

2009 DRAFTING REQUEST

Bill

Received: **05/04/2009**

Received By: **mshovers**

Wanted: **As time permits**

Identical to LRB:

For: **Jon Erpenbach (608) 266-6670**

By/Representing: **Julie**

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

Drafter: **emueller**

May Contact:

Addl. Drafters:

Subject: **Local Gov't - counties**

Extra Copies: **MES, JTK**

Submit via email: **YES**

Requester's email: **Sen.Erpenbach@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Changes to register of deeds filing fees; use increased funds to redact social security numbers; changes to land information program

Instructions:

See attached. Changes to reg. of deeds filing, other fees; use money to defray cost of redacting SS numbers

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>
/?				_____			S&L
/P1	mshovers 07/16/2009	jdye 07/29/2009	jfrantze 07/29/2009	_____	sbasford 07/29/2009		S&L
/P2	emueller 12/02/2009	jdye 12/03/2009	phenry 12/03/2009	_____	sbasford 12/03/2009		S&L
/1	emueller	jdye	jfrantze	_____	mbarman	lparisi	

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	01/07/2010	01/14/2010	01/14/2010	_____	01/14/2010	01/14/2010	

FE Sent For:

*at
intro*

<END>

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<i>1/</i>	<i>Sum 1/2/10</i>		<i>Jb 1/14</i>	<i>MD Ph 1/14</i>			

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1/2	<i>EVm</i> 12/2/09		<i>PH</i> 12/3		12/3		

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Extra Copies: **EVM**

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Topic:

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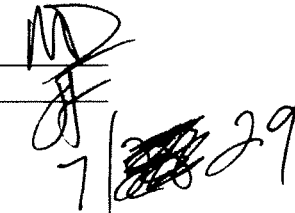
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1/2	mshovers	PI 7/28/09	7/28	MD			
1/1	MES	7/16/09	7/28				

FE Sent For: 

<END>

Erpenbach

util 2005 2006/

see 0.59.43(1m)

reg of deeds

1) records @ collected prior to 2006; when ~~the~~ docs are transferred to elect files RegD must make "best effort" to redact SS#s

from transferred docs

Note deeds/SS#s

0.59.43(1m), from 2005 WI Act 139, was published on 3/30/06

1st para

2nd 0.59.43(1m)

2) increase filing fee from \$11/pt to \$30 flat fee -- a portion of fee used to redact info (SS#s)
 how much?

may also be made to redact SS#s for records

fee may also be used to pay for equip previously purchased to redact -- But may not need this provision if county or RegD may just keep the copies

Priority for spending the \$ is paying for redacting old (pre bill passage) SS #s; updating land into records

secondary use of vendors may not use SSFs



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-2917P

MES.....

TO CP 8/4 cmh

PL jld
RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-NOTE

gjm

4
1

AN ACT ...; relating to: changing the fees collected by a register of deeds and the redaction of social security numbers from electronic documents.

Analysis by the Legislative Reference Bureau

Generally under current law a register of deeds receives \$11 for recording or filing the first page of any document that is entitled to be recorded or filed with a register of deeds, and \$2 for each additional page. This bill changes the fees received to \$30 for each instrument that is recorded or filed with a register of deeds, without regard to the number of pages.

Also under current law, in general, a register of deeds may not record any instrument that is offered for recording if the instrument contains the social security number of an individual. A county board may currently authorize a register of deeds to transfer certain instruments, including records relating to real property and security interests, to an electronic format, and a county board may currently establish a land information office which must modernize the county's land records. *

Under this bill, with regard to any instrument filed with or recorded by a register of deeds before 2006, which the register of deeds transfers to an electronic format, the register of deeds shall make the best effort possible to redact social security numbers from the transferred instrument's electronic format.

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

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

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

2 59.43 (2) (ag) 1. Subject to s. 59.72 (5), for recording any instrument entitled
3 to be recorded in the office of the register of deeds, ~~\$11 for the first page and \$2 for~~
4 ~~each additional page \$30~~, except that no fee may be collected for recording a change
5 of address that is exempt from a filing fee under s. 185.83 (1) (b) or 193.111 (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 ss. 2164am to 2164e, 9456 (3m); 1997 a. 35, 79, 140, 252, 282, 303, 304; 1999 a. 96; 2001 a. 10; 2001 a. 16 ss. 1999m to 2001m, 4041b; 2003 a. 33 s. 2811; 2003 a. 48 ss. 10, 11; 2003 a. 206 ss. 1 to 7, 23, 24; 2005 a. 25 ss. 1231 to 1234, 2493; 2005 a. 41, 139, 441.

