

2007 SENATE BILL 549

February 29, 2008 – Introduced by Senators HANSEN, COWLES, TAYLOR, RISSER, DARLING and ROESSLER, cosponsored by Representatives WIECKERT, POCAN, GOTTLIEB, KREUSER, JESKEWITZ, BLACK, HIXSON, MUSSER, SOLETSKI, JORGENSEN, HILGENBERG, ALBERS, HRAYCHUCK, HINTZ, MOLEPSKE, GARTHWAITE, SHERIDAN, SEIDEL, MASON, NELSON and SHILLING. Referred to Committee on Judiciary, Corrections, and Housing.

1 **AN ACT** *to amend* 77.22 (2) (intro.); and *to repeal and recreate* 77.265 of the
2 statutes; **relating to:** the confidentiality and electronic filing of real estate
3 transfer returns.

Analysis by the Legislative Reference Bureau

Under current law, generally, a real estate transfer return filed with a register of deeds is confidential, except that it may be disclosed to certain local officials and state agencies for specific purposes. Under this bill, generally, a real estate transfer return may still be disclosed under certain circumstances, but social security numbers and telephone numbers contained in the return remain confidential. The bill also requires that all real estate transfer returns be filed electronically on or after July 1, 2009, except that the secretary of the Department of Revenue may waive the requirement if it causes an undue hardship.

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

4 **SECTION 1.** 77.22 (2) (intro.) of the statutes is amended to read:
5 77.22 (2) (intro.) The secretary of revenue shall prescribe the form required
6 under sub. (1). Forms filed on or after July 1, 2009, shall be filed electronically in the

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1 manner prescribed by the secretary. The secretary may waive the requirement to file
2 electronically if the secretary determines, based on a written application for a waiver,
3 that the requirement causes an undue hardship. The form shall include an
4 application for a credit under s. 79.10 (5) and shall provide for the submission of the
5 following:

6 **SECTION 2.** 77.265 of the statutes is repealed and recreated to read:

7 **77.265 Confidentiality.** Grantor and grantee social security numbers and
8 grantor and grantee telephone numbers from real estate transfer returns shall be
9 confidential, but the returns, and the information contained in the returns, may be
10 disclosed as follows:

11 (1) The department of revenue shall distribute information from the returns
12 to local assessors. The local assessors shall maintain the confidentiality of social
13 security numbers and telephone numbers from the returns.

14 (2) The local assessor shall permit the inspection of all returns filed under this
15 subchapter for property within any local unit of government for which property taxes
16 are levied by the chief elected official, or a person designated by the official, of that
17 unit upon the adoption of a resolution by the governing body of the unit directing the
18 official to inspect the returns for the purpose of reviewing the basis upon which
19 equalized values were established by the department of revenue under s. 70.57, and
20 the official or designee shall maintain the confidentiality of grantor and grantee
21 social security numbers and telephone numbers from the returns.

22 (3) The returns may be used in any proceeding involving the requisite amount
23 of the fee and may be produced in any proceeding subject to a valid subpoena or court
24 order, but the court, or adjudicating agency, and the parties shall maintain the
25 confidentiality of social security numbers and telephone numbers from the returns.

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1 **(4)** The department of workforce development may use the returns under s.
2 106.50, but shall maintain the confidentiality of social security numbers and
3 telephone numbers from the returns.

4 **(5)** The department of revenue, county real property listers under s. 70.09, and
5 local assessors and their employees and agents may use the returns, but shall
6 maintain the confidentiality of social security numbers and telephone numbers from
7 the returns.

8 **(6)** Governmental agencies that acquire real property for public purposes, or
9 that administer taxes, may use the returns, but shall maintain the confidentiality
10 of social security numbers and telephone numbers from the returns.

11 **(7)** In a condemnation proceeding or in an appeal of an assessment of real
12 property, the property owners and the owners' agents may inspect the returns after
13 signing a written agreement to maintain the confidentiality of social security
14 numbers and telephone numbers from the returns inspected.

15 **(8)** A county may use the returns to develop a tract index, but shall maintain
16 the confidentiality of social security numbers and telephone numbers from the
17 returns.

18 **(9)** The department of revenue may make available to the public all
19 information obtained from the returns except social security numbers and telephone
20 numbers from the returns.

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(END)