

2001 Jr2 DRAFTING REQUEST

Senate Amendment (SA-SSA1-AB1)

Received: **03/28/2002**

Received By: **dykmapj**

Wanted: **Soon**

Identical to LRB:

For: **Senate Democratic Caucus**

By/Representing: **Engel**

This file may be shown to any legislator: **NO**

Drafter: **dykmapj**

May Contact:

Addl. Drafters:

Subject: **Fin. Inst. - UCC**

Extra Copies: **RJM**

Submit via email: **NO**

Pre Topic:

SCC:.....Engel - CN3405,

Topic:

UCC 9 trailer bill

Instructions:

See Attached

SB 372 plus SA1

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|-----------------------|-----------------------|------------------------|----------------|----------------------------|-----------------|-----------------|
| /1 | dykmapj 03/28/2002 | gilfokm 03/28/2002 | jfrantze 03/29/2002 | _____ | lrb_docadmin 03/29/2002 | | |

FE Sent For:

<END>

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|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
| 1? | dykmapj | 3/28/ Engel | 3/29 | To ch 3/29 | | | |

FE Sent For:

<END>

CN 3405

2002 Budget Adjustment Amendment

- 3681

SENATE BILL 372 – UNIFORM COMMERCIAL CODE REVISION

^{Senate}
SB 372 (with Amendment 1)

The bill and amendment are a cleanup trailer to the UCC Article 9 revisions enacted by the Legislature last year. That uniform legislation included several drafting errors. The goal of the bill and Amendment 1 is to change the law to what the national and state drafters of UCC Article 9 originally intended. Provisions in SB 372 include: mandating that documents filed with Registers of Deeds meet legibility and indexing standards; imposing new recording fees; clarifying that DFI is empowered to conduct certified UCC searches and clarifying how subordinate liens are discharged.

LOCATION/STATUS: Senate Bill 372
Passed Committee on Privacy, Electronic
Commerce and Financial Institutions 5-0
Passed Senate Unanimously (Voice Vote)

DEPARTMENT (S): -

FISCAL IMPACT: \$0

PJD

2001 SENATE BILL 372

January 11, 2002 - Introduced by Senators PLACHE, HANSEN, WIRCH and ROESSLER, cosponsored by Representatives F. LASEE, POWERS, MCCORMICK, J. LEHMAN, LASSA, ALBERS, HAHN, PLOUFF, STARZYK, SERATTI, HINES, D. MEYER, PETTIS, OLSEN, LADWIG, M. LEHMAN, FREESE, KRAWCZYK, VRAKAS and OTT. Referred to Committee on Privacy, Electronic Commerce and Financial Institutions.

1 **AN ACT to repeal** 59.43 (1) (um), 409.528, 409.528 (1) (title) and 409.528 (2); **to**
2 **renumber** 409.528 (1); **to amend** 59.43 (1) (L), 59.43 (1) (m), (n) and (o), 134.17
3 (4), 185.42 (2), 409.523 (3) (intro.) and 779.97 (5) (a) 1.; **to repeal and recreate**
4 59.43 (2) (ag), 59.43 (2) (ag), 59.43 (2) (e), 59.43 (2) (e), 59.72 (5) and 59.72 (5);
5 **to create** 59.43 (1) (um) and 409.519 (9) of the statutes; and **to affect** 1997
6 Wisconsin Act 27, section 9456 (3m); **relating to:** recording and filing
7 documents with the offices of register of deeds and the department of financial
8 institutions.

Analysis by the Legislative Reference Bureau

This bill makes the following changes regarding the recording and filing of documents with the offices of registers of deeds and the department of financial institutions:

1. Documents pertaining to security interests that are filed with the offices of registers of deeds must meet most of the format and legibility standards for documents recorded with the offices.
2. Documents pertaining to security interests and certain other records that are filed with the offices of registers of deeds are indexed in the real estate records index, rather than indexes in books.

SENATE BILL 372

3. Clarifies which documents are recorded and which are filed with the offices of registers of deeds, and which are filed with the department of financial institutions and which are filed with the offices of registers of deeds, and which fees apply to which documents.

4. Provides that only the department of financial institutions, not the offices of registers of deeds, when assigning a file number for a document pertaining to security interests, must include a digit that is mathematically derived from or related to the other digits of the file number and aids the filing office in determining whether a number communicated as the file number includes a single-digit or transpositional error.

5. Provides that only the department of financial institutions, not the offices of registers of deeds, is required to provide results of searches of its records for financing statements filed in its filing system.

6. Eliminates the requirement that the department of financial institutions and the offices of registers of deeds enter all information regarding filings under the provisions of the Uniform Commercial Code relating to security interests into the statewide lien system.

