

State of Wisconsin



2009 Senate Bill 507

Date of enactment: **May 12, 2010**
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2009 WISCONSIN ACT 314

AN ACT *to renumber and amend* 59.72 (4); *to amend* 16.967 (7) (a) (intro.), 59.43 (2) (ag) 1., 59.43 (2) (e), 59.43 (2) (i), 59.72 (3) (b), 59.72 (5) (a), 59.72 (5) (b) (intro.) and 59.72 (5) (b) 3.; and *to create* 16.967 (3) (f), 16.967 (3) (g), 16.967 (7m), 59.43 (2) (L), 59.43 (4) (c), 59.43 (4) (d), 59.72 (2), 59.72 (3m), 59.72 (4) (b), 59.72 (5) (b) 1m. and 59.72 (6) of the statutes; **relating to**: changing the fees collected by a register of deeds, the redaction of social security numbers from electronic documents, and changes to the land information program.

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

SECTION 1. 16.967 (3) (f) of the statutes is created to read:

16.967 (3) (f) Review reports received under s. 59.72 (2) (b) and determine whether county expenditures of funds received under sub. (7) and s. 59.72 (5) (b) have been made for authorized purposes.

SECTION 2. 16.967 (3) (g) of the statutes is created to read:

16.967 (3) (g) Post reports received under s. 59.72 (2) (b) on the Internet.

SECTION 3. 16.967 (7) (a) (intro.) of the statutes is amended to read:

16.967 (7) (a) (intro.) 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, except that a county shall complete the project under subd. 1. and make public records in the land information system accessible on the Internet before the county may expend any grant moneys under this paragraph for any other purpose:

SECTION 4. 16.967 (7m) of the statutes is created to read:

16.967 (7m) **SUSPENSION OF AID.** If the department determines that grants under sub. (7) or retained fees under s. 59.72 (5) (b) have been used for unauthorized purposes, the department shall notify the county or local governmental unit of the determination. The notice shall include a listing of unauthorized expenditures. The county or local governmental unit shall have not less than 30 days to contest the determination or resolve the unauthorized expenditures. If the unauthorized expenditures are not resolved in a manner acceptable to the department, the department may suspend the eligibility of the county or local governmental unit that made unauthorized expenditures to receive further grants or to retain further fee revenues.

SECTION 5. 59.43 (2) (ag) 1. of the statutes is amended to read:

59.43 (2) (ag) 1. Subject to s. 59.72 (5) and except as provided in par. (L), 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~~ **\$25**, except that no fee may be collected for recording a change of address that is exempt from a filing fee under s. 185.83 (1) (b) or 193.111 (1) (b).

* Section 991.11, WISCONSIN STATUTES 2007-08 : 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].

SECTION 6. 59.43 (2) (e) of the statutes is amended to read:

59.43 (2) (e) Subject to s. 59.72 (5) and except as provided in par. (L), 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 \$25.

SECTION 7. 59.43 (2) (i) of the statutes is amended to read:

59.43 (2) (i) ~~For~~ Except as provided in par. (L), for recording certificates and for preparing and mailing documents under s. 867.045 or 867.046, \$25.

SECTION 8. 59.43 (2) (L) of the statutes is created to read:

59.43 (2) (L) For recording any instrument under par. (ag), filing any instrument under par. (e), and recording certificates and preparing and mailing documents under par. (i), \$30 if the county uses \$5 of each \$30 fee received under this paragraph to make social security numbers from electronic format records not viewable or accessible on the Internet under sub. (4) (c) and s. 59.72 (6), until the earliest of the following:

1. Completion of the making of social security numbers from electronic format records not viewable or accessible on the Internet under sub. (4) (c) and s. 59.72 (6).

2. Unless the register of deeds has been granted an extension by the department of administration, January 1, 2012. The register of deeds may request the department of administration to extend the time period under this subdivision by one year. The department of administration may grant the extension and may renew the extension for additional one-year periods.

3. January 1, 2015.

SECTION 9. 59.43 (4) (c) of the statutes is created to read:

59.43 (4) (c) With regard to any instrument filed with or recorded by a register of deeds before April 1, 2006, which the register of deeds makes available for viewing or download on the Internet, the register of deeds shall make a reasonable effort to make social security numbers from the transferred instrument's electronic format not viewable or accessible on the Internet.

SECTION 10. 59.43 (4) (d) of the statutes is created to read:

59.43 (4) (d) No later than March 31 annually, every register of deeds of a county that has not completed making social security numbers from electronic format records not viewable or accessible on the Internet under par. (c) shall submit to the department of administration a report regarding the progress made by the county during the preceding year in making social security numbers from electronic format records not viewable or accessible on the Internet under par. (c), including a statement of the number of instruments transferred to an electronic format in the preceding year, the number of these instru-

ments from which social security numbers were made not viewable or accessible on the Internet in the preceding year, the number of instruments remaining from which social security numbers remain to be made not viewable or accessible on the Internet, and the estimated time needed to review the remaining instruments for making social security numbers not viewable or accessible on the Internet.