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

7 59.43 (2) (e) Subject to s. 59.72 (5), for filing any instrument which is entitled
8 to be filed in the office of register of deeds and for which no other specific fee is
9 specified, ~~\$11 for the first page and \$2 for each additional page~~ ~~\$30~~.

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 ss. 2164am to 2164e, 9456 (3m); 1997 a. 35, 79, 140, 252, 282, 303, 304; 1999 a. 96; 2001 a. 10; 2001 a. 16 ss. 1999m to 2001m, 4041b; 2003 a. 33 s. 2811; 2003 a. 48 ss. 10, 11; 2003 a. 206 ss. 1 to 7, 23, 24; 2005 a. 25 ss. 1231 to 1234, 2493; 2005 a. 41, 139, 441.

10 **SECTION 3.** 59.43 (4) (c) of the statutes is created to read:

11 59.43 (4) (c) With regard to any instrument filed with or recorded by a register
12 of deeds before 2006, which the register of deeds transfers to an electronic format as
13 described in this subsection, the register of deeds shall make the best effort possible
14 to redact social security numbers from the transferred instrument's electronic
15 format.

****NOTE: The phrase "best effort" is not used in the statutes, so I'm not sure what the legal effect of this requirement is. Also, your instructions referred to documents filed or recorded before 2006. Would you like to change this to "before March 31, 2006?" 2005 Wisconsin Act 139, which created s. 59.43 (1m), first applied to instruments presented to a register of deeds for recording on March 31, 2006.

16 **SECTION 4.** 59.72 (5) (a) of the statutes is amended to read:

17 59.72 (5) (a) Before the 16th day of each month a register of deeds shall submit
18 to the department of administration \$7 from the fee for recording or filing the first

1 ~~page of each an~~ instrument that is recorded or filed under s. 59.43 (2) (ag) 1. or (e),
2 less any amount retained by the county under par. (b).

History: 1989 a. 31, 339; 1995 a. 201 s. 457; Stats. 1995 s. 59.72; 1997 a. 27 ss. 2175aj to 2175c, 9456 (3m); 2001 a. 16, 104; 2003 a. 33 s. 2811; 2003 a. 48 ss. 10, 11; 2003 a. 206 ss. 8 to 9, 23, 24; 2005 a. 25 ss. 1236 to 1238, 2493.

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

4 **59.72 (5) (b) (intro.)** A county may retain \$5 of the \$7 submitted under par. (a)
5 from the fee for recording or filing ~~the first page of each instrument~~ that is recorded
6 or filed under s. 59.43 (2) (ag) 1. or (e) if all of the following conditions are met:

History: 1989 a. 31, 339; 1995 a. 201 s. 457; Stats. 1995 s. 59.72; 1997 a. 27 ss. 2175aj to 2175c, 9456 (3m); 2001 a. 16, 104; 2003 a. 33 s. 2811; 2003 a. 48 ss. 10, 11; 2003 a. 206 ss. 8 to 9, 23, 24; 2005 a. 25 ss. 1236 to 1238, 2493.

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

8 **59.72 (6) LAND RECORDS MODERNIZATION.** With regard to land records
9 modernization as described in sub. (3) (b), if a register of deeds transfers an
10 instrument that was filed or recorded with the register of deeds before 2006 to an
11 electronic format, as described in s. 59.43 (4), the register of deeds shall make the best
12 effort possible to redact social security numbers from the transferred instrument's
13 electronic format.

14 **SECTION 7. Initial applicability.**

15 (1) This act first applies to an instrument that is presented to a register of deeds
16 for recording or filing, or that is transferred to an electronic format, on the effective
17 date of this subsection.

18 (END)

D-NOTE

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

PI
LRB-2917/Edn
MES.....:....

date

Jld

Senator Erpenbach:

It is my understanding that fees generated by the filing and recording of documents with a register of deeds go the county's general fund, to the extent that the fees are not directed elsewhere by statute (see, for example, s. 59.74 (5)). Consequently, I did not ~~add~~ any language authorizing the use of the fees, as increased by the bill, to specific purposes such as the purchase of equipment, or the payment for equipment previously purchased, related to aiding in the redaction of social security numbers. Money is fungible, so if a county would like to appropriate money from its general fund for these purposes, it may do so. It wouldn't matter whether the source of that money in the general fund is property tax revenue, for example, or the increased recording and filing fees generated under this bill.