7. Eliminates, effective July 1, 2008, the requirement that the statewide lien system be maintained.

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:

1 **SECTION 1.** 59.43 (1) (L) of the statutes, as affected by 2001 Wisconsin Act 10,
2 is amended to read:
3 59.43 (1) (L) File all documents pertaining to security interests, as defined in
4 s. 401.201 (37) (a), that are required or authorized by law to be filed with the register.
5 Except as otherwise prescribed by the department of financial institutions under
6 subch. V of ch. 409, these documents shall be executed ~~on white or light colored sheets~~
7 ~~of paper, 8 or 8.5 inches wide and 5, 7, 10.5, or 14 inches long. Whenever there is~~
8 ~~offered for filing any document that varies more than one-eighth inch from the~~
9 ~~approved size, or that is not on a standard form prescribed by ch. 409 or by the~~
10 ~~department of financial institutions, then in addition to the regular filing fee an~~
11 ~~additional filing fee shall be charged by the register of deeds, as prescribed by sub.~~

SENATE BILL 372

1 ~~(2). No assignment, release, or other instrument shall be offered for filing that is~~
2 ~~executed or endorsed on any other document, but each shall be a separate and~~
3 ~~distinct document, except those assignments or notices that are printed or written~~
4 ~~on and immediately following the original agreement or financing statement, offered~~
5 ~~for filing at the same time, shall be considered as one document. All of these~~
6 ~~documents shall be legibly written, and shall have the names of the debtor and~~
7 ~~secured party plainly printed or typed on the document and shall provide a space for~~
8 ~~filing data of the register of deeds on the outside of the document meeting the~~
9 ~~requirements set forth in sub. (2m) (b) 1. to 5.~~

10 SECTION 2. 59.43 (1) (m), (n) and (o) of the statutes, as affected by 2001
11 Wisconsin Act 10, are amended to read:

12 59.43 (1) (m) ~~Except as otherwise provided in subchs. V and VII of ch. 409, keep~~
13 Keep these chattel documents in consecutive numerical arrangement, for the
14 inspection of all persons, endorsing on each document the document number and the
15 date and time of reception.

16 (n) Upon the filing of a financing statement or other document evidencing the
17 creation of a security interest, as defined in s. 401.201 (37) (a), required to be filed
18 or recorded with the register under s. 409.501 (1) (a), ~~enter the name of each debtor~~
19 ~~alphabetically in indices, of which each page shall be divided into columns which~~
20 ~~shall contain the following information: number of the document, date and time of~~
21 ~~filing, name and address of debtor, name and address of secured party, name of the~~
22 ~~document, the amount if any, shown in the document, brief description of property,~~
23 ~~and the last column set aside for the entry of assignments, continuation statements,~~
24 ~~termination statements, foreclosure affidavits, extensions and releases pertaining~~
25 ~~to such financing statements or chattel security documents. If the financing~~

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1 ~~statement evidences the creation of a security interest in fixtures, it also shall be~~
2 ~~entered in the tract index if one is kept in the county~~ index the document in the real
3 estate records index under sub. (9).

4 (o) ~~Except as otherwise provided in subch. V of ch. 409, upon~~ Upon the filing
5 of an assignment, continuation statement, termination statement, foreclosure
6 affidavit, extension, or release pertaining to a filed financing statement or other
7 chattel security document, ~~enter the document number and the date and time of~~
8 ~~filing in the appropriate column of the indices referred to in par. (n) and on the same~~
9 ~~line as that on which the entry of the filed financing statement or other chattel~~
10 ~~security document appears~~ index the document in the real estate records index under
11 sub. (9).

12 **SECTION 3.** 59.43 (1) (um) of the statutes is created to read:

13 59.43 (1) (um) Submit that portion of recording and filing fees collected under
14 sub. (2) (ag) 1. or (e) and not retained by the county to the land information board
15 under s. 59.72 (5).

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

18 **SECTION 5.** 59.43 (2) (ag) of the statutes, as affected by 1997 Wisconsin Act 27
19 and 2001 Wisconsin Acts 10 and 16, is repealed and recreated to read:

20 59.43 (2) (ag) 1. Subject to s. 59.72 (5), for recording any instrument entitled
21 to be recorded in the office of register of deeds, \$11 for the first page and \$2 for each
22 additional page, except that no fee may be collected for recording a change of address
23 that is exempt from a filing fee under s. 185.83 (1) (b).

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

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

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

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

11 **SECTION 7.** 59.43 (2) (e) of the statutes, as affected by 1997 Wisconsin Act 27
12 and 2001 Wisconsin Act 16, is repealed and recreated to read:

13 59.43 (2) (e) Subject to s. 59.72 (5), for filing any instrument which is entitled
14 to be filed in the office of register of deeds and for which no other specific fee is
15 specified, \$11 for the first page and \$2 for each additional page.

