of administration under s. 16.967 (3) (e). No later than January 1, 2014, and by January 1 every 3 years thereafter, the land information office shall update the plan and receive approval from the department of administration of the updated plan. A plan under this paragraph shall comply with the standards developed by the department of administration under s. 16.967 (3) (cm).

<sup>13</sup> **SECTION 185r.** 16.967 (3) (cm) of the statutes is created to read:

16.967 (3) (cm) Provide standards for the preparation of countywide plans for land records modernization under s. 59.72 (3) (b), including a list of minimum elements to be addressed in the plan.

<sup>14</sup> **SECTION 186y.** 16.967 (7m) (b) of the statutes is created 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 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 portion of each fee submitted to the department under s. 59.72 (5) (a).