

2005 DRAFTING REQUEST

Bill

Received: 11/23/2004

Received By: **jkuesel**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 6-7973**

By/Representing: **Walker**

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

Drafter: **jkuesel**

May Contact:

Addl. Drafters: **mshovers**

Subject: **State Govt - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Walker, BB0259 -

Topic:

Land information program and recording fees

Instructions:

Per attached.

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>
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/1		csicilia 01/11/2005	pgreensl 01/04/2005	_____	lemery 01/04/2005		
/2			pgreensl 01/12/2005	_____	lnorthro 01/12/2005		

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FE Sent For:

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2003-05 Budget Bill Statutory Language Drafting Request

- Topic: Deed Recording Fee Extension
- Tracking Code: **BB0259**
- SBO team: Environmental and Commercial Resources
- SBO analyst: William D. Walker *wdw*
 - Phone: 266-7973
 - Email: william.walker@doa.state.wi.us
- Agency acronym: DOA
- Agency number: 505

The \$11 deed recording fee, Wisconsin Land Council and Wisconsin Land Information Board are set to sunset in 2005.

This request is to:

1. Eliminate the sunset for the \$11 deed recording fee but not the sunset for the board and council
2. Eliminate the sunset for the Wisconsin Land Information Program

In addition, please add language requiring that, of the deed recording fee money retained by a county, the county must devote at least \$1 for the provision of land information over the Internet.

I have attached the August 31, 2004 report to the Governor from which this request was derived and highlighted relevant portions.



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

JIM DOYLE
GOVERNOR
MARC J. MAROTTA
SECRETARY

Division of Intergovernmental Relations
101 E. Wilson Street, Madison, WI 53702
Tel. (608) 267-3369
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<http://www.doa.state.wi.us/>

August 31, 2004

Governor Jim Doyle
Room 115 East, State Capitol
Madison, Wisconsin 53702

Senate Chief Clerk Robert J. Marchant
17 West Main Street, Room 401
Madison, Wisconsin 53708

Assembly Chief Clerk Patrick E. Fuller
17 West Main Street, Room 208
Madison, Wisconsin 53708

Dear Governor Doyle and Chief Clerks:

The Wisconsin Land Council (WLC) and the Wisconsin Land Information Board (WLIB) submit the attached *Report to the Governor and Legislature* in compliance with the provisions of §16.023 (2), Wis. Stats., and 2003 Act 33, Section 2809.

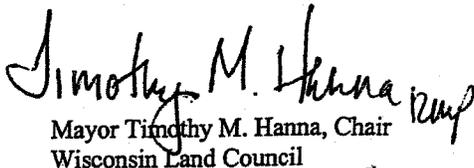
Our report strongly supports continuation of the Wisconsin Land Information Program. Every Wisconsin citizen has benefited from this program through more modern and accessible land records. The digitization of land information enables the public and all levels of government to make informed decisions using standardized, reliable data.

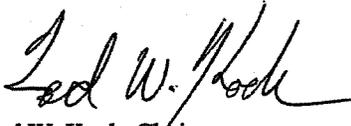
The report also recommends support for the Comprehensive Planning Grant Program. About 645 local governments—or one-third of all counties and municipalities—are using this state resource to support local planning decisions. This will continue to be a critical resource as additional communities prepare for growth and future service needs.

We also recognize the Governor's and Legislature's desire to reduce the size of State government. To that end, the report calls for the sunset of the WLC and the WLIB. Instead, we recommend using existing structures to support the land information and comprehensive planning grant programs.

The WLC and the WLIB appreciate this opportunity to report on activities and recommend future directions. We ask that you consider our comments as you develop land information and planning policies.

Sincerely,


Mayor Timothy M. Hanna, Chair
Wisconsin Land Council


Ted W. Koch, Chair
Wisconsin Land Information Board

Enclosure

**Wisconsin Land Council
Wisconsin Land Information Board**

Report to the Governor and Legislature

An Evaluation of Functions, Activities and Future Directions

August 31, 2004

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Notes to the Reader

Abbreviations commonly used in this publication:

DOA--Department of Administration

MOU--Memorandum of Understanding between the WLIP, WLC and DOA

DIR--Division of Intergovernmental Relations

SARWG--State Agency Resource Working Group

WLC--Wisconsin Land Council

WLIP--Wisconsin Land Information Board

WLIP--Wisconsin Land Information Program

WLIS--Wisconsin Land Information System¹

Note: All underlined text is hyperlinked to web accessible WLIP & WLC documents.

Prepared with staff support from:
Department of Administration, Division of Intergovernmental Relations

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City of Appleton

Willard J. Beitlich, Dairy Farmer

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Purpose of Report

Pursuant to §16.023 (2), Wis. Stats., the Wisconsin Land Council "...shall complete a report that contains an evaluation of its functions and activities not later than September 1, 2004, and shall submit the report to the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172(2)m Stats., and to the governor. The report shall also include a recommendation as to whether the council should continue in existence past its sunset date specified s. 15.107 (16) (e) and, if so, a recommendation as to whether any structural modifications should be made to the council's functions or to the state's land use programs."

Pursuant to 2003 WI Act 33, Section 2809, which amended 1997 Act 27, Section 9101 (11m), "No later than September 1, 2004, the land information board and Wisconsin land council shall report to the legislature in the manner provided under section 13.172 (2) of the statutes and to the governor concerning the issue of continuation of their functions, including the feasibility of combination of their functions."

This document meets these requirements by summarizing the 2002 Report, providing background and enabling legislation information, describing the impacts of the WLIB sunset and WLC sunset, and offering WLIB and WLC adopted recommendations. This Report does not enumerate statutory charges, accomplishments and benefits. Such information is provided in the 2002 Legislative Report available on the Department of Administration web site at <http://www.doa.state.wi.us/> (select Public Services, select Wisconsin Land Information Program, select Wisconsin Land Information Board).

Summary of September 2002 Report

On August 28, 2002, the Wisconsin Land Information Board (WLIB) and Wisconsin Land Council (WLC) jointly approved the *2002 Report to the Governor and Legislature, An Evaluation of the Functions, Activities, and Future Directions*. The 2002 Report details WLIB and WLC statutory charges and accomplishments, documents benefits, recommends future directions and functions to continue progress on statutory charges, and notes areas of common interests between the WLIB and WLC. It also details impacts of the WLIB sunset and WLC sunset, and provides alternatives to the sunsets.

The first major section outlined 17 WLIB statutory charges. Following each charge was a list of related accomplishments and what the WLIB planned for future directions. The WLIB was very successful in meeting its legislative charges. As an example, in response to its charge to approve countywide plans for land records modernization, the WLIB in the early 1990's provided guidelines so all 72 counties had a WLIB approved plan by 1993 and second-generation plans by 2000. The future goal is to expand the scope of county modernization plans, and complete and approve each plan by 2005. Other charges included provision of technical assistance and education, distribution of aid through grant programs, and further distribution of land information. In addition, all 72 counties established a Land Information Officer' (LIO) as a point of contact for land information in the county and direct correspondence with the WLIB and DOA.

The Benefits section detailed the growth and success of the program. The WLIB has since 1991 provided updated guidelines for state agency plans to integrate land information. In 1995, the WLIB created a clearinghouse—WISCLINC—with the State Cartographer's Office to provide a searchable database for existing data and how data sets can be obtained. The WLIB leveraged \$7.8 million in federal funds for a \$12 million initiative for the state to partner with the federal government to complete digital soils mapping statewide by 2006.

The WLIB and DIR provide considerable assistance to state agencies and local government to further Wisconsin Land Information Program (WLIP) goals. A Technical Assistance List Serve—LIO-Tech List Serve—provides County Land Information Officers (LIOs) and others with a public forum for land records modernization issues. The WLIB entered a memorandum of understanding with the WLC and DOA to ensure cooperation and avoid duplication of activities.

The Future Functions section acknowledged successes but also identified new initiatives, opportunities and remaining work. High on the priority list of the WLIB is the Wisconsin Land Information System (WLIS), a statewide, web-based, distributed land information access system. WLIS could become a technical and organizational mechanism for accessing land information and supporting integrated views of Wisconsin data from a wide variety of producers, including state, regional and local units of government. With a wider user base, easier Internet access, integrability across software applications and the advent of technologies such as Global Positioning System (GPS), expectations have increased and WLIP standards need revision (another future goal of the WLIB). In addition, the WLIB looks forward to working more closely with federal agencies that are on the verge of initiating programs providing unprecedented opportunities for sharing data. These include the Height Modernization Project (National Geodetic Survey), National Map Project (U.S. Geological Survey), the Flood Mapping Modernization Initiative (Federal Emergency Management agency), and many others.

