

**SENATE BILL 507 (LRB -2917)**

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. (FE)

**2010**

02-02. S. Introduced by Senators **Erpenbach, Lehman, Hansen, Kreitlow, Vinehout, Risser and Taylor**; cosponsored by Representatives **Soletski, Hebl, Pope-Roberts, Smith, Lothian, Townsend, Vruwink, Dexter, Vos, Radcliffe and Van Roy.**

02-02. S. Read first time and referred to committee on Ethics Reform and Government Operations ..... 534

02-10. S. Public hearing held.

02-16. S. Senate amendment 1 offered by Senator Erpenbach (**LRB a1486**) ..... 560

02-18. S. Fiscal estimate received.

02-18. S. Executive action taken.

02-18. S. Report adoption of Senate Amendment 1 recommended by committee on Ethics Reform and Government Operations, Ayes 5, Noes 0 ..... 570

02-18. S. Report passage as amended recommended by committee on Ethics Reform and Government Operations, Ayes 5, Noes 0 ..... 570

02-18. S. Available for scheduling.

02-23. S. Placed on calendar 2-25-2010 pursuant to Senate Rule 18(1) ..... 578

02-25. S. Read a second time ..... 594

02-25. S. **Senate amendment 1 adopted** ..... 594

02-25. S. Ordered to a third reading ..... 594

02-25. S. Rules suspended ..... 594

02-25. S. Read a third time and **passed** ..... 594

02-25. S. Ordered immediately messaged ..... 595

02-26. A. Received from Senate ..... 707

02-26. A. Read first time and referred to committee on Urban and Local Affairs ..... 708

03-01. A. Fiscal estimate received.

03-09. A. Executive action taken.

03-12. A. Report concurrence recommended by committee on Urban and Local Affairs, Ayes 7, Noes 0 ..... 752

03-12. A. Referred to committee on Rules ..... 752

04-15. A. Made a special order of business at 11:58 A.M. on 4-20-2010 pursuant to Assembly Resolution 23 ..... 869

04-20. A. Read a second time.

04-20. A. Assembly amendment 1 offered by Representative Roys (**LRB a2467**).

04-20. A. Assembly amendment 1 laid on table.

04-20. A. Ordered to a third reading.

04-20. A. Rules suspended.

04-20. A. Read a third time and **concurred in**.

04-20. A. Ordered immediately messaged.

04-21. S. Received from Assembly concurred in.

2009

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ADOPTED DOCUMENTS:

Orig     Engr           SubAmdt       

09-2917/11

Amendments to above (if none, write "NONE"): SA1 — a 1486/2

Corrections - show date (if none, write "NONE"): None

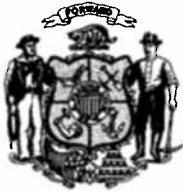
Topic Rel

4-22-10

Date

J. R. Miller

Enrolling Drafter



## 2009 SENATE BILL 507

February 2, 2010 – Introduced by Senators ERPENBACH, LEHMAN, HANSEN, KREITLOW, VINEHOUT, RISSER and TAYLOR, cosponsored by Representatives SOLETSKI, HEBL, POPE-ROBERTS, SMITH, LOTHIAN, TOWNSEND, VRUWINK, DEXTER, VOS, RADCLIFFE and VAN ROY. Referred to Committee on Ethics Reform and Government Operations.

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

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### *Analysis by the Legislative Reference Bureau*

Under current law, the Department of Administration (DOA) directs and supervises the land information program and serves as a state clearinghouse for access to land information. Under the land information program, DOA 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.

Also under current law, a county board may establish a land information office or direct that the functions and duties of the office be performed by an existing county office. If a land information office is established, it is required to coordinate land information projects between different units and levels of government and between

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the government and the private sector, develop and receive approval for a countywide plan for land records modernization, and review and recommend projects from local governmental units for grants from DOA.

Also under current law, counties collect a fee for recording and filing most instruments that are recorded or filed with a register of deeds. The fee is \$11 for the first page of an instrument and \$2 for each additional page. Counties must remit \$7 of each \$11 collected for recording or filing the first page of each instrument to DOA, which DOA uses the revenues to make grants to counties for land records modernization projects (modernization grants). However, if a county has established a land information office, receives approval from DOA for its land records modernization plan, and uses the money for certain specified purposes related to land records modernization, the county may retain \$5 of each \$7 fee that would otherwise be payable to DOA. Counties also collect a \$25 fee for recording certain probate certificates and for preparing and mailing certain probate documents.

