

2003 Assembly Bill 591

Date of enactment: April 8, 2004
Date of publication*: April 22, 2004

2003 WISCONSIN ACT 206

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

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

SECTION 1. 59.43 (1) (L) of the statutes is amended to read:

59.43 (1) (L) File all documents pertaining to security interests, as defined in s. 401.201 (37) (a), that are required or authorized by law to be filed with the register. Except as otherwise prescribed by the department of financial institutions under subch. V of ch. 409, these documents shall be executed on white or light colored sheets of paper, 8 or 8.5 inches wide and 5, 7, 10.5, or 14 inches long. Whenever there is offered for filing any document that varies more than one-eighth inch from the approved size, or that is not on a standard form prescribed by ch. 409 or by the department of financial institutions, then in addition to the regular filing fee an additional filing fee shall be charged by the register of deeds, as prescribed by sub. (2). No assignment, release, or other instrument shall be offered for filing that is executed or endorsed on any other document, but each shall be a separate and distinct document, except those assignments or notices that are printed or written on and immediately fol-

~~lowing the original agreement or financing statement, offered for filing at the same time, shall be considered as one document. All of these documents shall be legibly written, and shall have the names of the debtor and secured party plainly printed or typed on the document and shall provide a space for filing data of the register of deeds on the outside of the document in a manner that satisfies the requirements set forth in sub. (2m) (b) 1. to 5.~~

SECTION 2. 59.43 (1) (m), (n) and (o) of the statutes are amended to read:

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

(n) Upon the filing of a financing statement or other document evidencing the creation of a security interest, as defined in s. 401.201 (37) (a), required to be filed or recorded with the register under s. 409.501 (1) (a), ~~enter the name of each debtor alphabetically in indexes, of which each page shall be divided into columns which shall contain the following information: number of the document, date and time of filing, name and address of~~

* Section 991.11, WISCONSIN STATUTES 2001-02 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

debtor, name and address of secured party, name of the document, the amount if any, shown in the document, brief description of property, and the last column set aside for the entry of assignments, continuation statements, termination statements, foreclosure affidavits, extensions and releases pertaining to such financing statements or chattel security documents. If the financing statement evidences the creation of a security interest in fixtures, it also shall be entered in the tract index if one is kept in the county index the statement or document in the real estate records index under sub. (9).

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

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

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

SECTION 4. 59.43 (1) (um) of the statutes, as created by 2003 Wisconsin Act (this act), is repealed.

SECTION 5. 59.43 (2) (ag) of the statutes is repealed and recreated to read:

59.43 (2) (ag) 1. For recording any instrument entitled to be recorded in the office of register of deeds, \$8 for the first page if the county maintains a land information office under s. 59.72 (3) and \$4 for the first page if the county does not maintain such an office, and \$2 for each additional page, 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).

2. In the event of conflict in the statutes regarding recording fees, subd. 1. shall control, except that subch. V of ch. 409 and s. 409.710 shall control this section.

SECTION 6. 59.43 (2) (e) of the statutes is repealed and recreated 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, \$11 for the first page and \$2 for each additional page.

SECTION 7. 59.43 (2) (e) of the statutes, as affected by 2003 Wisconsin Act (this act), is repealed and recreated to read:

59.43 (2) (e) 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, \$8 for the first

page if the county maintains a land information office under s. 59.72 (3) and \$4 for the first page if the county does not maintain such an office, and \$2 for each additional page.

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

59.72 (5) LAND RECORD MODERNIZATION FUNDING. (a) Before the 16th day of each month a register of deeds shall submit to the land information board \$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 to develop and maintain a computerized indexing of the county's land information records relating to housing, including the housing element of the county's land use plan under s. 66.1001 (2) (b), in a manner that would allow for greater public access through use of the Internet.

SECTION 9. 59.72 (5) of the statutes, as affected by 2003 Wisconsin Act (this act), is repealed and recreated to read:

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

SECTION 10. 134.17 (4) of the statutes is amended to read:

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

SECTION 11. 185.42 (2) of the statutes is amended to read:

185.42 (2) The register of deeds, upon payment of the fee specified under s. 59.43 (2) ~~(e)~~ (ag), shall number each contract consecutively and shall record it. The register of deeds shall enter the name of every member-maker of such a contract ~~alphabetically in a book to be kept for that purpose. He or she shall place members and cooperatives under a separate head and shall state in separate columns, opposite each name, the number of the contract, the date of the filing, and a brief description of the~~

products, goods or services covered by such contract in the real estate records index under s. 59.43 (9).