16 **SECTION 8.** 59.43 (2) (e) of the statutes, as affected by 2001 Wisconsin Act ...
17 (this act), is repealed and recreated to read:

18 59.43 (2) (e) For filing any instrument which is entitled to be filed in the office
19 of register of deeds and for which no other specific fee is specified, \$8 for the first page
20 if the county maintains a land information office under s. 59.72 (3) and \$4 for the first
21 page if the county does not maintain such an office, and \$2 for each additional page.

22 **SECTION 9.** 59.72 (5) of the statutes, as affected by 2001 Wisconsin Act 16, is
23 repealed and recreated to read:

24 59.72 (5) LAND RECORD MODERNIZATION FUNDING. (a) Before the 16th day of each
25 month a register of deeds shall submit to the land information board \$7 from the fee

SENATE BILL 372

1 for recording or filing the first page of each instrument that is recorded or filed under
2 s. 59.43 (2) (ag) 1. or (e), less any amount retained by the county under par. (b).

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

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

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

10 3. The county uses \$4 of each \$5 fee retained under this paragraph to develop,
11 implement, and maintain the countywide plan for land records modernization, and
12 \$1 of each \$5 fee retained under this paragraph to develop and maintain a
13 computerized indexing of the county's land information records relating to housing,
14 including the housing element of the county's land use plan under s. 66.1001 (2) (b),
15 in a manner that would allow for greater public access through use of the Internet.

16 **SECTION 10.** 59.72 (5) of the statutes, as affected by 1997 Wisconsin Act 27 and
17 2001 Wisconsin Act (this act), is repealed and recreated to read:

18 59.72 (5) LAND RECORD MODERNIZATION FUNDING. A county that establishes a
19 land information office shall use \$4 of the \$8 per page received under s. 59.43 (2) (ag)
20 1. and (e) to develop, implement, and maintain a countywide plan for land records
21 modernization.

22 **SECTION 11.** 134.17 (4) of the statutes is amended to read:

23 134.17 (4) For each recording, the register of deeds shall receive the fee
24 specified for filing recording under s. 59.43 (2) (ag).

25 **SECTION 12.** 185.42 (2) of the statutes is amended to read:

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1 185.42 (2) The register of deeds, upon payment of the fee specified under s.
2 59.43 (2) ~~(e) (ag)~~, shall number each contract consecutively and shall record it. The
3 register of deeds shall enter the name of every member–maker of such a contract
4 ~~alphabetically in a book to be kept for that purpose. He or she shall place members~~
5 ~~and cooperatives under a separate head and shall state in separate columns, opposite~~
6 ~~each name, the number of the contract, the date of the filing, and a brief description~~
7 ~~of the products, goods or services covered by such contract in the real estate records~~
8 ~~index under s. 59.43 (9).~~

9 **SECTION 13.** 409.519 (9) of the statutes is created to read:

10 409.519 (9) INAPPLICABILITY TO REAL-PROPERTY-RELATED FILING OFFICE.

11 Subsection (2) does not apply to a filing office described in s. 409.501 (1) (a).

12 **SECTION 14.** 409.523 (3) (intro.) of the statutes, as affected by 2001 Wisconsin
13 Act 10, is amended to read:

14 409.523 (3) COMMUNICATION OF REQUESTED INFORMATION. (intro.) The filing
15 office described in s. 409.501 (1) (b) shall communicate or otherwise make available
16 in a record the following information to any person that requests it:

17 **SECTION 15.** 409.528 of the statutes, as affected by 2001 Wisconsin Act (this
18 act), is repealed.

19 **SECTION 16.** 409.528 (1) (title) of the statutes, as affected by 2001 Wisconsin
20 Act 10, is repealed.

21 **SECTION 17.** 409.528 (1) of the statutes, as affected by 2001 Wisconsin Act 10,
22 is renumbered 409.528.

23 **SECTION 18.** 409.528 (2) of the statutes, as affected by 2001 Wisconsin Act 10,
24 is repealed.

25 **SECTION 19.** 779.97 (5) (a) 1. of the statutes is amended to read:



State of Wisconsin
2001 - 2002 LEGISLATURE

January 2002 Special Session

LRBb2881/1

PJD:j...

King

SCC:.....Engel - CN3405, UCC 9 trailer bill

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT ,

TO SENATE SUBSTITUTE AMENDMENT 1,

TO ASSEMBLY BILL 1

cl-note

The text of the statute
is identical
to SB 372
only chg is to
write in SA

Add XXX NOTE
+ FIX NO TAGS done

1 At the locations indicated, amend the substitute amendment as follows:

2 ✓ 1. Page 48, line 10: after that line insert:

3 "SECTION 150b. 59.43 (1) (L) of the statutes, as affected by 2001 Wisconsin Act

4 10, is amended to read:

5 59.43 (1) (L) File all documents pertaining to security interests, as defined in
6 s. 401.201 (37) (a), that are required or authorized by law to be filed with the register.