2

include ✓

Marc E. Shovers
Managing Attorney
Phone: (608) 266-0129
E-mail: marc.shovers@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2917/P1dn
MES:jld:jf

July 29, 2009

Senator Erpenbach:

It is my understanding that fees generated by the filing and recording of documents with a register of deeds go the county's general fund, to the extent that the fees are not directed elsewhere by statute (see, for example, s. 59.72 (5)). Consequently, I did not include any language authorizing the use of the fees, as increased by the bill, to specific purposes such as the purchase of equipment, or the payment for equipment previously purchased, related to aiding in the redaction of social security numbers. Money is fungible, so if a county would like to appropriate money from its general fund for these purposes, it may do so. It wouldn't matter whether the source of that money in the general fund is property tax revenue, for example, or the increased recording and filing fees generated under this bill.

Marc E. Shovers
Managing Attorney
Phone: (608) 266-0129
E-mail: marc.shovers@legis.wisconsin.gov

Shovers, Marc

From: Laundrie, Julie
Sent: Thursday, October 01, 2009 1:10 PM
To: Shovers, Marc
Cc: Laundrie, Julie

59.72 (5)(b) Land Records Modernization Funding (a) before the 16th day of each month a register of deeds shall submit to the department of administration \$10 from the fee for recording or filing each instrument that is recorded or filed under s.59.43(2)(ag)1. or (e) if all of the following conditions are met:

59.72 (5)(b) a county may retain \$8 of the \$10 submitted under par. (a) from the fee for recording or filing each instrument that is recorded or filed under s.59.43(2) (ag) 1. or (e) if all of the following conditions are met:

Mark –

Above is language – below are the changes that Senator Erpenbach would like to make to LRB 2917/ P1 to make it an LRB ready for introduction.

I have the “understandable in my words” from the Senator changes – the language above is a suggestion for one of the points below – I will leave that to you to judge how this should be drafted. As always, please call or email if questions etc. Thank you

Julie Laundrie
Office of Senator Jon Erpenbach

For new draft

1. ROD must report to DOA annually on progress of redaction of social security numbers from electronic records. ROD must cease collecting \$5 when redaction is complete and paid for or on January 1, 2012 the fee lapses. A ROD may file for an extension of the \$5 fee if not complete with task annually – final sunset of the \$5 fee January 1, 2015.
2. Counties must have an online property tax record system before they can spend any of the money from document recording fees (59.72(5) or grants from DOA (16.967 on other projects. Counties shall include the goal of online records as a part of their countywide plan for records modernization.
3. Require counties to display information online including zoning information, land use and shoreland zoning.
4. Accountability – Every county that receives money for land information (recording fees, DOA grants etc) is required to have a citizen advisory board to review the priorities, needs, policies, and expenditures of the land information program/office. At a minimum the citizen advisory board shall consist of a county board member, representative from the local EMS, assessor’s office, register of deeds office, and a local realtor.
5. Require counties to send self audit reports on expenditures to DOA annually – require DOA to publish these reports online. Also DOA has the authority to suspend funds to an office that is using funds for unauthorized purposes.
6. Effective date of this bill 30 days after enactment
7. Fee structure: flat fee shall be allocated as follows: \$2 DOA, \$6 County LIO (land information office) \$2 public access fund, \$5 social security redaction of electronic records, \$15 or whatever is left to the county general fund

Julie Landrie
Office of Senator Jon Erpenbach
608-266-6670
media contact cell 608-772-0110

Shovers, Marc

From: Laundrie, Julie
Sent: Thursday, October 15, 2009 10:45 AM
To: Shovers, Marc
Subject: RE: Flat Fee Legislation

Thank you Marc

From: Shovers, Marc
Sent: Thursday, October 15, 2009 10:33 AM
To: Laundrie, Julie
Subject: RE: Flat Fee Legislation

Hi Julie:

Just so I'm clear, my understanding is that you want the changes from the top of your 10/1 email, and the change in this email to go into [REDACTED]. Do you also want the other 7 points from that email incorporated into -2917, or do you want those items put into a separate bill? Above those 7 points it says, "For new draft."

I have not started working on this yet. I just finished working on the Senator's big tax incremental financing draft, which for some reason I thought was a higher priority. I'll try to start in on the register of deeds bill next week.