In the same fashion, 15 statutory charges, accomplishments and future directions were outlined for the WLC. In 1998, the WLC created the State Agency Resource Working Group (SARWG) to provide a forum to discuss land use issues and related policies. SARWG inventoried and collected information on about 113 land use related programs administered by ten state agencies. Beginning in 2001, SARWG began collecting documentation (metadata) on spatial data sets in a future system for data distribution. The WLC, through state agencies in SARWG, will continue data information gathering concerning comprehensive planning and use the collected metadata in construction of the WLIS.

The Benefits section shows how the WLC increased government and public access to data resources, and that the WLC coordinated with the WLIB to work on the WLIS for increased access, especially needed for local governments. In 1998, the WLC appointed the Technical Working Group (TWG) which prepared its final report in 1999 recommending that a project team be created to continue the design and implementation of a WLIS.

One of the main benefits of the WLC is the forum it provides for discussion of land use, promoting efficiency and reducing conflict. In 2000, the WLC appointed the State-Local Government-Private Sector Working Group (SLPWG). SLPWG drafted Ch. Adm. 48, Wis. Admin. Code, for the planning grant program, analyzed conflicts and inconsistencies in the municipal boundary statutes and developed recommendations for several statutory changes. Finally, in 2000, the WLC established the planning grant program and promulgated Ch. Adm. 48, Wis. Admin. Code governing the program. It has since awarded \$6.5 million in planning grants to over 350 local and tribal governments and regional planning commissions developing comprehensive plans.

In the future, the WLC looks to harmonize the state land use statutes and study the conflicts currently arising from these statutes. The WLC would use these findings to provide a recommendation to the Governor to harmonize these statutes and resolve state conflicts to further the state's land use goals. In addition, the WLC would provide an arena for state statutes that conflict with local land ordinances to be discussed, and again provide the Governor with a recommendation. The WLC would also study the relationship and activities of the federal government and American Indian Governments and inform the Governor of the impact of these activities on state land use goals. The memorandum of understanding (MOU) will ensure cooperation and avoid duplication with the activities of the WLIB.

The September 2002 Report also compared areas of common interest between the WLC and the WLIB. The WLIP and the WLC created joint project teams, held joint meetings, shared DOA staff and worked on many areas of common interest. Both the WLIB and the WLC have had a mutual interest in development and implementation of an enterprise wide WLIS which would allow public access and integration of the land information collected by local, state and federal organizations and businesses. In addition both groups advocate guidelines for consistent data standards and land use classification systems between federal, state and local governments providing greater efficiency and uniformity. Another area of concern for both the WLIB and WLC is in the area of local government. Both groups would like to see more funding support to local governments to promote data management efforts and comprehensive planning, as well as coordination of training and technical assistance to local officials regarding data requirements and planning issues.

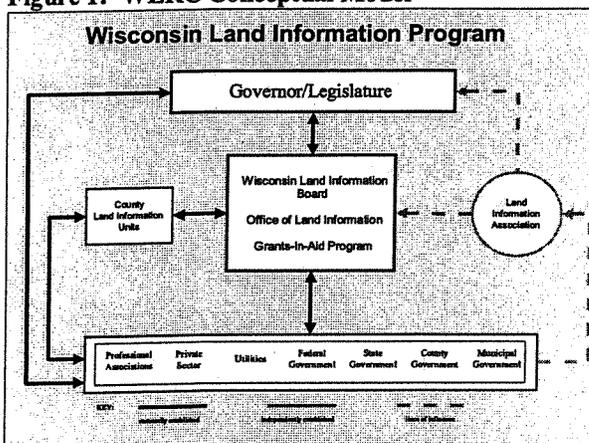
Finally, the report lists six alternatives and concludes with the recommendations of the WLIB and WLC.

Wisconsin Land Information Board/Program Background Information

The Wisconsin Land Information Program (WLIP), approaching its fifteenth anniversary, has been recognized as the most innovative and successful land records modernization program in the United States. Several other states have adopted programs or legislative provisions similar to the WLIP to fund their land records modernization efforts.² The WLIP is funded entirely through user fees; no General Purpose Revenue is used in the WLIP.

The WLIP is a culmination of many initiatives beginning in 1975 when the DOA State Planning Office conducted a survey to determine the inventory and use of land records data by all state agencies.³ By 1978, a study by DOA, in cooperation with the University of Wisconsin-Madison, reported on statewide spending on land information, and technical and institutional impediments that limited the access and use of various public records.⁴ In 1985, Governor Anthony Earl created the Wisconsin Land Records Committee (WLRC) by Executive Order No. 79. The conceptual model for the WLIP was developed by the WLRC, and synthesized in their final report to the Governor (1987). The report recommended implementation of a Wisconsin Land Information Program for modernizing the land records at all levels of government.⁵

Figure 1: WLRC Conceptual Model



In 1989, the Wisconsin Legislature and Governor Tommy Thompson, with assistance from the land information community, began a collective journey to transform land information from a 150-year old paper-based institution into a digital world reflective of, and in step with, the information age. As a result, many technical accomplishments and an array of social, economic and technical impacts and associated benefits, have occurred as a result of the WLIB's direction and leadership. A detailed look at land modernization over the past ten years can be found in *Land Information Modernization Activity in Wisconsin: Impacts, Status and Future Tasks 1990-2002*.⁶

Wisconsin Land Information Board/Program Enabling Legislation

The Wisconsin Land Information Program was created with 1989 Wisconsin Act 31. Act 31, also created the Wisconsin Land Information Board and gave it the authority and the responsibility to implement the WLIP. 1989 Wisconsin Act 339, provided the funding mechanism for the WLIP and refined the policy instruments for its implementation.

The 15 member WLIB is composed of representatives from local government, business, other interested groups and state agency secretaries. Advisory members, statutorily designated and WLIB appointed, serve the Board. The Board has over the years created a variety of task force groups to address their statutory charges.

The WLIP is attached to the DOA for administrative purposes under § 15.03, Wis. Stats. The DOA Division of Intergovernmental Relations (DIR) provides staff support to the WLIB.

Wisconsin Land Council Background Information

Land use, land use planning, and the relationships between local units of government and state agencies continue to be very significant political and public policy issues for Wisconsin.

The Wisconsin Interagency Land Use Council (ILUC) helped to pave the way toward a better understanding of the issues with the publication "Planning Wisconsin," a report to Governor Tommy G. Thompson, along with other reports. Its predecessor, the Strategic Growth Task Force, with representation from state agencies, local government, business and other interested groups, led to and supported ILUC.

As the successor to ILUC, the Wisconsin Land Council plays an instrumental role in continuing to identify critical land use issues and to recommend solutions.

Wisconsin Land Council Enabling Legislation

The Wisconsin Land Council was established by the 1997-99 biennial budget as part of several new initiatives related to land use planning and services.

The 16 member WLC is composed of representatives from local government, business, and other interested groups and state agency secretaries. The WLC has three statutorily defined working groups: the State Agency Resource Working Group (SARWG), the State-Local Government-Private Sector Working Group (SLPWG) and the Technical Working Group (TWG).

The WLC is charged under §16.023, Wis. Stats., to study and develop policy for a variety of land use related issues. Most of these activities require the WLC to develop policy recommendations to the Governor. In addition to the statutory charges in §16.023, Wis. Stats., the WLC is charged with overseeing the comprehensive planning grant program.

The Wisconsin Land Council is attached to the Wisconsin Department of Administration (DOA) for administrative purposes under §15.03, Wis. Stats. Division of Intergovernmental Relations (DIR) staff provide support to the WLC and its working groups and administers the comprehensive planning grant program.

Sunset Impacts

Wisconsin Land Information Board and Wisconsin Land Information Program

Under current law, the Wisconsin Land Information Board sunsets on September 1, 2005. The sunset will eliminate: the 15-member Wisconsin Land Information Board; the Wisconsin Land Information Program; grant program appropriations; technical assistance; and three DOA positions that administer the land information grant program and the comprehensive planning grant program. The sunset provision would eliminate the structure relied upon for statewide cooperation, integration and sharing of land information.

The sunset provision will reduce the fee charged by county register of deeds for recording certain documents from \$11.00 to \$8.00. This includes reduced funding for the county land information offices for land records modernization and computerized indexing of land information. It eliminates \$1.00 retained by counties for housing data. It eliminates the annual Wisconsin Land Information Program grant program funds for local land records modernization.

The county land information office would retain \$4.00 for land records modernization.