7 Except as otherwise prescribed by the department of financial institutions under
8 subch. V of ch. 409, these documents shall be executed on white or light colored sheets
9 of paper, 8 or 8.5 inches wide and 5, 7, 10.5, or 14 inches long. Whenever there is
10 offered for filing any document that varies more than one-eighth inch from the

1 ~~approved size, or that is not on a standard form prescribed by ch. 409 or by the~~
2 ~~department of financial institutions, then in addition to the regular filing fee an~~
3 ~~additional filing fee shall be charged by the register of deeds, as prescribed by sub.~~
4 ~~(2). No assignment, release, or other instrument shall be offered for filing that is~~
5 ~~executed or endorsed on any other document, but each shall be a separate and~~
6 ~~distinct document, except those assignments or notices that are printed or written~~
7 ~~on and immediately following the original agreement or financing statement, offered~~
8 ~~for filing at the same time, shall be considered as one document. All of these~~
9 ~~documents shall be legibly written, and shall have the names of the debtor and~~
10 ~~secured party plainly printed or typed on the document and shall provide a space for~~
11 ~~filing data of the register of deeds on the outside of the document meeting the~~
12 ~~requirements set forth in sub. (2m) (b) 1. to 5.~~

13 **SECTION 150d.** 59.43 (1) (m), (n) and (o) of the statutes, as affected by 2001
14 Wisconsin Act 10, are amended to read:

15 59.43 (1) (m) ~~Except as otherwise provided in subchs. V and VII of ch. 409, keep~~
16 Keep these chattel documents in consecutive numerical arrangement, for the
17 inspection of all persons, endorsing on each document the document number and the
18 date and time of reception.

19 (n) Upon the filing of a financing statement or other document evidencing the
20 creation of a security interest, as defined in s. 401.201 (37) (a), required to be filed
21 or recorded with the register under s. 409.501 (1) (a), ~~enter the name of each debtor~~
22 ~~alphabetically in indices, of which each page shall be divided into columns which~~
23 ~~shall contain the following information: number of the document, date and time of~~
24 ~~filing, name and address of debtor, name and address of secured party, name of the~~
25 ~~document, the amount if any, shown in the document, brief description of property,~~

1 and the last column set aside for the entry of assignments, continuation statements,
2 termination statements, foreclosure affidavits, extensions and releases pertaining
3 to such financing statements or chattel security documents. If the financing
4 statement evidences the creation of a security interest in fixtures, it also shall be
5 entered in the tract index if one is kept in the county index the document in the real
6 estate records index under sub. (9).

7 (o) ~~Except as otherwise provided in subch. V of ch. 409, upon~~ Upon the filing
8 of an assignment, continuation statement, termination statement, foreclosure
9 affidavit, extension, or release pertaining to a filed financing statement or other
10 chattel security document, enter the document number and the date and time of
11 filing in the appropriate column of the indices referred to in par. (n) and on the same
12 line as that on which the entry of the filed financing statement or other chattel
13 security document appears index the document in the real estate records index under
14 sub. (9).

15 **SECTION 150f.** 59.43 (1) (um) of the statutes is created to read:

16 59.43 (1) (um) Submit that portion of recording and filing fees collected under
17 sub. (2) (ag) 1. or (e) and not retained by the county to the land information board
18 under s. 59.72 (5). ✓

19 **SECTION 150h.** 59.43 (1) (um) of the statutes, as created by 2001 Wisconsin Act
20 (this act), is repealed.

21 **SECTION 150m.** 59.43 (2) (ag) of the statutes, as affected by 1997 Wisconsin Act
22 27 and 2001 Wisconsin Acts 10 and 16, is repealed and recreated to read:

23 59.43 (2) (ag) 1. Subject to s. 59.72 (5), for recording any instrument entitled
24 to be recorded in the office of register of deeds, \$11 for the first page and \$2 for each

1 additional page, except that no fee may be collected for recording a change of address
2 that is exempt from a filing fee under s. 185.83 (1) (b).

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

5 **SECTION 150p.** 59.43 (2) (ag) of the statutes, as affected by 2001 Wisconsin Act
6 ... (this act), is repealed and recreated to read:

7 59.43 (2) (ag) 1. For recording any instrument entitled to be recorded in the
8 office of register of deeds, \$8 for the first page if the county maintains a land
9 information office under s. 59.72 (3) and \$4 for the first page if the county does not
10 maintain such an office, and \$2 for each additional page, except that no fee may be
11 collected for recording a change of address that is exempt from a filing fee under s.
12 185.83 (1) (b).

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

15 **SECTION 150r.** 59.43 (2) (e) of the statutes, as affected by 1997 Wisconsin Act
16 27 and 2001 Wisconsin Act 16, is repealed and recreated to read:

17 59.43 (2) (e) Subject to s. 59.72 (5), for filing any instrument which is entitled
18 to be filed in the office of register of deeds and for which no other specific fee is
19 specified, \$11 for the first page and \$2 for each additional page.