Under this bill, counties collect a \$25 fee, regardless of the number of pages of the instrument, for recording or filing most instruments that are recorded or filed with a register of deeds. Counties must remit \$10 of each fee to DOA, which DOA uses to make modernization grants. If a county has, in addition to the three requirements under current law for retaining DOA fees, established a land information council, the county may retain \$8 of each \$10 fee that would otherwise be payable to DOA. Also under this bill, counties may temporarily collect a \$30 fee for recording or filing these instruments or for recording certain probate certificates or preparing and mailing certain probate documents if the county uses \$5 of each fee for purposes of redacting social security numbers from certain electronic format records. The \$30 fee reverts to a \$25 fee upon the earliest of the following: 1) completion of redaction of social security numbers from certain electronic format records; 2) January 1, 2012, unless an extension of time is granted by DOA; or 3) January 1, 2015.

Also under this bill, when the register of deeds transfers instruments filed with or recorded by the register of deeds before April 1, 2006, to an electronic format, he or she is required to make a reasonable effort to redact social security numbers from the instrument's electronic format.

Also under this bill, if a county retains fees otherwise payable to DOA or receives a grant from DOA under the land information program, the county must submit a report to DOA describing the expenditure of those funds. These funds must be used to design, develop, and implement a land information system and to make the system accessible on the Internet before being used for any other purpose and thereafter for purposes related to land records modernization. If DOA determines that these funds have been used for unauthorized purposes, DOA may suspend the eligibility of the county for further grants or retained fees.

Also under this bill, a county board that has created a land information office must create a land information council consisting of no less than seven members. The council reviews the priorities, needs, policies, and expenditures of the land information office and advises the county on matters affecting the land information office. Also, if a county employs countywide property assessment or maintains land

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records that identify the zoning classification of individual parcels, the county board must post on the Internet land records that identify the zoning classification of individual parcels.

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:*

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

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

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

6           16.967 (3) (g) Post reports received under s. 59.72 (2) (b) on the Internet.

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

8           16.967 (7) (a) (intro.) A county board that has established a county land  
9 information office under s. 59.72 (3) may apply to the department on behalf of any  
10 local governmental unit, as defined in s. 59.72 (1) (c), located wholly or partially  
11 within the county for a grant for any of the following projects, except that a county  
12 shall complete the project under subd. 1. and make the land information system  
13 accessible on the Internet before the county may expend any grant moneys under this  
14 paragraph for any other purpose:

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

16           16.967 (7m) **SUSPENSION OF AID.** If the department determines that grants  
17 under sub. (7) or retained fees under s. 59.72 (5) (b) have been used for unauthorized  
18 purposes, the department shall notify the county or local governmental unit of the  
19 determination. The notice shall include a listing of unauthorized expenditures. The

INS.  
SAI-1

**SENATE BILL 507****SECTION 4**

1 county or local governmental unit shall have not less than 30 days to contest the  
2 determination or resolve the unauthorized expenditures. If the unauthorized  
3 expenditures are not resolved in a manner acceptable to the department, the  
4 department may suspend the eligibility of the county or local governmental unit that  
5 made unauthorized expenditures to receive further grants or to retain further fee  
6 revenues.

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

8 59.43 (2) (ag) 1. Subject to s. 59.72 (5) and except as provided in par. (L), for  
9 recording any instrument entitled to be recorded in the office of the register of deeds,  
10 ~~\$11 for the first page and \$2 for each additional page~~ \$25, except that no fee may be  
11 collected for recording a ~~change of address that is exempt from a filing fee under s.~~  
12 185.83 (1) (b) or 193.111 (1) (b).

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

14 59.43 (2) (e) Subject to s. 59.72 (5) and except as provided in par. (L), for filing  
15 any instrument which is entitled to be filed in the office of register of deeds and for  
16 which no other specific fee is specified, ~~\$11 for the first page and \$2 for each~~  
17 ~~additional page~~ \$25.

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

19 59.43 (2) (i) ~~For~~ Except as provided in par. (L), for recording certificates and for  
20 preparing and mailing documents under s. 867.045 or 867.046, \$25.

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

22 59.43 (2) (L) For recording any instrument under par. (ag), filing any  
23 instrument under par. (e), and recording certificates and preparing and mailing  
24 documents under par. (i), \$30 if the county uses \$5 of each \$30 fee received under this

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INS. SAI-2

INS. SAI-3

1 paragraph to ~~redact~~ social security numbers from electronic format records under  
2 sub. (4) (c) and s. 59.72 (6), until the earliest of the following:

3 1. Completion of the ~~redaction~~ of social security numbers from electronic format  
4 records under sub. (4) (c) and s. 59.72 (6).  
5

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INS. SAI-5

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

11 3. January 1, 2015.