Wisconsin Land Council and Comprehensive Planning Grants

Under current law, the Wisconsin Land Council will sunset on September 1, 2005. The sunset will eliminate the 16-member Wisconsin Land Council, the State Agency Resource Working Group, the State-Local Government-Private Sector Working Group, the program operations appropriation, and DOA positions.

Based on 2003 Act 33, comprehensive planning grant funding was changed from General Purpose Revenue to Program Revenue of \$2 million from land record modernization funding. Further, based on 2003 Act 206, this Program Revenue will be eliminated effective September 1, 2005.

The sunset does not affect the comprehensive planning program requirement under s. 66.1001, Wis. Stats. that by 2010 certain actions by a local government unit be consistent with that unit's comprehensive plan.

Recommendation to the Governor and Legislature

The Wisconsin Land Information Board and Wisconsin Land Council seek to maintain effective, robust land programs while meeting the Governor's objective of reducing the size of government. The 2005 sunsets of the Wisconsin Land Information Board, the Wisconsin Land Council and associated programs provide opportunities to refocus resources, provide improved services to the public, ensure continuity of funding and policies, and build upon previous successful initiatives. The following recommendations leverage existing structures to achieve these goals.

Wisconsin Land Information Board

1. Sunset the Wisconsin Land Information Board on September 1, 2005: Maintain current law. The intent of this recommendation is to end the Board, but preserve its various statutory charges that form the foundation of the Land Information Program. As noted earlier, over the past 15 years the WLIP has been very successful in facilitating the growth of an innovative, modern, technologically based land information system.
2. Expand the scope of the Technology Leadership Council (TLC) and the Business Leadership Council (BLC) in the DOA Division of Enterprise Technology to include representation from the land information community. The TLC is an organization of Chief Information Officers and Information Directors from state agencies, counties and professional associations that provides direction, policies and strategies for managing enterprise IT functions that support Wisconsin government's common business goals.

The BLC provides guidance to the TLC for the management of information technology across agencies and the implementation of IT strategies and policies to improve and streamline business operations. The TLC and BLC will support implementation of land information initiatives across state government. Using the existing TLC and BLC structure is more cost effective than maintaining the WLIB or creating a successor council.

The Wisconsin Land Information Board and Wisconsin Land Council recommend that the DOA Division of Enterprise Technology include the proposed DOA Geographic Information Officer and State Cartographer as members of the TLC and BLC. It is further recommended that the DOA Secretary exercise his/her powers to create an appropriate body (e.g., committee, council) including local land information professionals to advise the DOA Secretary, TLC and BLC on land information issues.

Wisconsin Land Council

1. Sunset the Wisconsin Land Council on September 1, 2005: Maintain current law. The intent of this recommendation is to end the Council, but continue the comprehensive planning grant program.
2. Maintain the State Agency Resource Working Group (SARWG): The SARWG, representing key state agencies with land related programs, will continue to address and resolve conflicts and duplication across state agency land use programs. Continuous cross-agency dialogue builds collaborative relationships, creates efficiencies and identifies barriers and opportunities in government operations. The SARWG will support compiling statewide data necessary for development of comprehensive plans and other purposes. The SARWG will report to the DOA Secretary or his/her designee.

3. Maintain an Adequately Funded Comprehensive Planning Grant Program. DOA will continue to work with interested stakeholders to improve and build support for the Comprehensive Planning Grant Program. Overall, 645 communities continue to benefit from the planning grant program, and approximately 200 more communities are currently involved in the development of a comprehensive plan without state financial assistance. The program is supporting multi-jurisdictional efforts and focuses on intergovernmental cooperation.
4. Maintain Relationships with Interested Stakeholders. DOA and SARWG are encouraged to call together interested stakeholders, similar to the State-Local-Private Working Group, to address comprehensive planning and related land use issues.

Wisconsin Land Information Program

1. Repeal the September 1, 2005 sunset of the Wisconsin Land Information Program (WLIP). The WLIP should be retained as a critical means of supporting land records modernization at the county level. Providing a sufficient level of funding to poorer counties in the form of a base budget grant is an important component of the continued success of land information growth in all counties of the state. The focus of the program will be widened to include coordination of efforts with the federal government and the leveraging of all available dollars towards expansion of the program. Activities of the WLIP should remain locally independent and regionally coordinated. Grant payments will continue to be administered by DOA with guidance from local land information professionals.

Recording Fees and Uses

1. Maintain current recording fee structure. Statutes should continue to provide that counties must submit to the State \$7.00 from certain recording fees; a county may retain \$5.00 of the fee if it has established a land information office and meets other conditions under s. 59.72(5)(b). As a practical matter, all counties meet s. 59.72(5)(b) and submit \$2.00 to the State. Additionally, statutes should provide that \$1.00 of the \$5.00 retained by counties is used to provide land information and housing data via the Internet.
2. Revise land program budget. Of the total funds generated by the \$2.00 submitted to the State (estimated at approximately \$4 million in FY04), dedicate:
 - An annual amount to counties under the Wisconsin Land Information Program sufficient to ensure base budgets of \$50,000 for land records modernization purposes.
 - An annual amount to fund the Comprehensive Planning Grant Program under Ch. Adm 48 Wisconsin Administrative Code - Comprehensive Planning Grants.
 - An annual amount to DOA to administer Wisconsin Land Information Program grants and the Comprehensive Planning Grant Program.
 - The remaining balance under the Wisconsin Land Information Program for contribution based awards and/or strategic initiatives. Examples include, but are not limited to:
 - Support beyond the \$50,000 base budgets
 - Wetlands mapping
 - Matching grants for other GIS/LIS funding sources

Geographic Information Officer

1. Appoint a Geographic Information Officer (GIO) within the Department of Administration. The GIO—selected through Civil Service appointment—will advocate for the WLIP and coordinate state geographic information systems (GIS) efforts. The GIO will possess outstanding technical skills in land information and GIS, and the ability to work with diverse partners at all levels of government. The responsibilities of the GIO should include:
 - Facilitate the coordination of GIS activities amongst state agencies, and enforce the adoption of appropriate data sharing, and the employment of best practices.
 - Coordinate with the State Cartographer on participation in federal programs, and in seeking federal and other funds to support WLIP initiatives.
 - Identify the GIS needs and requirements of state agency projects and programs.
 - Facilitate the education and training of agency staff in GIS concepts and applications.
 - Serve as the state agency GIS liaison with the BLC and TLC; serve as a voting member of each
 - Serve as the state-agency liaison with the WLIA and LIO Network
 - Facilitate state agency GIS/LIS standards development
 - Expand Wisconsin Land Information Program and GIS efforts
 - Coordinate efforts with the State Cartographer on federal programs such as the Geo-Spatial One Stop and the National Map, and between national coordination organization such as the National States' Geographic Information Council
 - When requested, provide guidance to local governments

The GIO should be fully supported in his/her activities by the State Chief Information Officer (CIO) and land and GIS staffs across state government.

State Cartographer's Office

1. Expand the role of the State Cartographer. The State Cartographer has long provided coordination, education, outreach and technical support for statewide mapping and the WLIP. Many of these duties are covered in existing law (Ch. 36.25(12m)(a-f)). These roles may be expanded to enhance the new paradigm for the WLIP, provide vital data repository/access services for the entire community, and educational services for local governments. The new responsibilities may require additional resources and would include:
 - Provide and facilitate the land information "clearinghouse"
 - Provide technical support to county LIOs
 - Serve as administrator for the WLIP annual survey and LIO plan updates
 - In conjunction with the GIO, establish plans, strategies and implementation of a statewide web-based data and mapping delivery system (WLIS)
 - Assist and coordinate efforts with the GIO regarding federal programs and contacts
 - Serve on the BLT and TLC, and assist the GIO with outreach and stakeholder activities

WLC and WLIB Action on the Report and Recommendations

On Thursday, August 26, 2004 at Madison, the Wisconsin Land Council voted 11-0 in favor of adoption of this report and recommendations.

On Friday, August 27, 2004 in Madison, the Wisconsin Land Information Board voted 13-0 in favor of adoption of this report and recommendations.