20 **SECTION 150t.** 59.43 (2) (e) of the statutes, as affected by 2001 Wisconsin Act
21 ... (this act), is repealed and recreated to read:

22 59.43 (2) (e) For filing any instrument which is entitled to be filed in the office
23 of register of deeds and for which no other specific fee is specified, \$8 for the first page
24 if the county maintains a land information office under s. 59.72 (3) and \$4 for the first
25 page if the county does not maintain such an office, and \$2 for each additional page.

1 **SECTION 150v.** 59.72 (5) of the statutes, as affected by 2001 Wisconsin Act 16,
2 is repealed and recreated to read:

3 **59.72 (5) LAND RECORD MODERNIZATION FUNDING.** (a) Before the 16th day of each
4 month a register of deeds shall submit to the land information board \$7 from the fee
5 for recording or filing the first page of each instrument that is recorded or filed under
6 s. 59.43 (2) (ag) 1. or (e), less any amount retained by the county under par. (b).

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

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

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

14 3. The county uses \$4 of each \$5 fee retained under this paragraph to develop,
15 implement, and maintain the countywide plan for land records modernization, and
16 \$1 of each \$5 fee retained under this paragraph to develop and maintain a
17 computerized indexing of the county's land information records relating to housing,
18 including the housing element of the county's land use plan under s. 66.1001 (2) (b),
19 in a manner that would allow for greater public access through use of the Internet.

20 **SECTION 150w.** 59.72 (5) of the statutes, as affected by 1997 Wisconsin Act 27
21 and 2001 Wisconsin Act (this act), is repealed and recreated to read:

22 59.72 (5) [Ⓢ]LAND RECORD MODERNIZATION FUNDING. A county that establishes a
23 land information office shall use \$4 of the \$8 per page received under s. 59.43 (2) (ag)
24 1. and (e) to develop, implement, and maintain a countywide plan for land records
25 modernization.” ✓

1 ✓ 2. Page 166, line 24: after that line insert:

2 "SECTION 300m. 134.17 (4) of the statutes is amended to read:

3 134.17 (4) For each recording, the register of deeds shall receive the fee
4 specified for filing recording under s. 59.43 (2) (ag).".

5 ✓ 3. Page 177, line 9: after that line insert:

6 "SECTION 345m. 185.42 (2) of the statutes is amended to read:

7 185.42 (2) The register of deeds, upon payment of the fee specified under s.
8 59.43 (2) (e) (ag), shall number each contract consecutively and shall record it. The
9 register of deeds shall enter the name of every member-maker of such a contract
10 alphabetically in a book to be kept for that purpose. ~~He or she shall place members~~
11 ~~and cooperatives under a separate head and shall state in separate columns, opposite~~
12 ~~each name, the number of the contract, the date of the filing, and a brief description~~
13 ~~of the products, goods or services covered by such contract in the real estate records~~
14 index under s. 59.43 (9).".

15 ✓ 4. Page 215, line 14: after that line insert:

16 "SECTION 464d. 409.519 (9) of the statutes is created to read:

17 409.519 (9) INAPPLICABILITY TO REAL-PROPERTY-RELATED FILING OFFICE.

18 Subsection (2) does not apply to a filing office described in s. 409.501 (1) (a).

19 SECTION 464f. 409.523 (3) (intro.) of the statutes, as affected by 2001 Wisconsin
20 Act 10, is amended to read:

21 409.523 (3) COMMUNICATION OF REQUESTED INFORMATION. (intro.) The filing
22 office described in s. 409.501 (1) (b) shall communicate or otherwise make available
23 in a record the following information to any person that requests it:

1 **SECTION 464g.** 409.528 of the statutes, as affected by 2001 Wisconsin Act ...
2 (this act), is repealed.

3 **SECTION 464h.** 409.528 (1) (title) of the statutes, as affected by 2001 Wisconsin
4 Act 10, is repealed.

5 **SECTION 464i.** 409.528 (1) of the statutes, as affected by 2001 Wisconsin Act 10,
6 is renumbered 409.528.

7 **SECTION 464j.** 409.528 (2) of the statutes, as affected by 2001 Wisconsin Act 10,
8 is repealed. X

9 ✓ **5.** Page 223, line 13: after that line insert:

10 “**SECTION 516m.** 779.97 (5) (a) 1. of the statutes is amended to read:

11 779.97 (5) (a) 1. For a lien on real estate, \$10 or an amendment to a lien on real
12 estate, a fee equal to the fee under s. 59.43 (2) (ag).”

13 ✓ **6.** Page 345, line 19: after that line insert:

14 “**SECTION 1156m.** 1997 Wisconsin Act 27, section 9456 (3m), as last amended
15 by 2001 Wisconsin Act 16, is amended to read:

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

24 ✓ **7.** Page 455, line 7: after that line insert:

Handwritten notes: A circle around lines 9-13 containing "I.W. 7-8".