Marc

Marc E. Shovers

Managing Attorney
Legislative Reference Bureau
Phone: (608-266-0129)
E-Mail: marc.shovers@legis.wisconsin.gov

From: Laundrie, Julie
Sent: Thursday, October 15, 2009 10:02 AM
To: Shovers, Marc
Subject: FW: Flat Fee Legislation

Marc,

An additional amended to our draft. How is this coming along by the way. They call me every day to ask☺

Julie Laundrie

10/15/2009

Office of Senator Jon Erpenbach
266-6670

From: Williquette_CA [mailto:Williquette_CA@co.brown.wi.us]
Sent: Wednesday, October 14, 2009 4:01 PM
To: Laundrie, Julie
Subject: Flat Fee Legislation

Julie,

One of our WRDA members pointed out that one document we currently record is already \$25 (flat fee) and that we should probably address this as well in the bill so it too can be \$30 with the new legislation.

s.59.43(2)(i) For recording certificates and for preparing and mailing documents under s.867.045 or 867.046, \$25.

Cathy Lindsay Williquette
Brown County Register of Deeds
P.O. Box 23600
Green Bay, WI 54305-3600
920.448.4469 Voice
920.448.4449 Fax
williquette_ca@co.brown.wi.us

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 please consider the environment before printing this email





State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-2917/P1
MES:jld:jf
R&UM

1 Note

INSERTS

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

12/2/09

By Friday

regen

X

- 1
- 2
- 3
- 4

AN ACT *to amend* 59.43 (2) (ag) 1., 59.43 (2) (e), 59.72 (5) (a) and 59.72 (5) (b) (intro.); and *to create* 59.43 (4) (c) and 59.72 (6) of the statutes, relating to: changing the fees collected by a register of deeds and the redaction of social security numbers from electronic documents,

and changes to the land information program

Analysis by the Legislative Reference Bureau

Generally under current law a register of deeds receives \$11 for recording or filing the first page of any document that is entitled to be recorded or filed with a register of deeds, and \$2 for each additional page. This bill changes the fees received to \$30 for each instrument that is recorded or filed with a register of deeds, without regard to the number of pages.

Also under current law, in general, a register of deeds may not record any instrument that is offered for recording if the instrument contains the social security number of an individual. A county board may currently authorize a register of deeds to transfer certain instruments, including records relating to real property and security interests, to an electronic format, and a county board may currently establish a land information office that must modernize the county's land records.

Under this bill, with regard to any instrument filed with or recorded by a register of deeds before 2006, which the register of deeds transfers to an electronic format, the register of deeds shall make the best effort possible to redact social security numbers from the transferred instrument's electronic format.

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

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

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

2 59.43 (2) (ag) 1. Subject to s. 59.72 (5) for recording any instrument entitled
3 to be recorded in the office of the register of deeds, \$11 for the first page and \$2 for
4 each additional page ~~\$30~~, except that no fee may be collected for recording a change
5 of address that is exempt from a filing fee under s. 185.83 (1) (b) or 193.111 (1) (b).

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

7 59.43 (2) (e) Subject to s. 59.72 (5) for filing any instrument which is entitled
8 to be filed in the office of register of deeds and for which no other specific fee is
9 specified, \$11 for the first page and \$2 for each additional page ~~\$30~~

10 INSERT 2-9-10 SECTION 3. 59.43 (4) (c) of the statutes is created to read:

11 59.43 (4) (c) With regard to any instrument filed with or recorded by a register
12 of deeds before 2006, which the register of deeds transfers to an electronic format as
13 described in this subsection, the register of deeds shall make the best effort possible
14 to redact social security numbers from the transferred instrument's electronic
15 format.

****NOTE: The phrase "best effort" is not used in the statutes, so I'm not sure what the legal effect of this requirement is. Also, your instructions referred to documents filed or recorded before 2006. Would you like to change this to "before March 31, 2006?" 2005 Wisconsin Act 139, which created s. 59.43 (1m), first applied to instruments presented to a register of deeds for recording on March 31, 2006.

16 SECTION 4. 59.72 (5) (a) of the statutes is amended to read:

17 59.72 (5) (a) Before the 16th day of each month a register of deeds shall submit
18 to the department of administration \$7 from the fee for recording or filing the first

✓ and except as provided in par. (b) ✓ \$25

1 ~~page of each~~ an instrument that is recorded or filed under s. 59.43 (2) (ag) 1. or (e),
2 less any amount retained by the county under par. (b).