Notes

¹ *Wisconsin Land Information System (WLIS) will be a computer-based (Internet) system of land information distributed throughout all levels of government in Wisconsin. It supports land information applications such as comprehensive planning by providing a common interface useable to citizens, professionals, and elected officials. WLIS will be built incrementally, leveraging existing investments and standards for data and technology.*

² *Warnecke, Lisa, Statewide Leadership and Coordination of Geographic Information and Related Technology in the 50 States. National States Geographic Information Council, October, 2003.*

³ *Krauskopf, T.M., K.S. Butler, B.E. Goldin, J.H. Haugen, Inventory of Wisconsin Land Resources Data, State Planning Office, Wisconsin Department of Administration, 1975.*

⁴ *Larsen, B.J., J.P. Clapp, A.H. Miller, B.J. Niemann, Jr., and A.J. Ziegler, Land Records: The Cost to the Citizen to Maintain the Present Land Information Base: A Case Study of Wisconsin, Madison, Wisconsin, Department of Administration, 1978.*

⁵ *Clapp, J., D.D. Moyer, B.J. Niemann, Jr., C. Reinhard, and B. Weisman. Final Report of the Wisconsin Land Records Committee: Modernizing Wisconsin's Land Records. Wisconsin Land Records Committee, 1987.*

⁶ *Koch, T.W., D. Hart, D.D. Moyer, and B.J. Niemann, Jr. Land Information Modernization Activity in Wisconsin: Impacts, Status and Future Tasks 1990-2000, 2001.*

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Date (time) needed

DUPLICATE
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LPS: There are inserts to inserts.

LRB-0984 / 1

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DOA BUDGET DRAFT

Use the appropriate components and routines developed for bills.

>>FOR 2005-07 BUDGET — NOT READY FOR INTRODUCTION<<

AN ACT . . . [DO NOT generate catalog]; relating to: the budget land
information ©
.....
.....

Analysis by the Legislative Reference Bureau

- If titles are needed in the analysis, in the component bar:
- For the main heading, execute: create → anal: → title: → head
 - For the subheading, execute: create → anal: → title: → sub
 - For the sub-subheading, execute: create → anal: → title: → sub-sub
- For the analysis text, in the component bar:
- For the text paragraph, execute: create → anal: → text

(Attached)

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

SECTION #.

- 0984/1

DOA:.....Grinde - Land Information board and land council changes, land record fee

FOR 2001-03 BUDGET -- NOT READY FOR INTRODUCTION

ANALYSIS

- 1 AN ACT ...; relating to: abolition of the land information board and transferring
- 2 its functions, adding members to the Wisconsin land council, changing the
- 3 duties of the Wisconsin land council, and increasing the land records fee.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT ✓

OTHER STATE GOVERNMENT ✓

START HERE

Currently, the land information board is attached to DOA. The board consists of the secretaries of five state agencies or their designees, the state cartographer and eight other persons appointed by the governor, four of whom are representatives of county or municipality governments in this state and four of whom are representatives of public utilities or private businesses in this state. The board serves as a state clearing house for access to land information and provides technical assistance to state agencies and local governmental units with land information responsibilities, reviews and approves county plans for land records modernization, and provides aids to counties, derived from recording fee revenues collected by counties, for land records modernization projects. Under current law, the board and its functions are abolished effective on September 1, 2003.

*

most of

This bill abolishes the land information board on the day the bill becomes law and transfers its functions, together with its assets, liabilities, and employees, to

DOA. Assigns to DOA most of the functions of the Land Information Board.

July 11, 2005

Currently, counties collect a land record fee for recording and filing most instruments that are recorded or filed with the register of deeds. The fee is ~~ten dollars~~ ^{\$11 ✓} for the first page of an instrument and ~~two dollars~~ for each additional page. Until ~~September 1, 2003~~ ^{July 1, 2005}, counties must remit ~~two dollars~~ ^{\$2 ✓} of each ~~ten dollars~~ ^{\$10} collected for recording or filing the first page of each instrument to the land information board, which the board uses to fund its general program operations and to make grants to counties for land records modernization projects. Currently, if a county does not have a land information office and uses ~~four dollars~~ ^{\$4} of the fee for recording or filing the first page of an instrument for land records modernization, the county must remit ~~six dollars~~ ^{\$6} of the fee for recording or filing the first page of an instrument to the land information board. On ~~September 1, 2003~~ ^{July 1, 2005}, the fee for recording or filing the first page of an instrument is reduced from ~~ten dollars~~ ^{\$11} to ~~eight dollars~~ ^{\$8} and no portion is remitted to the state.

This bill increases the fee for recording or filing the first page of an instrument with a register of deeds from ten dollars to eleven dollars, and requires a county to remit either two dollars or seven dollars of this fee to the department of administration, depending on whether the county has a land information office and uses the fee for land records modernization.

Currently, DOA may provide grants to local governments to be used to finance a portion of the cost of certain comprehensive planning activities from general purpose revenue. This bill provides, in addition, for a portion of the land record fee received by DOA to be used for that purpose.

Currently, the land information board may provide technical assistance to counties and conduct educational seminars, courses, or conferences relating to land information. The board assesses and collects fees sufficient to cover the cost of these activities. This bill transfers the authority to provide assistance and conduct conferences to DOA, but ~~deletes the authority and responsibility to assess and collect fees~~ ^{for this purpose together with}.

Under the current law, the Wisconsin land council exists in DOA. The purposes of the council include the following: 1) to identify and recommend to the governor land use goals and priorities; 2) to identify and study areas of conflict in the state's land use statutes, and conflicts between state and local land use statutes and ordinances, and recommend to the governor legislation to resolve the conflicts; 3) to study the development of a computer-based land information system and make recommendations to the governor in this area; 4) to identify procedures for facilitating local land use planning efforts and recommend to the governor legislation to implement the procedures; and 5) to gather and analyze information about the land use activities in Wisconsin of the federal government and American Indian governments. The council is required to submit to both houses of the legislature, and the governor, a report that evaluates its functions and activities. The report must be submitted not later than September 1, 2002.

This bill discontinues the council's function of studying the development of a computer-based land information system, and adds several new functions to the council's duties. Under the bill, the council must establish a land information working group that must study and recommend land information standards to the

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This bill re-enacts the current fees, effective on the day the bill becomes law, but requires that the state share be remitted to ^{counties to} ~~DOA~~ ^{DOA} instead of the land information board. The bill also requires counties to use at least \$1 for the provision of land information, other than housing information, on the Internet.

council and DOA, advise the council and DOA on a Wisconsin land information system and on coordination of state and local land information, and review county land records modernization plans and make recommendations on approval to the council and DOA.

The council currently consists of 16 members. This bill adds three members to the council, one of whom would be a representative from a public utility, one of whom would be a representative from a professional land information organization, and one of whom would be nominated by a statewide association whose purposes include support of a network of statewide land information systems.

The bill also repeals the current law August 31, 2003, sunset date for the council.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

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SECTION 1. 15.01 (4) of the statutes, as affected by 1999 Wisconsin Act 9, section 12n, is repealed and recreated to read:

15.01 (4) "Council" means a part-time body appointed to function on a continuing basis for the study, and recommendation of solutions and policy alternatives, of the problems arising in a specified functional area of state government, except the Milwaukee River revitalization council has the powers and duties specified in s. 23.18, the council on physical disabilities has the powers and duties specified in s. 46.29 (1) and (2), the state council on alcohol and other drug abuse has the powers and duties specified in s. 14.24 and, before January 1, 2001, the council on health care fraud and abuse has the powers and duties specified in s. 146.36.

SECTION 2. 15.07 (1) (b) 16. of the statutes, as affected by 1997 Wisconsin Act 27, is repealed.

SECTION 3. 15.105 (16) of the statutes, as affected by 1997 Wisconsin Act 27, is repealed.

INSERT ANL-MES

Under ~~the~~ current law, the Wisconsin land council exists in DOA. The purposes of the council include the following: 1) to identify and recommend to the governor land use goals and priorities; 2) to establish a technical working group to study the development of a computer-based land information system and make recommendations to the governor in this area; 3) to establish a state agency resource working group that is composed of representatives of DOA, DATCP, DOC, DNR, DOR, DOT, and other appropriate agencies. This state agency resource working group is required to discuss, analyze, and address land use issues and related policy issues. Currently, the Wisconsin land council sunsets on September 1, 2005.

This bill creates the land resource council, whose members and functions are the same as the members and functions of the state agency resource working group that is established by the Wisconsin land council. Under the bill, the members of the land resource council are appointed by, and serve at the pleasure of, the secretary of DOA.

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SECTION 15.107 (18) of the statutes is created to read:

15.107 (18) LAND RESOURCE COUNCIL. (a) *Creation*. There is created a land resource council, attached to the department of administration under s. 15.03.