1
2
3

^{ZV}
“(2) FILING FEES. The repeal of section 59.43 (1) (um) of the statutes and the
repeal and recreation of sections 59.43 (2) (ag) (by SECTION ~~NO TAG~~) and (e) (by
SECTION ~~NO TAG~~) and 59.72 (5) (by SECTION ~~NO TAG~~) of the statutes take effect on
September 1, 2003. ^{150p} ^{150t} ^{150w}

4

5

6

^{ZW}
“(2) STATEWIDE LIEN REGISTRATION SYSTEM. The repeal of section 409.528 (by
SECTION ~~NO TAG~~) of the statutes takes effect on July 1, 2008.”

****NOTE: Your assignment, if you accept, is to fix the NO TAGs in these effective
date provisions and then destroy this message!

7

(END)

4649

**SENATE AMENDMENT 1,
TO 2001 SENATE BILL 372**

February 20, 2002 - Offered by COMMITTEE ON PRIVACY, ELECTRONIC COMMERCE AND FINANCIAL INSTITUTIONS.

464m

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 8: delete "institutions" and substitute "institutions, and when
3 the disposition of collateral by a creditor discharges a subordinate lien held by the
4 state or a local governmental unit"

7-8

5 **2.** Page 7, line 24: after that line insert:

6 SECTION 19.42. 409.617 (1) (c) of the statutes, as affected by 2001 Wisconsin Act
7 10, is amended to read:

8 409.617 (1) (c) Discharges any subordinate security interest or other
9 subordinate lien other than liens held by this state or a local governmental unit, as
10 defined in s. 19.42 (7u). ✓

11

(END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb2881/1dn

PJD:.....
mg

March 28, 2002

The instructions state that "The uniform legislation included several drafting errors."

I am not aware that this amendment (or SB-³⁷²) corrects any drafting errors. It does make policy changes, as listed in the drafting instructions.

Atty. Peter J. Dykman
General Counsel
Phone: (608) 266-7098
E-mail: peter.dykman@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb2881/1dn
PJD:kmg:jf

March 28, 2002

The instructions state that "The uniform legislation included several drafting errors."

I am not aware that this amendment (or SB-372) corrects any drafting errors. It does make policy changes, as listed in the drafting instructions.

Atty. Peter J. Dykman
General Counsel
Phone: (608) 266-7098
E-mail: peter.dykman@legis.state.wi.us



State of Wisconsin
2001 - 2002 LEGISLATURE
January 2002 Special Session

LRBb2881/1
PJD:kmg:jf

SCC:.....Engel - CN3405, UCC 9 trailer bill

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT ,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 1

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 48, line 10: after that line insert:

3 "SECTION 150b. 59.43 (1) (L) of the statutes, as affected by 2001 Wisconsin Act
4 10, is amended to read:

5 59.43 (1) (L) File all documents pertaining to security interests, as defined in
6 s. 401.201 (37) (a), that are required or authorized by law to be filed with the register.
7 Except as otherwise prescribed by the department of financial institutions under
8 subch. V of ch. 409, these documents shall be executed on white or light colored sheets
9 of paper, 8 or 8.5 inches wide and 5, 7, 10.5, or 14 inches long. ~~Whenever there is~~
10 ~~offered for filing any document that varies more than one eighth inch from the~~

1 ~~approved size, or that is not on a standard form prescribed by ch. 409 or by the~~
2 ~~department of financial institutions, then in addition to the regular filing fee an~~
3 ~~additional filing fee shall be charged by the register of deeds, as prescribed by sub.~~
4 ~~(2). No assignment, release, or other instrument shall be offered for filing that is~~
5 ~~executed or endorsed on any other document, but each shall be a separate and~~
6 ~~distinct document, except those assignments or notices that are printed or written~~
7 ~~on and immediately following the original agreement or financing statement, offered~~
8 ~~for filing at the same time, shall be considered as one document. All of these~~
9 ~~documents shall be legibly written, and shall have the names of the debtor and~~
10 ~~secured party plainly printed or typed on the document and shall provide a space for~~
11 ~~filing data of the register of deeds on the outside of the document meeting the~~
12 ~~requirements set forth in sub. (2m) (b) 1. to 5.~~

13 **SECTION 150d.** 59.43 (1) (m), (n) and (o) of the statutes, as affected by 2001
14 Wisconsin Act 10, are amended to read:

15 59.43 (1) (m) ~~Except as otherwise provided in subchs. V and VII of ch. 409, keep~~
16 Keep these chattel documents in consecutive numerical arrangement, for the
17 inspection of all persons, endorsing on each document the document number and the
18 date and time of reception.