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

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

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

8 59.72 (6) LAND RECORDS MODERNIZATION. With regard to land records
9 modernization as described in sub. (3) (b), if a register of deeds transfers an
10 instrument that was filed or recorded with the register of deeds before 2006 to an
11 electronic format, as described in s. 59.43 (4), the register of deeds shall make the best
12 effort possible to redact social security numbers from the transferred instrument's
13 electronic format.

14 **SECTION 7. Initial applicability.**

15 (1) This act first applies to an instrument that is presented to a register of deeds
16 for recording or filing, or that is transferred to an electronic format, on the effective
17 date of this subsection.

18 (END)

✓
INSERT
3-6

✓
INSERT
3-17

① Note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2917/P2dn

EVM ~~MS~~ jld:jf
==

date

ATTN: Sen. Jon Erpenbach ✓

Please review the attached draft carefully to ensure that it is consistent with your intent. ✓ Some of the instructions were a little vague. ✓ You may, therefore, wish to review my treatments to ensure that your intent is effectuated. In several instances where I believe more clarification may be necessary, I have included notes within the text of the draft. Also, because it appears that this draft will work a significant alteration of the land information program, ✓ I have removed the analysis from the draft pending finalization of the draft language. ✓

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft. ✓

Eric V. Mueller
Legislative Attorney
Phone: (608) 261-7032
E-mail: eric.mueller@legis.wisconsin.gov

1 **INSERT 2-1**

2

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

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

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

8 16.967 (3) (g) Post reports received under s. 59.72 (2) (b) on the Internet.

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

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

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 ss. 141am to 141an, 9456 (3m); 1999 a. 9 ss. 114m, 114n, 9401 (2zu); 2001 a. 16; 2003 a. 33 ss. 2811, 2813; 2003 a. 48 ss. 10, 11; 2003 a. 206 s. 23; 2005 a. 25 ss. 92, 2493, 2495; 2007 a. 20 s. 9121 (6) (a).

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

18 16.967 (7m) **SUSPENSION OF AID.** If the department determines that grants
19 under sub. (7) or retained fees under s. 59.72 (5) (b) have been used for unauthorized
20 purposes, the department may suspend the eligibility of the county or local
21 governmental unit that made unauthorized expenditures to receive further grants
22 or to retain further fee revenues.

****NOTE: Do you wish to provide any more detail regarding the potential suspension of eligibility for grants or retained funds? As written, the Department of



INS 2-1
cont

Administration would likely have substantial discretion in determining when and for how long to impose a suspension.

(end insert 2-1)

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INSERT 2-9

SECTION 5. 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.

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 ss. 2164am to 2164e, 9456 (3m); 1997 a. 35, 79, 140, 252, 282, 303, 304; 1999 a. 96; 2001 a. 10; 2001 a. 16 ss. 1999m to 2001m, 4041b; 2003 a. 33 s. 2811; 2003 a. 48 ss. 2003a.11; 2003 a. 206 ss. 1 to 7, 23, 24; 2005 a. 25 ss. 1231 to 1234, 2493; 2005 a. 41, 139, 441.

****NOTE: Please note, this change was referenced in the October 15, 2009 e-mail from Julie Landrie. The change allows the register of deeds to charge \$30 for services under s. 59.43 (2) (i), stats., only until one of the conditions under s. 59.43 (2) (L) is met. The money collected under this provision is not subject to s. 59.72 (5), stats. Please let me know if you want any changes to this provision.

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

1. Completion of the redaction of social security numbers from electronic format records 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.



INSERT 2-9
CONT

****NOTE: Are there standards you wish to impose under s. 59.43 (2) (L) 1. and 2.?
Please note, under the current language (1) it may be unclear when redaction is complete; and 2) little information is provided regarding what is involved in the extension application and determination.

(end ins 2-9)

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INSERT 3-6

SECTION 7. 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 redaction of social security numbers from electronic format records under par. (c) shall submit to the department of administration a report regarding the progress made by the county during the preceding year in redacting social security numbers from electronic format records under par. (c).

****NOTE: Please note, I have added a specific date by which the register of deeds must submit his or her annual social security number redaction report. Having a deadline will likely make administration easier and compliance more likely. Please let me know if you want this changed. Does this provision provide enough guidance regarding the required report, e.g. do you wish to further specify the contents of the report?