(b) *Members*. The land resource council shall consist of the following members:

1. A representative from the department of administration. ✓
2. A representative from the department of agriculture, trade and consumer protection. ✓
3. A representative from the department of commerce. ✓
4. A representative from the department of natural resources. ✓
5. A representative from the department of revenue. ✓
6. A representative from the department of transportation. ✓
7. A representative from any other appropriate state agency, as determined by the secretary of administration. ✓

(c) *Terms*. Each member of the council under par. (b) shall be appointed by the secretary of administration, and shall serve at the pleasure of the secretary.

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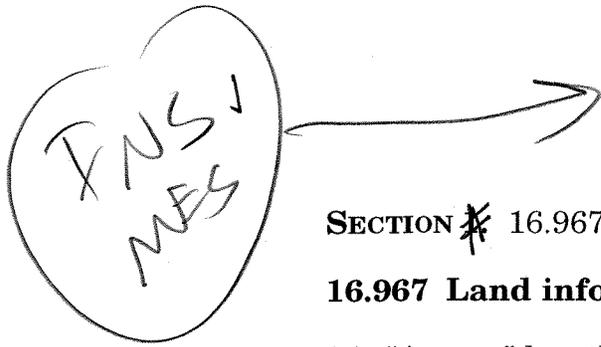
SECTION ~~#~~ 16.024[✓] of the statutes is created to read:

16.024 Land resource council. The land resource council shall discuss, analyze, and address land use issues and related policy issues, including the following:

- (1) Gathering information about the land use plans of state agencies. ✓
- (2) Establishing procedures for the distribution of the information gathered under sub. (1)[✓] to other state agencies, local units of government, and private persons.
- (3) The creation of a system to facilitate, and to provide training and technical assistance for the development of, local intergovernmental land use planning. ✓

2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

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SECTION ~~16.967~~ 16.967 of the statutes is repealed and recreated to read:

16.967 Land information program. (1) DEFINITIONS. In this section:

(a) "Agency" has the meaning given in s. 16.70 (1e). ✓

(b) "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 restrictions, 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.

(c) "Land information system" means an orderly method of organizing and managing land information and land records.

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

(e) "Systems integration" means land information that is housed in one jurisdiction or jurisdictional subunit and is available to other jurisdictions, jurisdictional subunits, public utilities and other private sector interests.

(3) DUTIES OF DEPARTMENT. The department shall direct and supervise the land information program and serve as the state clearinghouse for access to land information. In addition, the department shall:

(a) Provide technical assistance and advice to state agencies and local governmental units with land information responsibilities.

(b) Maintain and distribute an inventory of land information available for this state, land records available for this state and land information systems.

(c) Prepare guidelines to coordinate the modernization of land records and land information systems.

(d) Review project applications received under sub. (7) and determine which projects are approved.

(e) Review for approval a countywide plan for land records modernization prepared under s. 59.72 (3) (b).

(4) FUNDING REPORT. The ^{department} ~~board~~ shall identify and study possible program revenue sources or other revenue sources for the purpose of funding the operations of the land information program, including grants to counties under sub. (7).

(5) FEES. All fees received under s. 59.72 (5) (a) shall be credited to the appropriation under s. 20.505 (1) (ij).

(6) REPORTS. By March 31 of each year, the department of administration, the department of agriculture, trade and consumer protection, the department of commerce, the department of health and family services, the department of natural resources, the department of tourism, the department of revenue, the department of transportation, the board of regents of the University of Wisconsin System, the public service commission and the board of curators of the historical society shall each submit to the department a plan to integrate land information to enable such information to be readily translatable, retrievable and geographically referenced for use by any state, local governmental unit or public utility. The plans shall include the information that will be needed by local governmental units to prepare

comprehensive plans containing the planning elements required under s. 66.1001 (2). Upon receipt of this information, the department shall integrate the information to enable the information to be used to meet land information data needs. The integrated information shall be readily translatable, retrievable, and geographically referenced to enable members of the public to use the information.

(7) AID TO COUNTIES. (a) A county board that has established a county land information office under s. 59.72 (3) may apply to the department on behalf of any local governmental unit, as defined in s. 59.72 (1) (c), located wholly or partially within the county for a grant for any of the following projects:

1. The design, development and implementation of a land information system that contains and integrates, at a minimum, property and ownership records with boundary information, including a parcel identifier referenced to the U.S. public land survey; tax and assessment information; soil surveys, if available; wetlands identified by the department of natural resources; a modern geodetic reference system; current zoning restrictions; and restrictive covenants.

2. The preparation of parcel property maps that refer boundaries to the public land survey system and are suitable for use by local governmental units for accurate land title boundary line or land survey line information.

3. The preparation of maps that include a statement documenting accuracy if the maps do not refer boundaries to the public land survey system and that are suitable for use by local governmental units for planning purposes.

4. Systems integration projects.

5. To support technological developments and improvements for the purpose of providing Internet-accessible housing assessment and sales data.

(b) Grants shall be paid from the appropriation under s. 20.505 (1) (ij). A grant under this subsection may not exceed \$100,000. The department may award more than one grant to a county board.

(8) ADVICE; COOPERATION. In carrying out its duties under this section, the department may seek advice and assistance from the board of regents of the University of Wisconsin System and other agencies, local governmental units and other experts involved in collecting and managing land information. Agencies shall cooperate with the department in the coordination of land information collection.

(9) TECHNICAL ASSISTANCE; EDUCATION. The department may provide technical assistance to counties and conduct educational seminars, courses or conferences relating to land information. The department shall charge and collect fees sufficient to recover the costs of activities authorized under this subsection.

~~Note: Note: Sub. (11) is repealed eff. 9-1-05 by 1999 Wis. Act 9.~~

~~Note: Note: This section is repealed eff. 7-1-05 by 1997 Wis. Act 27.~~

~~History:~~ 1989 a. 31, 339; 1991 a. 39; 1993 a. 16; 1995 a. 27 ss. 403, 9116 (5), 9126 (19); 1995 a. 201; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2003 a. 33 ss. 2811, 2813; 2003 a. 48 s. 11.

~~History:~~ 1971 c. 108, 125, 215; 1971 c. 270 s. 104; 1973 c. 90 and supp., 157, 305; 1975 c. 39 ss. 179 to 184f, 735 (5); 1975 Ex. Order No. 24; 1975 c. 224, 397; 1977 c. 29; 1977 c. 196 ss. 70, 131; 1977 c. 377 s. 30; 1977 c. 418 s. 929 (1), (55); 1979 c. 32 s. 92 (5); 1979 c. 34, 175, 221; 1979 c. 355 s. 241; 1979 c. 361; 1981 c. 20 ss. 400b to 421, 2202 (57) (b); 1981 c. 44 s. 3; 1981 c. 62, 121; 1981 c. 202 s. 23; 1981 c. 314, 374, 391; 1983 a. 27 ss. 439 to 456, 2202 (1); 1983 a. 36, 187, 282, 371, 393; 1985 a. 29, 31, 57, 120, 296, 297, 332; 1987 a. 27 ss. 296n, 296q, 297b, 297d, 299a to 299r, 300a, 301a, 418 to 432; 1987 a. 142, 147, 342, 399; 1989 a. 31, 56, 107, 122, 336, 339, 345, 366; 1991 a. 39 s. 469, 593q to 614; 1991 a. 105, 269, 315; 1993 a. 16 ss. 470g, 470m, 470r, 488 to 506m; 1993 a. 33, 75, 193, 349, 358, 374, 414, 437, 477, 491; 1995 a. 27, 56, 201, 216, 225, 227, 370, 403; 1997 a. 3; 1997 a. 27 ss. 199, 227 to 229m, 233, 666g to 692; 1997 a. 237, 283; 1999 a. 5, 9, 24, 52, 105, 113, 148, 185; 2001 a. 16 ss. 684d, 685d, 800 to 905; 2001 a. 104, 109; 2003 a. 33 ss. 364d, 365d, 369d, 370d, 374d, 376d, 378d, 380d to 384d, 567 to 615f, 639, 640, 642d to 644, 2811 to 2813; 2003 a. 48 s. 11; 2003 a. 84; 2003 a. 139 ss. 9 to 12; 2003 a. 326.