19 (n) Upon the filing of a financing statement or other document evidencing the
20 creation of a security interest, as defined in s. 401.201 (37) (a), required to be filed
21 or recorded with the register under s. 409.501 (1) (a), ~~enter the name of each debtor~~
22 ~~alphabetically in indices, of which each page shall be divided into columns which~~
23 ~~shall contain the following information: number of the document, date and time of~~
24 ~~filing, name and address of debtor, name and address of secured party, name of the~~
25 ~~document, the amount if any, shown in the document, brief description of property,~~

1 and the last column set aside for the entry of assignments, continuation statements,
2 termination statements, foreclosure affidavits, extensions and releases pertaining
3 to such financing statements or chattel security documents. If the financing
4 statement evidences the creation of a security interest in fixtures, it also shall be
5 entered in the tract index if one is kept in the county index the document in the real
6 estate records index under sub. (9).

7 (o) ~~Except as otherwise provided in subch. V of ch. 409, upon~~ Upon the filing
8 of an assignment, continuation statement, termination statement, foreclosure
9 affidavit, extension, or release pertaining to a filed financing statement or other
10 chattel security document, ~~enter the document number and the date and time of~~
11 ~~filing in the appropriate column of the indices referred to in par. (n) and on the same~~
12 ~~line as that on which the entry of the filed financing statement or other chattel~~
13 ~~security document appears~~ index the document in the real estate records index under
14 sub. (9).

15 **SECTION 150f.** 59.43 (1) (um) of the statutes is created to read:

16 59.43 (1) (um) Submit that portion of recording and filing fees collected under
17 sub. (2) (ag) 1. or (e) and not retained by the county to the land information board
18 under s. 59.72 (5).

19 **SECTION 150h.** 59.43 (1) (um) of the statutes, as created by 2001 Wisconsin Act
20 (this act), is repealed.

21 **SECTION 150m.** 59.43 (2) (ag) of the statutes, as affected by 1997 Wisconsin Act
22 27 and 2001 Wisconsin Acts 10 and 16, is repealed and recreated to read:

23 59.43 (2) (ag) 1. Subject to s. 59.72 (5), for recording any instrument entitled
24 to be recorded in the office of register of deeds, \$11 for the first page and \$2 for each

1 additional page, except that no fee may be collected for recording a change of address
2 that is exempt from a filing fee under s. 185.83 (1) (b).

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

5 **SECTION 150p.** 59.43 (2) (ag) of the statutes, as affected by 2001 Wisconsin Act
6 (this act), is repealed and recreated to read:

7 59.43 (2) (ag) 1. For recording any instrument entitled to be recorded in the
8 office of register of deeds, \$8 for the first page if the county maintains a land
9 information office under s. 59.72 (3) and \$4 for the first page if the county does not
10 maintain such an office, and \$2 for each additional page, except that no fee may be
11 collected for recording a change of address that is exempt from a filing fee under s.
12 185.83 (1) (b).

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

15 **SECTION 150r.** 59.43 (2) (e) of the statutes, as affected by 1997 Wisconsin Act
16 27 and 2001 Wisconsin Act 16, is repealed and recreated to read:

17 59.43 (2) (e) Subject to s. 59.72 (5), for filing any instrument which is entitled
18 to be filed in the office of register of deeds and for which no other specific fee is
19 specified, \$11 for the first page and \$2 for each additional page.

20 **SECTION 150t.** 59.43 (2) (e) of the statutes, as affected by 2001 Wisconsin Act
21 (this act), is repealed and recreated to read:

22 59.43 (2) (e) For filing any instrument which is entitled to be filed in the office
23 of register of deeds and for which no other specific fee is specified, \$8 for the first page
24 if the county maintains a land information office under s. 59.72 (3) and \$4 for the first
25 page if the county does not maintain such an office, and \$2 for each additional page.

1 **SECTION 150v.** 59.72 (5) of the statutes, as affected by 2001 Wisconsin Act 16,
2 is repealed and recreated to read:

3 **59.72 (5) LAND RECORD MODERNIZATION FUNDING.** (a) Before the 16th day of each
4 month a register of deeds shall submit to the land information board \$7 from the fee
5 for recording or filing the first page of each instrument that is recorded or filed under
6 s. 59.43 (2) (ag) 1. or (e), less any amount retained by the county under par. (b).

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

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

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

14 3. The county uses \$4 of each \$5 fee retained under this paragraph to develop,
15 implement, and maintain the countywide plan for land records modernization, and
16 \$1 of each \$5 fee retained under this paragraph to develop and maintain a
17 computerized indexing of the county's land information records relating to housing,
18 including the housing element of the county's land use plan under s. 66.1001 (2) (b),
19 in a manner that would allow for greater public access through use of the Internet.

20 **SECTION 150w.** 59.72 (5) of the statutes, as affected by 1997 Wisconsin Act 27
21 and 2001 Wisconsin Act (this act), is repealed and recreated to read:

22 **59.72 (5) LAND RECORD MODERNIZATION FUNDING.** A county that establishes a
23 land information office shall use \$4 of the \$8 per page received under s. 59.43 (2) (ag)
24 1. and (e) to develop, implement, and maintain a countywide plan for land records
25 modernization.”.