SECTION 8. 59.72 (2) of the statutes is created to read:

59.72 (2) DUTIES. (a) The board shall make land records related to land use and land use controls and restrictions accessible on the Internet.

****NOTE: This provision is in regards to item 3. in the October 1, 2009 e-mail from Julie Landrie. I have taken several terms from the definition of "land information" that appear to relate to zoning and land use. Please let me know if you believe anything has been omitted or improperly included.

(b) No later than March 31 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 clerk shall submit to the department of administration a report describing the expenditures made with the moneys derived from those grants or retained fees.

****NOTE: Please note, I added a specific date by which the county must submit its annual expenditure report. Let me know if you want this changed.

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



1 59.72 (3) (b) Within 2 years after the land information office is established,
2 develop and receive approval for a countywide plan for land records modernization.
3 For any county in which land records are not fully accessible on the Internet, the plan
4 shall include a goal of providing full access to land records on the Internet. The plan
5 shall be submitted for approval to the department of administration under s. 16.967
6 (3) (e).

History: 1989 a. 31, 339; 1995 a. 201 s. 457; Stats. 1995 s. 59.72; 1997 a. 27 ss. 2175aj to 2175c, 9456 (3m); 2001 a. 16, 104; 2003 a. 33 s. 2811; 2003 a. 48 ss. 10, 11; 2003 a. 206 ss. 8 to 9, 23, 24; 2005 a. 25 ss. 1236 to 1238, 2493.

****NOTE: I believe this provision accurately effectuates your instruction to require "the goal of online records as part of their countywide plan for records modernization." Please let me know if this provision is not what you intended.

7 **SECTION 10.** 59.72 (3m) of the statutes is created to read:

8 59.72 (3m) LAND INFORMATION COUNCIL. (a) The board may create a land
9 information council consisting of not less than five members. The council shall
10 consist of the register of deeds and the county assessor or their designees and
11 following members appointed by the board for terms prescribed by the board:

- 12 1. A member of the board.
- 13 2. A realtor employed within the county.
- 14 3. An emergency medical service provider employed within the county.
- 15 4. Any other members of the board or public that the board designates.

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

****NOTE: As drafted the land information council consists of the 5 persons you identified in your instructions and any number of additional members that the county board appoints. Also, as drafted the council is solely advisory. Please note, to add a little clarity to this provision, I added a specification that, other than the council members who are members because of their office, the county board appoints the members for terms to be set by the county board. Other than this, I have not included any particular procedural requirements (e.g. appointment procedures, quorum requirements, or financing provisions) because it was unclear to me how formal a body you intend to create. Please let me know if you wish to make any changes or additions to this provision.



INSERT 3-6
CONT

1 SECTION 11. 59.72 (4) of the statutes is renumbered 59.72 (4) (a) and amended
2 to read:

3 59.72 (4) (a) A board that has established a land information office under sub.
4 (3) and a land information council under sub. (3m) may apply to the department of
5 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 ss. 2175aj to 2175c, 9456 (3m); 2001 a. 16, 104; 2003 a. 33 s. 2811; 2003 a. 48 ss. 10, 11; 2003 a. 206 ss. 8 to 9, 23, 24; 2005 a. 25 ss. 1236 to 1238, 2493.

6 SECTION 12. 59.72 (4) (b) of the statutes is created to read:

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

****NOTE: The instructions did not specify what should be included in the "online property tax record system." This provision (and the change to s. 16.967 (7) (a) (intro.)) references the existing specified grant project under s. 16.967 (7) (a) 1., stats., and adds an Internet access requirement. The grant project under s. 16.967 (7) (a) 1., stats., includes the design, development, and implementation of a land information system containing and integrating mainly records with particular relevance to property tax. Depending upon your exact intent, however, the referenced project may not be a perfect fit. Also please note, I have not included grants under s. 16.967 (7) (b), stats., in this provision since those grants appear to have a rather specific purpose. Let me know if you want any changes to either this provision or s. 16.967 (7) (a) (intro.).

11 SECTION 13. 59.72 (5) (a) of the statutes is amended to read:

12 59.72 (5) (a) Before the 16th day of each month a register of deeds shall submit
13 to the department of administration \$7 \$10 from the fee for recording or filing ~~the~~
14 ~~first page of~~ each instrument that is recorded or filed under s. 59.43 (2) (ag) 1. or (e),
15 less any amount retained by the county under par. (b).