SECTION 2. 20.505 (1) (ie) of the statutes is repealed and recreated to read:

20.505 (1) (ie) *Land information; incorporations and annexations.* From the moneys received by the department under s. 59.72 (5) (a), the amounts in the schedule for the land information program under s. 16.967 and for reviews of proposed municipal incorporations and annexations by the department.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

~~Note: Note: Par. (ie) is repealed eff. 7-1-05 by 1997 Wis. Act 27.~~

~~History:~~ 1971 c. 108, 125, 215; 1971 c. 270 s. 104; 1973 c. 90 and supp., 157, 305; 1975 c. 39 ss. 179 to 184f, 735 (5); 1975 Ex. Order No. 24; 1975 c. 224, 397; 1977 c. 29; 1977 c. 196 ss. 70, 131; 1977 c. 377 s. 30; 1977 c. 418 s. 929 (1), (55); 1979 c. 32 s. 92 (5); 1979 c. 34, 175, 221; 1979 c. 355 s. 241; 1979 c. 361; 1981 c. 20 ss. 400b to 421, 2202 (57) (b); 1981 c. 44 s. 3; 1981 c. 62, 121; 1981 c. 202 s. 23; 1981 c. 314, 374, 391; 1983 a. 27 ss. 439 to 456, 2202 (1); 1983 a. 36, 187, 282, 371, 393; 1985 a. 29, 31, 57, 120, 296, 297, 332; 1987 a. 27 ss. 296n, 296q, 297b, 297d, 299a to 299r, 300a, 301a, 418 to 432; 1987 a. 142, 147, 342, 399; 1989 a. 31, 56, 107, 122, 336, 339, 345, 366; 1991 a. 39 s. 469, 593q to 614; 1991 a. 105, 269, 315; 1993 a. 16 ss. 470g, 470m, 470r, 488 to 506m; 1993 a. 33, 75, 193, 349, 358, 374, 414, 437, 477, 491; 1995 a. 27, 56, 201, 216, 225, 227, 370, 403; 1997 a. 3; 1997 a. 27 ss. 199, 227 to 229m, 233, 666g to 692; 1997 a. 237, 283; 1999 a. 5, 9, 24, 52, 105, 113, 148, 185; 2001 a. 16 ss. 684d, 685d, 800 to 905; 2001 a. 104, 109; 2003 a. 33 ss. 364d, 365d, 369d, 370d, 374d, 376d, 378d, 380d to 384d, 567 to 615f, 639, 640, 642d to 644, 2811 to 2813; 2003 a. 48 s. 11; 2003 a. 84; 2003 a. 139 ss. 9 to 12; 2003 a. 326.

SECTION 3. 20.505 (1) (ig) of the statutes is repealed and recreated to read:

20.505 (1) (ig) *Land information; technical assistance and education.* The amounts in the schedule to provide technical assistance to counties and to conduct educational seminars, courses or conferences under s. 16.967 (9). The charges paid by the counties and participants in educational seminars, courses and conferences under s. 16.967 (9) shall be credited to this appropriation account.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

~~Note: NOTE: Par. (ig) is repealed eff. 7-1-05 by 1997 Wis. Act 37. Note:~~

History: 1971 c. 108, 125, 215; 1971 c. 270 s. 104; 1973 c. 90 and supp., 157, 305; 1975 c. 39 ss. 179 to 184f, 735 (5); 1975 Ex. Order No. 24; 1975 c. 224, 397; 1977 c. 29; 1977 c. 196 ss. 70, 131; 1977 c. 377 s. 30; 1977 c. 418 s. 929 (1), (55); 1979 c. 32 s. 92 (5); 1979 c. 34, 175, 221; 1979 c. 355 s. 241; 1979 c. 361; 1981 c. 20 ss. 400b to 421, 2202 (57) (b); 1981 c. 44 s. 3; 1981 c. 62, 121; 1981 c. 202 s. 23; 1981 c. 314, 374, 391; 1983 a. 27 ss. 439 to 456, 2202 (1); 1983 a. 36, 187, 282, 371, 393; 1985 a. 29, 31, 57, 120, 296, 297, 332; 1987 a. 27 ss. 296n, 296q, 297b, 297d, 299a to 299r, 300a, 301a, 418 to 432; 1987 a. 142, 147, 342, 399; 1989 a. 31, 56, 107, 122, 336, 339, 345, 366; 1991 a. 39 s. 469, 593q to 614; 1991 a. 105, 269, 315; 1993 a. 16 ss. 470g, 470m, 470r, 488 to 506m; 1993 a. 33, 75, 193, 349, 358, 374, 414, 437, 477, 491; 1995 a. 27, 56, 201, 216, 225, 227, 370, 403; 1997 a. 3; 1997 a. 27 ss. 199, 227 to 229m, 233, 666g to 692; 1997 a. 237, 283; 1999 a. 5, 9, 24, 52, 105, 113, 148, 185; 2001 a. 16 ss. 684d, 685d, 800 to 905; 2001 a. 104, 109; 2003 a. 33 ss. 364d, 365d, 369d, 370d, 374d, 376d, 378d, 380d to 384d, 567 to 615f, 639, 640, 642d to 644, 2811 to 2813; 2003 a. 48 s. 11; 2003 a. 84; 2003 a. 139 ss. 9 to 12; 2003 a. 326.

SECTION 4. 20.505 (1) (ij) of the statutes is repealed and recreated to read:

20.505 (1) (ij) *Land information; aids to counties.* From the moneys received by the department under s. 59.72 (5) (a), all moneys not appropriated under pars. (ie) and (if) for the purpose of providing aids to counties for land information projects under s. 16.967 (7).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

~~Note: NOTE: Par. (ij) is repealed eff. 7-1-05 by 1997 Wis. Act 27. Note:~~

History: 1971 c. 108, 125, 215; 1971 c. 270 s. 104; 1973 c. 90 and supp., 157, 305; 1975 c. 39 ss. 179 to 184f, 735 (5); 1975 Ex. Order No. 24; 1975 c. 224, 397; 1977 c. 29; 1977 c. 196 ss. 70, 131; 1977 c. 377 s. 30; 1977 c. 418 s. 929 (1), (55); 1979 c. 32 s. 92 (5); 1979 c. 34, 175, 221; 1979 c. 355 s. 241; 1979 c. 361; 1981 c. 20 ss. 400b to 421, 2202 (57) (b); 1981 c. 44 s. 3; 1981 c. 62, 121; 1981 c. 202 s. 23; 1981 c. 314, 374, 391; 1983 a. 27 ss. 439 to 456, 2202 (1); 1983 a. 36, 187, 282, 371, 393; 1985 a. 29, 31, 57, 120, 296, 297, 332; 1987 a. 27 ss. 296n, 296q, 297b, 297d, 299a to 299r, 300a, 301a, 418 to 432; 1987 a. 142, 147, 342, 399; 1989 a. 31, 56, 107, 122, 336, 339, 345, 366; 1991 a. 39 s. 469, 593q to 614; 1991 a. 105, 269, 315; 1993 a. 16 ss. 470g, 470m, 470r, 488 to 506m; 1993 a. 33, 75, 193, 349, 358, 374, 414, 437, 477, 491; 1995 a. 27, 56, 201, 216, 225, 227, 370, 403; 1997 a. 3; 1997 a. 27 ss. 199, 227 to 229m, 233, 666g to 692; 1997 a. 237, 283; 1999 a. 5, 9, 24, 52, 105, 113, 148, 185; 2001 a. 16 ss. 684d, 685d, 800 to 905; 2001 a. 104, 109; 2003 a. 33 ss. 364d, 365d, 369d, 370d, 374d, 376d, 378d, 380d to 384d, 567 to 615f, 639, 640, 642d to 644, 2811 to 2813; 2003 a. 48 s. 11; 2003 a. 84; 2003 a. 139 ss. 9 to 12; 2003 a. 326.

SECTION 5. 23.27 (3) (a) of the statutes is repealed and recreated to read:

23.27 (3) (a) *Duties.* The department shall conduct a natural heritage inventory program. The department shall cooperate with the department of administration under s. 16.967 in conducting this program. This program shall establish a system for determining the existence and location of natural areas, the degree of endangerment of natural areas, an evaluation of the importance of natural

areas, information related to the associated natural values of natural areas and other information and data related to natural areas. This program shall establish a system for determining the existence and location of native plant and animal communities and endangered, threatened and critical species, the degree of endangerment of these communities and species, the existence and location of habitat areas associated with these communities and species and other information and data related to these communities and species. This program shall establish and coordinate standards for the collection, storage and management of information and data related to the natural heritage inventory.

~~Note: NOTE: Par. (a) is amended eff. 7-1-05 by 1997 Wis. Act 27 to read: Note:~~

~~(a) Duties. The department, with the advice of the council, shall conduct a natural heritage inventory program. This program shall establish a system for determining the existence and location of natural areas, the degree of endangerment of natural areas, an evaluation of the importance of natural areas, information related to the associated natural values of natural areas and other information and data related to natural areas. This program shall establish a system for determining the existence and location of native plant and animal communities and endangered, threatened and critical species, the degree of endangerment of these communities and species, the existence and location of habitat areas associated with these communities and species and other information and data related to these communities and species. This program shall establish and coordinate standards for the collection, storage and management of information and data related to the natural heritage inventory.~~

History: 1985 a. 29; 1987 a. 27; 1989 a. 31; 1991 a. 39, 269; 1997 a. 27; 1999 a. 9; 2003 a. 33 s. 2811; 2003 a. 48 s. 11.