SECTION 11. 59.72 (2) of the statutes is created to read:

59.72 (2) DUTIES. (a) If the county has established a county assessor system under s. 70.99, the board shall provide Internet access to countywide property tax assessment data, and, if the county maintains land records that identify the zoning classification of individual parcels, the board shall post on the Internet land records that identify the zoning classification of individual parcels.

(b) No later than June 30 following the end of any year in which a county that accepts a grant under s. 16.967 (7) or retains any fees under sub. (5) (b), the county land information office shall submit to the department of administration a report describing the expenditures made with the moneys derived from those grants or retained fees.

SECTION 12. 59.72 (3) (b) of the statutes is amended to read:

59.72 (3) (b) Within 2 years after the land information office is established, develop and receive approval for a countywide plan for land records modernization. For any county in which land records are not accessible on the Internet, the plan shall include a goal of providing access to public land records on the Internet. The plan shall be submitted for approval to the department of administration under s. 16.967 (3) (e).

SECTION 13. 59.72 (3m) of the statutes is created to read:

59.72 (3m) LAND INFORMATION COUNCIL. (a) If the board has established a land information office under sub. (3), the board shall have a land information council consisting of not less than 8 members. The council shall consist of the register of deeds, the treasurer, and, if one has been appointed, the real property lister or their designees and the following members appointed by the board for terms prescribed by the board:

1. A member of the board.
2. A representative of the land information office.
3. A realtor or a member of the Realtors Association employed within the county.
4. A public safety or emergency communications representative employed within the county.
- 4m. The county surveyor or a registered professional land surveyor employed within the county.
5. Any other members of the board or public that the board designates.

(am) Notwithstanding par. (a), if no person is willing to serve under par. (a) 3., 4., or 4m., the board may create or maintain the council without the member designated under par. (a) 3., 4., or 4m.

(b) The land information council shall review the priorities, needs, policies, and expenditures of a land information office established by the board under sub. (3) and advise the county on matters affecting the land information office.

SECTION 14. 59.72 (4) of the statutes is renumbered 59.72 (4) (a) and amended to read:

59.72 (4) (a) A board that has established a land information office under sub. (3) and a land information council under sub. (3m) may apply to the department of administration for a grant for a land information project under s. 16.967 (7).

SECTION 15. 59.72 (4) (b) of the statutes is created to read:

59.72 (4) (b) A board shall use any grant received by the county under s. 16.967 (7) (a) and any fees retained under sub. (5) (b) to design, develop, and implement a land information system under s. 16.967 (7) (a) 1. and to make public records in the system accessible on the Internet before using these funds for any other purpose.

SECTION 16. 59.72 (5) (a) of the statutes is amended to read:

59.72 (5) (a) Before the 16th day of each month a register of deeds shall submit to the department of administration \$7 ~~\$10~~ 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).

SECTION 17. 59.72 (5) (b) (intro.) of the statutes is amended to read:

59.72 (5) (b) (intro.) ~~-A- Except as provided in s. 16.967 (7m), a county may retain \$5 \$8 of the \$7 \$10 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:

SECTION 18. 59.72 (5) (b) 1m. of the statutes is created to read:

59.72 (5) (b) 1m. The county has created a land information council under sub. (3m).

SECTION 19. 59.72 (5) (b) 3. of the statutes is amended to read:

59.72 (5) (b) 3. The county uses \$4 ~~\$6~~ of each \$5 ~~\$8~~ fee retained under this paragraph to develop, implement, and maintain the countywide plan for land records modernization and \$1 ~~\$2~~ of each \$5 ~~\$8~~ fee retained under this paragraph for the provision of land information on the Internet, including the county's land information records relating to housing.

SECTION 20. 59.72 (6) of the statutes is created to read:

59.72 (6) LAND RECORDS MODERNIZATION. With regard to land records modernization as described in sub. (3) (b), if a register of deeds transfers an instrument that was filed or recorded with the register of deeds before April 1, 2006, to an electronic format, as described in s. 59.43 (4), the register of deeds shall make a reasonable effort to make social security numbers from the transferred instrument's electronic format not viewable or accessible on the Internet.

SECTION 21. Initial applicability.

(1) The treatment of sections 59.43 (2) (ag) 1., (e), and (L) and (4) (c) and 59.72 (5) (a) and (b) (intro.), 1m., and 3. and (6) of the statutes first applies to an instrument that is presented to a register of deeds for recording or filing, or that is transferred to an electronic format, on the effective date of this subsection.

(2) The treatment of sections 16.967 (7m) and 59.72 (4) (b) of the statutes first applies to grants received or fees retained on the effective date of this subsection.

SECTION 22. Effective date.

(1) This act takes effect on the 30th day beginning after the day of publication.