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

12 59.43 (4) (c) With regard to any instrument filed with or recorded by a register  
13 of deeds before April 1, 2006, which the register of deeds transfers to an electronic  
14 format as described in this subsection, the register of deeds shall make a reasonable  
15 effort to ~~redact~~ social security numbers from the transferred instrument's electronic  
16 format.

INS. SAI-6

INS. SAI-7

INS. SAI-8

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

17 59.43 (4) (d) No later than March 31 annually, every register of deeds of a  
18 county that has not completed ~~redaction~~ of social security numbers from electronic  
19 format records under par. (c) shall submit to the department of administration a  
20 report regarding the progress made by the county during the preceding year in  
21 ~~redacting~~ social security numbers from electronic format records under par. (c),  
22 including a statement of the number of instruments transferred to an electronic  
23 format in the preceding year, the number of these instruments from which social  
24 security numbers were ~~redacted~~ in the preceding year, the number of instruments

INS. SAI-10

INS. SAI-9

INS. SAI-12

INS. SAI-11

INS. SAI-13

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INS SAI-14

1 remaining ~~to be reviewed~~ for redaction, and the estimated time needed to review the

2 remaining instruments for redaction. INS SAI-15

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

4 59.72 (2) DUTIES. (a) If the county has established a county assessor system

5 under s. 70.99 ~~or~~ maintains land records that identify the zoning classification of

6 individual parcels, the board shall post on the Internet land records that identify the

7 zoning classification of individual parcels. INS. SAI-17

8 (b) No later than ~~March 31~~ following the end of any year in which a county that

9 accepts a grant under s. 16.967 (7) or retains any fees under sub. (5) (b), the county

10 land information office shall submit to the department of administration a report

11 describing the expenditures made with the moneys derived from those grants or

12 retained fees.

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

14 59.72 (3) (b) Within 2 years after the land information office is established,

15 develop and receive approval for a countywide plan for land records modernization.

16 For any county in which land records are not fully accessible on the Internet, the plan

17 shall include a goal of providing full access to land records on the Internet. The plan

18 shall be submitted for approval to the department of administration under s. 16.967

19 (3) (e).

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

21 59.72 (3m) LAND INFORMATION COUNCIL. (a) If the board has established a land

22 information office under sub. (3), the board shall ~~create~~ a land information council

23 consisting of not less than ~~7~~ members. The council shall consist of the register of

24 deeds, the treasurer, and, if one has been appointed, the real property lister or their

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1 designees and the following members appointed by the board for terms prescribed  
2 by the board:

3 1. A member of the board.

4 2. A representative of the land information office.

5 3. A realtor employed within the county.

6 4. An emergency medical service provider employed within the county.

7 5. Any other members of the board or public that the board designates.

INS. SAI-23

INS. SAI-24

INS. SAI-25

INS. SAI-26

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

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

13 59.72 (4) (a) A board that has established a land information office under sub.  
14 (3) and a land information council under sub. (3m) may apply to the department of  
15 administration for a grant for a land information project under s. 16.967 (7).

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

17 59.72 (4) (b) A board shall use any grant received by the county under s. 16.967  
18 (7) (a) and any fees retained under sub. (5) (b) to design, develop, and implement a  
19 land information system under s. 16.967 (7) (a) 1. and to make the system accessible  
20 on the Internet before using these funds for any other purpose.

INS. SAI-27

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

22 59.72 (5) (a) Before the 16th day of each month a register of deeds shall submit  
23 to the department of administration \$7 \$10 from the fee for recording or filing the  
24 first page of each instrument that is recorded or filed under s. 59.43 (2) (ag) 1. or (e),  
25 less any amount retained by the county under par. (b).

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

2           59.72 (5) (b) (intro.) ~~A- Except as provided in s. 16.967 (7m),~~ a county may retain  
3           \$5 ~~\$8~~ of the \$7 ~~\$10~~ submitted under par. (a) from the fee for recording or filing the  
4           first page of each instrument that is recorded or filed under s. 59.43 (2) (ag) 1. or (e)  
5           if all of the following conditions are met:

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

7           59.72 (5) (b) 1m. The county has created a land information council under sub.  
8           (3m).