SECTION 6. 23.32 (2) (d) of the statutes is repealed and recreated to read:

23.32 (2) (d) The department shall cooperate with the department of administration under s. 16.967 in conducting wetland mapping activities or any related land information collection activities.

~~Note: NOTE: Par. (d) is repealed eff. 7-1-05 by 1997 Wis. Act 27. Note:~~

History: 1977 c. 374; 1979 c. 221; 1983 a. 27; 1985 a. 29; 1989 a. 31; 1995 a. 27; 1997 a. 27; 1999 a. 147, 185; 2003 a. 33 s. 2811; 2003 a. 48 s. 11.

SECTION 7. 23.325 (1) (a) of the statutes is repealed and recreated to read:

23.325 (1) (a) Shall consult with the department of administration, the department of transportation and the state cartographer, and may consult with other potential users of the photographic products resulting from the survey, to determine the scope and character of the survey.

~~Note: NOTE: Par. (a) is amended eff. 7-1-05 by 1997 Wis. Act 27 to read: Note:~~

~~(a) Shall consult with the the department of transportation and the state cartographer, and may consult with other potential users of the photographic products resulting from the survey, to determine the scope and character of the survey.~~

History: 1991 a. 39; 1997 a. 27; 2003 a. 33 s. 2811; 2003 a. 48 s. 11.

SECTION 8. 36.09 (1) (e) of the statutes is repealed and recreated to read:

36.09 (1) (e) The board shall appoint a president of the system; a chancellor for each institution; a dean for each college campus; the state geologist; the director of the laboratory of hygiene; the director of the psychiatric institute; the state cartographer with the advice of the department of administration; and the requisite number of officers, other than the vice presidents, associate vice presidents and assistant vice presidents of the system; faculty; academic staff and other employees and fix the salaries, subject to the limitations under par. (j) and ss. 20.923 (4g) and 230.12 (3) (e), the duties and the term of office for each. The board shall fix the salaries, subject to the limitations under par. (j) and ss. 20.923 (4g) and 230.12 (3) (e), and the duties for each chancellor, vice president, associate vice president and assistant vice president of the system. No sectarian or partisan tests or any tests based upon race, religion, national origin, or sex shall ever be allowed or exercised in the appointment of the employees of the system.

Note: NOTE: Par. (e) is affected eff. 7-1-05 by 1997 Wis. Acts 27 and 237, 1999 Wis. Act 42, and 2001 Wis. Act 104 to read: Note: (e) The board shall appoint a president of the system; a chancellor for each institution; a dean for each college campus; the state geologist; the director of the laboratory of hygiene; the director of the psychiatric institute; the state cartographer; and the requisite number of officers, other than the vice presidents, associate vice presidents and assistant vice presidents of the system; faculty; academic staff and other employees and fix the salaries, subject to the limitations under par. (j) and ss. 20.923 (4g) and 230.12 (3) (e), the duties and the term of office for each. The board shall fix the salaries, subject to the limitations under par. (j) and ss. 20.923 (4g) and 230.12 (3) (e), and the duties for each chancellor, vice president, associate vice president and assistant vice president of the system. No sectarian or partisan tests or any tests based upon race, religion, national origin or sex shall ever be allowed or exercised in the appointment of the employees of the system.

History: 1973 c. 335; 1975 c. 39, 224; 1977 c. 196 ss. 130 (1), (2), 131; 1977 c. 418; 1979 c. 34 s. 2102 (29) (a); 1981 c. 20 s. 2202 (1) (a); 1983 a. 27 s. 2200 (15); 1983 a. 366; 1985 a. 29, 42, 45, 332; 1987 a. 4, 27, 340; 1989 a. 31, 336, 359; 1991 a. 39; 1997 a. 27, 35, 237, 307; 1999 a. 42; 2001 a. 16, 104; 2003 a. 33 ss. 930, 931, 2811, 9160; 2003 a. 48 s. 11; 2003 a. 320.

SECTION 9. 36.25 (12m) (intro.) of the statutes is repealed and recreated to read:

36.25 (12m) STATE CARTOGRAPHER. (intro.) In coordination and consultation with the department of administration, the state cartographer shall:

Note: NOTE: Sub. (12m) (intro.) is amended eff. 7-1-05 by 1997 Wis. Act 27 to read: Note:

(12m) STATE CARTOGRAPHER. (intro.) The state cartographer shall:

History: 1973 c. 333 ss. 68, 20 N (2); 1973 c. 335; 1975 c. 39, 339, 408 Supp.; 1975 c. 430 s. 80; 1977 c. 26, 29; 1977 c. 418 ss. 271 to 273, 924 (18) (e), (50); 1977 c. 422; 1977 c. 447 s. 206; 1979 c. 34; 1979 c. 90 s. 23; 1979 c. 177; 1981 c. 20, 93, 237, 314, 346; 1983 a. 27, 387, 524; 1983 a. 538 s. 271; 1985 a. 29; 1985 a. 182 s. 57; 1985 a. 332 s. 251 (1); 1987 a. 27, 186, 399, 403; 1989 a. 31, 56, 249, 299, 325, 335, 353, 359; 1991 a. 32, 39, 167, 269; 1993 a. 16, 27, 399, 455; 1995 a. 27 ss. 1767 to 1775k, 9116 (5), 9126 (19), 9145 (1); 1995 a. 54, 101, 216, 225, 227, 378, 404, 417; 1997 a. 27, 164, 178; 1997 a. 237 ss. 82v, 722s; 1997 a. 283; 1999 a. 9; 2001 a. 16, 103, 109; 2003 a. 33 ss. 933 to 935, 2811; 2003 a. 48 s. 11; 2003 a. 61.

SECTION 10. 59.43 (1) (u) of the statutes is repealed and recreated to read:

59.43 (1) (u) Submit that portion of recording fees collected under sub. (2) (ag) 1. and (e) and not retained by the county to the department of administration under s. 59.72 (5).

Note: NOTE: Par. (u) is repealed eff. 7-1-05 by 1997 Wis. Act 27. Note:

History: 1995 a. 201 ss. 326, 327, 335, 338 to 353, 355, 361, 367, 369, 375, 377 to 380, 382 to 384; 1995 a. 225 ss. 159, 160, 162; 1995 a. 227; 1997 a. 27, 35, 79, 140, 252, 282, 303, 304; 1999 a. 96; 2001 a. 10, 16 ss. 1999m to 2001m, 4041b; 2003 a. 33 s. 2811; 2003 a. 48 s. 11; 2003 a. 206.

SECTION 11. 59.43 (2) (ag) 1. of the statutes is repealed and recreated 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, \$11 for the first page 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).

Note: NOTE: Subd. 1. is affected by 2001 Wis. Act 16 and by 1997 Wis. Act 27. The two treatments are irreconcilably in conflict. The treatment by 2001 Act 16 was effective 9-1-01. The treatment by 1997 Wis. Act 27 was originally to be effective 9-1-03, as provided in section 9456 (3m) of that act. 2001 Wis. Act 16, section 4041b, amended 1997 Wis. Act 27, section 9456 (3m), to delete the 9-1-03 delayed date for the treatment by 1997 Wis. Act 27, rendering the treatment effective not later than 9-1-01, the effective date of the amendment of 1997 Wis. Act 27, section 9456 (3m) by 2001 Wis. Act 16, section 4041b. 2003 Wis. Act 48, section 11, creates 1997 Wis. Act 27, section 9456 (3m) (b), which contains an effective date of 7-1-05 for the treatment by 1997 Wis. Act 27, but as a result of 2001 Wis. Act 16, section 4041b, that treatment is already effective. Subd. 1. is shown above as affected by the last passed act, 2001 Wis. Act 16. Subd. 1. as affected by 1997 Wis. Act 27, as affected by 2001 Wis. Act 16, section 4041b, is shown below. Note:

1. For recording any instrument entitled to be recorded in the office of the 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).