1 **2.** Page 166, line 24: after that line insert:

2 “**SECTION 300m.** 134.17 (4) of the statutes is amended to read:

3 134.17 (4) For each recording, the register of deeds shall receive the fee
4 specified for filing recording under s. 59.43 (2) (ag).”

5 **3.** Page 177, line 9: after that line insert:

6 “**SECTION 345m.** 185.42 (2) of the statutes is amended to read:

7 185.42 (2) The register of deeds, upon payment of the fee specified under s.
8 59.43 (2) (e) (ag), shall number each contract consecutively and shall record it. The
9 register of deeds shall enter the name of every member–maker of such a contract
10 ~~alphabetically in a book to be kept for that purpose. He or she shall place members~~
11 ~~and cooperatives under a separate head and shall state in separate columns, opposite~~
12 ~~each name, the number of the contract, the date of the filing, and a brief description~~
13 ~~of the products, goods or services covered by such contract in the real estate records~~
14 index under s. 59.43 (9).”

15 **4.** Page 215, line 14: after that line insert:

16 “**SECTION 464d.** 409.519 (9) of the statutes is created to read:

17 409.519 (9) ~~INAPPLICABILITY TO REAL-PROPERTY-RELATED FILING OFFICE.~~
18 Subsection (2) does not apply to a filing office described in s. 409.501 (1) (a).

19 **SECTION 464f.** 409.523 (3) (intro.) of the statutes, as affected by 2001 Wisconsin
20 Act 10, is amended to read:

21 409.523 (3) **COMMUNICATION OF REQUESTED INFORMATION.** (intro.) The filing
22 office described in s. 409.501 (1) (b) shall communicate or otherwise make available
23 in a record the following information to any person that requests it:

1 **SECTION 464g.** 409.528 of the statutes, as affected by 2001 Wisconsin Act
2 (this act), is repealed.

3 **SECTION 464h.** 409.528 (1) (title) of the statutes, as affected by 2001 Wisconsin
4 Act 10, is repealed.

5 **SECTION 464i.** 409.528 (1) of the statutes, as affected by 2001 Wisconsin Act 10,
6 is renumbered 409.528.

7 **SECTION 464j.** 409.528 (2) of the statutes, as affected by 2001 Wisconsin Act 10,
8 is repealed.

9 **SECTION 464m.** 409.617 (1) (c) of the statutes, as affected by 2001 Wisconsin
10 Act 10, is amended to read:

11 409.617 (1) (c) Discharges any subordinate security interest or other
12 subordinate lien ~~other than liens held by this state or a local governmental unit, as~~
13 ~~defined in s. 19.42 (7u).~~”.

14 **5.** Page 223, line 13: after that line insert:

15 “**SECTION 516m.** 779.97 (5) (a) 1. of the statutes is amended to read:

16 779.97 (5) (a) 1. For a lien on real estate, \$10 or an amendment to a lien on real
17 estate, a fee equal to the fee under s. 59.43 (2) (ag).”.

18 **6.** Page 345, line 19: after that line insert:

19 “**SECTION 1156m.** 1997 Wisconsin Act 27, section 9456 (3m), as last amended
20 by 2001 Wisconsin Act 16, is amended to read:

21 [1997 Wisconsin Act 27] Section 9456 (3m) ELIMINATION OF LAND INFORMATION
22 BOARD AND WISCONSIN LAND COUNCIL. The treatment of sections 15.07 (1) (b) 16.,
23 15.105 (16), 16.968 (by SECTION 142am), 20.505 (1) (title) (by SECTION 666h), 20.505
24 (1) (ka) (by SECTION 669am), 23.27 (3) (a) (by SECTION 769ad), 23.325 (1) (a), 36.09 (1)

1 (e), 36.25 (12m) (intro.), 59.72 (1) (a) and (b), (3) (intro.), (a) and (b) and (5) and 92.10
2 (4) (a) of the statutes, the repeal of sections 16.966 (1), (2) and (4), 16.967, 20.505 (1)
3 (ie), (ig), (ij) and (ks), 23.32 (2) (d), ~~59.43 (1) (u)~~ and 59.72 (1) (am), (3) (c) and (4) of
4 the statutes and SECTION 9101 (1) of this act take effect on September 1, 2003.”

5 **7.** Page 455, line 7: after that line insert:

6 “(2zv) FILING FEES. The repeal of section 59.43 (1) (um) of the statutes and the
7 repeal and recreation of sections 59.43 (2) (ag) (by SECTION 150p) and (e) (by SECTION
8 150t) and 59.72 (5) (by SECTION 150w) of the statutes take effect on September 1,
9 2003.

10 (2zw) STATEWIDE LIEN REGISTRATION SYSTEM. The repeal of section 409.528 (by
11 SECTION 464g) of the statutes takes effect on July 1, 2008.”

12

(END)