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

10          59.72 (5) (b) 3. The county uses \$4 ~~\$6~~ of each \$5 ~~\$8~~ fee retained under this  
11          paragraph to develop, implement, and maintain the countywide plan for land records  
12          modernization and \$1 ~~\$2~~ of each \$5 ~~\$8~~ fee retained under this paragraph for the  
13          provision of land information on the Internet, including the county's land  
14          information records relating to housing.

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

16          59.72 (6) LAND RECORDS MODERNIZATION. With regard to land records  
17          modernization as described in sub. (3) (b), if a register of deeds transfers an  
18          instrument that was filed or recorded with the register of deeds before April 1, 2006,  
19          to an electronic format, as described in s. 59.43 (4), the register of deeds shall make  
20          a reasonable effort to ~~redact~~ social security numbers from the transferred  
21          instrument's electronic format.

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INS. SAI-29

22          **SECTION 21. Initial applicability.**

23          (1) The treatment of sections 59.43 (2) (ag) 1., (e), and (L) and (4) (c) and 59.72  
24          (5) (a) and (b) (intro.), 1m., and 3. and (6) of the statutes first applies to an instrument

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1 that is presented to a register of deeds for recording or filing, or that is transferred  
2 to an electronic format, on the effective date of this subsection.

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

5 **SECTION 22. Effective date.**

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

7 (END)



**SENATE AMENDMENT 1,  
TO 2009 SENATE BILL 507**

February 16, 2010 – Offered by Senator ERPENBACH.

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 3, line 12: after “make” insert “public records in”. SAI-1
- 3 **2.** Page 5, line 1: delete “redact” and substitute “make”. SAI-2
- 4 **3.** Page 5, line 1: after “records” insert “not viewable or accessible on the SAI-3
- 5 Internet”.
- 6 **4.** Page 5, line 3: delete “redaction” and substitute “making”. SAI-4
- 7 **5.** Page 5, line 4: after “records” insert “not viewable or accessible on the SAI-5
- 8 Internet”.
- 9 **6.** Page 5, line 13: delete the material beginning with “transfers” and ending SAI-6
- 10 with “subsection” on line 14 and substitute “makes available for viewing or download
- 11 on the Internet”.
- 12 **7.** Page 5, line 15: delete “redact” and substitute “make”. SAI-7

SAI-8

1           **8.** Page 5, line 16: after "format" insert "not viewable or accessible on the  
2 Internet".

SAI-9

3           **9.** Page 5, line 19: delete "redaction of" and substitute "making".

SAI-10

4           **10.** Page 5, line 20: after "records" insert "not viewable or accessible on the  
5 Internet".

SAI-11

6           **11.** Page 5, line 22: delete "redacting" and substitute "making".

SAI-12

7           **12.** Page 5, line 22: after "records" insert "not viewable or accessible on the  
8 Internet".

SAI-13

9           **13.** Page 5, line 25: delete "redacted" and substitute "made not viewable or  
10 accessible on the Internet".

SAI-14

11           **14.** Page 6, line 1: delete "to be reviewed for redaction" and substitute "from  
12 which social security numbers remain to be made not viewable or accessible on the  
13 Internet".

SAI-15

14           **15.** Page 6, line 2: delete "redaction" and substitute "making social security  
15 numbers not viewable or accessible on the Internet".

SAI-16

16           **16.** Page 6, line 5: delete "or" and substitute ", the board shall provide Internet  
17 access to countywide property tax assessment data, and, if the county".

SAI-17

18           **17.** Page 6, line 8: delete "March 31" and substitute "June 30".

19           **18.** Page 6, line 16: delete "fully".

20           **19.** Page 6, line 17: delete "full".

SAI-20

21           **20.** Page 6, line 17: after "access to" insert "public".

22           **21.** Page 6, line 22: delete "create" and substitute "have".

SAI-21

SAI-22

1           **22.** Page 6, line 23: delete "7" and substitute "8".

SAI-23

2           **23.** Page 7, line 5: after "realtor" insert "or a member of the Realtors  
3 Association".

4           **24.** Page 7, line 6: delete "An emergency medical service provider" and  
5 substitute "A public safety or emergency communications representative".

SAI-24

6           **25.** Page 7, line 6: after that line insert:

SAI-25

7           "4m. The county surveyor or a registered professional land surveyor employed  
8 within the county".

9           **26.** Page 7, line 7: after that line insert:

SAI-26

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

SAI-27

13           **27.** Page 7, line 19: after "make" insert "public records in".

SAI-28

14           **28.** Page 8, line 20: delete "redact" and substitute "make".

15           **29.** Page 8, line 21: after "format" insert "not viewable or accessible on the  
16 Internet".

SAI-29