History: 1995 a. 201 ss. 326, 327, 335, 338 to 353, 355, 361, 367, 369, 375, 377 to 380, 382 to 384; 1995 a. 225 ss. 159, 160, 162; 1995 a. 227; 1997 a. 27, 35, 79, 140, 252, 282, 303, 304; 1999 a. 96; 2001 a. 10, 16 ss. 1999m to 2001m, 4041b; 2003 a. 33 s. 2811; 2003 a. 48 s. 11; 2003 a. 206.

SECTION 12. 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.

Note: NOTE: Par. (e) is repealed and recreated eff. 9-1-05 by 2003 Wis. Act 206 to read: Note:

(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.

History: 1995 a. 201 ss. 326, 327, 335, 338 to 353, 355, 361, 367, 369, 375, 377 to 380, 382 to 384; 1995 a. 225 ss. 159, 160, 162; 1995 a. 227; 1997 a. 27, 35, 79, 140, 252, 282, 303, 304; 1999 a. 96; 2001 a. 10, 16 ss. 1999m to 2001m, 4041b; 2003 a. 33 s. 2811; 2003 a. 48 s. 11; 2003 a. 206.

SECTION 13. 59.72 (3) (b) of the statutes is repealed and recreated 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. The plan shall be submitted for approval to the department of administration under s. 16.967 (3) (e).

History: 1989 a. 31, 339; 1995 a. 201 s. 457; Stats. 1995 s. 59.72; 1997 a. 27; 2001 a. 16, 104; 2003 a. 33 s. 2811; 2003 a. 48 s. 11; 2003 a. 206.

SECTION 14. 59.72 (3) (c) of the statutes is repealed and recreated to read:

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

History: 1989 a. 31, 339; 1995 a. 201 s. 457; Stats. 1995 s. 59.72; 1997 a. 27; 2001 a. 16, 104; 2003 a. 33 s. 2811; 2003 a. 48 s. 11; 2003 a. 206.

SECTION 15. 59.72 (4) of the statutes is repealed and recreated to read:

59.72 (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).

History: 1989 a. 31, 339; 1995 a. 201 s. 457; Stats. 1995 s. 59.72; 1997 a. 27; 2001 a. 16, 104; 2003 a. 33 s. 2811; 2003 a. 48 s. 11; 2003 a. 206.

SECTION 16. 59.72 (5) of the statutes 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 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 \$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, at least \$1 of each \$5 fee retained under this paragraph

for the provision of other land information on the Internet, and the remainder of each \$5 fee retained under this paragraph to develop, implement, and maintain the countywide plan for land records modernization.

Note: NOTE: This section is affected eff. 7-1-05 by 1997 Wis. Act 27 and 2001 Wis. Acts 16 and 104 to read: Note:

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 separate county land information office or may direct that an office be established within an existing department, board, commission, agency, institution, authority or office. If the board establishes a county land information office, the office shall 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. If the board establishes a land information office, the board shall, within 2 years after the land information office is established, develop a countywide plan for land records modernization.

(5) LAND RECORD MODERNIZATION FUNDING. A county which 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.

Note: NOTE: Sub. (5) is repealed and recreated eff. 9-1-05 by 2003 Wis. Act 206 to read: Note:

(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.

History: 1989 a. 31, 339; 1995 a. 201 s. 457; Stats. 1995 s. 59.72; 1997 a. 27; 2001 a. 16, 104; 2003 a. 33 s. 2811; 2003 a. 48 s. 11; 2003 a. 206.

SECTION 17. 92.10 (4) (a) of the statutes is repealed and recreated to read:

92.10 (4) (a) *Data*. The department shall develop a systematic method of collecting and organizing data related to soil erosion. The department shall cooperate with the department of administration under s. 16.967 in developing this methodology or any related activities related to land information collection.

Note: NOTE: Par. (a) is amended eff. 7-1-05 by 1997 Wis. Act 27 to read: Note:

(a) *Data*. The department shall develop a systematic method of collecting and organizing data related to soil erosion.

History: 1981 c. 346; 1983 a. 524; 1985 a. 29; 1987 a. 27; 1989 a. 31; 1997 a. 27; 1999 a. 9; 2003 a. 33 s. 2811; 2003 a. 48 s. 11.

SECTION 18. 146.70 (3m) (d) 1g. of the statutes is repealed and recreated to read:

146.70 (3m) (d) 1g. If an application under par. (c) includes an estimate of costs identified in par. (c) 1. d. incurred during the reimbursement period or between January 1, 1999, and September 3, 2003, the commission may approve the application only if the commission determines that the local government's collection of land information, as defined in s. 16.967 (1) (b), and development of a land information system, as defined in s. 16.967 (1) (c), that is related to that purpose are consistent with the applicable county land records modernization plans developed

under s. 59.72 (3) (b), conform to the standards on which such plans are based, and do not duplicate land information collection and other efforts funded through the land information program under s. 16.967 (7). The commission shall obtain the advice of the department of administration in making determinations under this subdivision.

Note: NOTE: Subd. 1g. is repealed and recreated eff. 7-1-05 by 2003 Wis. Act 48 to read: Note:

g. If an application under par. (c) includes an estimate of costs for the purpose described in par. (c) 1. d., the commission may approve the application only if the commission determines that the local government's collection of land information, as defined in s. 16.967 (1) (b), 2001 stats., and development of a land information system, as defined in s. 16.967 (1) (c), 2001 stats., that is related to that purpose are consistent with the applicable county land records modernization plans developed under s. 59.72 (3) (b), 2001 stats., conform to the standards on which such plans are based, and do not duplicate land information collection and other efforts funded through the land information program under s. 16.967 (7), 2001 stats.

History: 1977 c. 392; 1979 c. 34, 361; 1981 c. 20 s. 2202 (1) (b); 1981 c. 383; 1983 a. 27, 983 a. 53 s. 114; 1983 a. 189 s. 329 (31); 1984 a. 29, 120; 1985 a. 297 ss. 12, 76; 1985 a. 332; 1987 a. 27, 403; 1989 a. 31; 1991 a. 39, 267; 1993 a. 16, 388, 496; 1997 a. 218, 283; 1999 a. 185; 2001 a. 109; 2003 a. 48, 520.

SECTION 19. 1997 Wisconsin Act 27, section 9456 (3m) (a) as last affected by

2003 Wisconsin Act 48, is repealed.

SECTION 20. 1999 Wisconsin Act 9, section 9401 (2zt), as last affected by 2003

Wisconsin Act 33, is repealed.

SECTION 21. 1999 Wisconsin Act 9, section 9401 (2zu), as last affected by 2003

Wisconsin Act 33, is repealed.

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0694/1dn
JTK.....

0984/1DN

Bill Walker:

- * 1. Under s. 58.72 (5) (b) 3., stats., the \$5 of each recording fee that is retained by a county is fully allocated. ⁹~~\$1~~ of each \$5 is allocated for the provision of housing information on the Internet and the other \$4 of each \$5 is allocated to develop, implement, and maintain the countywide plan for land records modernization. This draft provides that at least \$1 of the \$5 shall be used to provide land use information other than housing information on the Internet. Under the draft, \$1 of each \$5 must still be used to provide housing information on the Internet and the remainder of the \$5 must be used to develop, implement, and maintain the countywide plan for land records modernization. Please let me know if this treatment is not in accord with your intent. ³
2. 2003 Wisconsin Act 48 advanced the expiration date of the Land Information Board and Council, the land information program, and the associated fee structure from September 1, 2005, to July 1, 2005. This unfortunate action means that these statutes will almost certainly expire before the bill resulting from this draft becomes law. Therefore, you may wish to consider offering this draft, or portions of it, as separate legislation or as a part of any budget adjustment bill.

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0984/1dn
JTK:wlj:pg

January 4, 2005

Bill Walker:

1. Under s. 59.72 (5) (b) 3., stats., the \$5 of each recording fee that is retained by a county is fully allocated. One dollar of each \$5 is allocated for the provision of housing information on the Internet and the other \$4 of each \$5 is allocated to develop, implement, and maintain the countywide plan for land records modernization. This draft provides that at least \$1 of the \$5 shall be used to provide land use information other than housing information on the Internet. Under the draft, \$1 of each \$5 must still be used to provide housing information on the Internet and the remainder of the \$5 must be used to develop, implement, and maintain the countywide plan for land records modernization. Please let me know if this treatment is not in accord with your intent.
2. 2003 Wisconsin Act 48 advanced the expiration date of the Land Information Board and Council, the land information program, and the associated fee structure from September 1, 2003, to July 1, 2005. This unfortunate action means that these statutes will almost certainly expire before the bill resulting from this draft becomes law. Therefore, you may wish to consider offering this draft, or portions of it, as separate legislation or as a part of any budget adjustment bill.

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778