SECTION 12. 409.519 (9) of the statutes is created to read:

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

SECTION 13. 409.523 (3) (intro.) of the statutes is amended to read:

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

SECTION 14. 409.528 (1) (title) of the statutes is repealed.

SECTION 15. 409.528 (1) of the statutes is renumbered 409.528 and amended to read:

409.528 Statewide lien system. The department shall establish and maintain ~~and the office of each register of deeds in this state shall establish services necessary to support~~ a statewide lien system under this subchapter.

SECTION 16. 409.528 (2) of the statutes is repealed.

SECTION 17. 779.97 (4) (a) 2. of the statutes is amended to read:

779.97 (4) (a) 2. Any other officer described in sub. (2), the officer shall ~~endorse thereon his or her identification and the date and time of receipt~~ make the endorsements required under s. 59.43 (1) (e) and (f) and forthwith file it alphabetically or record the notice and enter it in an alphabetical the index showing the name and address of the person named in the notice, the date and time of receipt, the title and address of the officer or entity certifying the lien, and the total amount appearing on the notice of lien under s. 59.43 (9). Notices under this subdivision are subject to s. 59.43 (4) (a).

SECTION 18. 779.97 (4) (b) 1. of the statutes is amended to read:

779.97 (4) (b) 1. If a refile of a notice of lien is presented to the department of financial institutions for filing, the filing officer shall cause the refiled notice of federal lien to be dealt with in accordance with s. 409.519 as if the refile were a continuation statement within the meaning of chs. 401 to 411, ~~except that the time period in par. (d) shall apply instead of the time period in s. 409.515.~~

SECTION 19. 779.97 (4) (c) 2. of the statutes is amended to read:

779.97 (4) (c) 2. If Except as otherwise provided in this subdivision, if a certificate of release or other document associated with a recorded notice of federal tax lien is presented for filing or recording with any other filing officer specified in sub. (2), the officer shall enter the certificate with the date of filing in any alphabetical federal lien index on the line where the original notice of lien is entered and may then remove the notice of federal lien

~~and any related refile of a notice of lien, certificate of nonattachment, discharge or subordination from the files, provided that the officer shall keep the certificate of release or a microfilm or other photographic record, or in the case of the department of financial institutions, or a register of deeds if authorized under s. 59.43 (4), a microfilm or other photographic record or optical disk or electronic record, of the certificate of release in a file, separate from those containing currently effective notices of federal liens, for a period of 30 years after the date of filing of the certificate of release~~ treat the certificate or document in the same manner as a notice filed or recorded under par. (a) 2. The officer shall also reference the certificate or document to the recorded notice of federal lien by document number in the index maintained under s. 59.43 (9).

SECTION 20. 779.97 (4) (d) of the statutes is repealed.

SECTION 21. 779.97 (4) (e) of the statutes is amended to read:

779.97 (4) (e) Upon request of any person, the filing officer shall issue a certificate showing ~~whether there is on file, on the date and hour stated therein, certified copy of~~ any notice of federal lien or any related refile of a notice of lien, certificate of nonattachment, discharge or subordination filed on or after February 1, 1968, ~~naming a particular person, and if a notice or certificate is on file, giving the date and hour of filing of each notice or certificate. The officer may charge the fee specified under s. 59.43 (2) (b) for the copy.~~ If the filing officer is the department of financial institutions, the filing officer shall include the information concerning the notice of federal lien, or notice or certificate affecting a federal lien, in the information communicated or otherwise made available in response to a request under s. 409.523 (3), and the fee charged shall be that charged in accordance with s. 409.525.

SECTION 22. 779.97 (5) (a) of the statutes is repealed and recreated to read:

779.97 (5) (a) The fee for filing and indexing each notice of lien or certificate or notice affecting the lien is the fee specified under s. 59.43 (2) (ag).

SECTION 23. 1997 Wisconsin Act 27, section 9456 (3m), as last amended by 2003 Wisconsin Act 33, is amended to read:

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

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utes and SECTION 9101 (1) of this act take effect on September 1, 2005.

SECTION 24. Effective dates. This act takes effect on the day after publication, except as follows:

(1) FILING FEES. The treatment of section 59.43 (2)

(ag) of the statutes, the repeal of section 59.43 (1) (um) of the statutes, and the repeal and recreation of sections 59.43 (2) (e) (by SECTION 7) and 59.72 (5) (by SECTION 9) of the statutes take effect on September 1, 2005.