History: 1989 a. 31, 339; 1995 a. 201 s. 457; Stats. 1995 s. 59.72; 1997 a. 27 ss. 2175aj to 2175c, 9456 (3m); 2001 a. 16, 104; 2003 a. 33 s. 2811; 2003 a. 48 ss. 10, 11; 2003 a. 206 ss. 8 to 9, 23, 24; 2005 a. 25 ss. 1236 to 1238, 2493.

16 SECTION 14. 59.72 (5) (b) (intro.) of the statutes is amended to read:

17 59.72 (5) (b) (intro.) ~~At~~ Except as provided in s. 16.967 (7m), a county may retain
18 \$5 \$8 of the \$7 \$10 submitted under par. (a) from the fee for recording or filing ~~the~~



1 first page of each instrument that is recorded or filed under s. 59.43 (2) (ag) 1. or (e)
2 if all of the following conditions are met:

History: 1989 a. 31, 339; 1995 a. 201 s. 457; Stats. 1995 s. 59.72; 1997 a. 27 ss. 2175aj to 2175c, 9456 (3m); 2001 a. 16, 104; 2003 a. 33 s. 2811; 2003 a. 48 ss. 10, 11; 2003 a. 206 ss. 8 to 9, 23, 24; 2005 a. 25 ss. 1236 to 1238, 2493.

3 SECTION 15. 59.72 (5) (b) 1m. of the statutes is created to read:

4 59.72 (5) (b) 1m. The county has created a land information council under sub.
5 (3m).

6 SECTION 16. 59.72 (5) (b) 3. of the statutes is amended to read:

7 59.72 (5) (b) 3. The county uses \$4 \$6 of each \$5 \$8 fee retained under this
8 paragraph to develop, implement, and maintain the countywide plan for land records
9 modernization and \$1 \$2 of each \$5 \$8 fee retained under this paragraph for the
10 provision of land information on the Internet, including the county's land
11 information records relating to housing.

(end insert 3-6)

History: 1989 a. 31, 339; 1995 a. 201 s. 457; Stats. 1995 s. 59.72; 1997 a. 27 ss. 2175aj to 2175c, 9456 (3m); 2001 a. 16, 104; 2003 a. 33 s. 2811; 2003 a. 48 ss. 10, 11; 2003 a. 206 ss. 8 to 9, 23, 24; 2005 a. 25 ss. 1236 to 1238, 2493.

12

13 INSERT 3-17

14

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

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

21 SECTION 17. Effective date.

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

****NOTE: To avoid potential ambiguity we often use effective dates that read, e.g.,
"this act takes effect on the first day of the 2nd month beginning after publication." Please
let me know if you wish to change the construction.

(end insert 3-17)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2917/P2dn
EVM:jld:ph

December 3, 2009

ATTN: Sen. Jon Erpenbach

Please review the attached draft carefully to ensure that it is consistent with your intent. Some of the instructions were a little vague. You may, therefore, wish to review my treatments to ensure that your intent is effectuated. In several instances where I believe more clarification may be necessary, I have included notes within the text of the draft. Also, because it appears that this draft will work a significant alteration of the land information program, I have removed the analysis from the draft pending finalization of the draft language.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

Eric V. Mueller
Legislative Attorney
Phone: (608) 261-7032
E-mail: eric.mueller@legis.wisconsin.gov

Mueller, Eric

From: Laundrie, Julie
Sent: Wednesday, December 16, 2009 9:24 AM
To: Mueller, Eric
Cc: Laundrie, Julie
Subject: FW: P Draft
Attachments: LRB-2917 P2.doc

I am fine with all of Cathy's suggested changes. As to the draft itself, my only concern is with Section 11. Our goal was to require one of the data fields for the Internet posting and/or property tax bill for each particular piece of property to include the property's zoning classification (residential, agricultural, A1-exclusive, etc.). As drafted, this provision would only require the county board to post the county's land use regulations (i.e., the entire zoning ordinance and subdivision regulations) on the internet. In other words, we are looking for property-specific information, while Section 11, as drafted, deals with general land use regulations.

The board shall identify the zoning classification for each individual parcel in their county on the Internet as part of their property tax database if that information is currently kept by the county or the county employs countywide assessment.

From: Williquette_CA [mailto:Williquette_CA@co.brown.wi.us]
Sent: Monday, December 07, 2009 3:35 PM
To: Laundrie, Julie
Cc: Larson, Tom
Subject: P Draft

Julie,

This draft was a bit more to review than the last version. My remarks regarding the draft are attached.

Cathy Lindsay Williquette
 Brown County Register of Deeds
 P.O. Box 23600
 Green Bay, WI 54305-3600
 920.448.4469 Voice
 920.448.4449 Fax
 williquette_ca@co.brown.wi.us

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please consider the environment before printing this email



Comments regarding 2009-2010 LRB-2917/P2

Section 4

Note – More detail is needed regarding the potential suspension of eligibility for grants or retained funds. Suggest adding after last sentence “Prior to suspension of eligibility for grants or retained funds department shall notify county in writing at least 30 days in advance detailing unauthorized expenses and allow county to provide remedy in a timely fashion.” (or something to that effect).

Section 7

Note is correct – no changes needed.

Section 9

Change to include “on or before March 31, 2006”.
Suggest changing “best effort” to “reasonable effort” or simply read “shall”.

Section 10

Specific date for report is good! Good idea to include report basics such as “at the minimum report shall include the total number of documents in an electronic format, total number of documents where social security numbers have been redacted, total number of documents remaining to be reviewed for redaction, and estimated time frame needed to complete redaction”.

Section 11

59.72(2)(b) the county clerk would not be the appropriate person to send report in most cases. Suggest changing to be county land information officer (all 72 counties have one and they are currently sending an annual report to DOA now).

Specific date for report submission is reasonable and good idea.

Section 12

Provision accurately effectuates instructions to require the goal of online records as part of countywide plan for records modernization.

Section 13

Many counties do in fact have a council now which statute allows in 59.72 (3). Problems with misuse of funds appear to be in counties without councils or those with councils that don't have key members as identified in this draft. I would like to see this provision be

“shall create a land information council” versus “may” otherwise we will be back where we started. Our goal is getting the right members appointed to the council.

Line 17 – most counties do not have a county assessor suggest “The council shall consist of the register of deeds, ~~and the county assessor~~ county treasurer, real property lister and land information officer or their designees...”

With designees added, increase membership to be not less than 7 members.

Don't feel procedural requirements needs to be included as 59.72 (3m) (b) covers responsibilities of council.

Section 14

No changes needed.

Section 20

Line 22 add “on or before March 31”

Line 23 the register of deeds shall “make ~~the best~~ a reasonable effort possible to redact...”

Section 22

Effective date language is fine.



D Note

INSERTS

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

RMR

In 1/7/10

Due Thursday

OR FRIDAY

Sec

✓

regen

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. ✓

Analysis by the Legislative Reference Bureau

~~This is a preliminary draft. An analysis will be provided in a later version.~~

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

INSERT
Analysis

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

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

1 16.967 (3) (f) Review reports received under s. 59.72 (2) (b) and determine
2 whether county expenditures of funds received under sub. (7) and s. 59.72 (5) (b) have
3 been made for authorized purposes.

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

5 16.967 (3) (g) Post reports received under s. 59.72 (2) (b) on the Internet.

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

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

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

15 16.967 (7m) SUSPENSION OF AID. If the department determines that grants
16 under sub. (7) or retained fees under s. 59.72 (5) (b) have been used for unauthorized
17 purposes, the department may suspend the eligibility of the county or local
18 governmental unit that made unauthorized expenditures to receive further grants
19 or to retain further fee revenues. ✓

****NOTE: Do you wish to provide any more detail regarding the potential suspension of eligibility for grants or retained funds? As written, the Department of Administration would likely have substantial discretion in determining when and for how long to impose a suspension.

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

21 59.43 (2) (ag) 1. Subject to s. 59.72 (5) and except as provided in par. (L), for
22 recording any instrument entitled to be recorded in the office of the register of deeds,
23 ~~\$11 for the first page and \$2 for each additional page~~ \$25, except that no fee may be

1 collected for recording a change of address that is exempt from a filing fee under s.
2 185.83 (1) (b) or 193.111 (1) (b).

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

4 59.43 (2) (e) Subject to s. 59.72 (5) and except as provided in par. (L), for filing
5 any instrument which is entitled to be filed in the office of register of deeds and for
6 which no other specific fee is specified, ~~\$11 for the first page and \$2 for each~~
7 ~~additional page~~ \$25.

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

9 59.43 (2) (i) ~~For~~ Except as provided in par. (L), for recording certificates and for
10 preparing and mailing documents under s. 867.045 or 867.046, \$25.

****NOTE: Please note, this change was referenced in the October 15, 2009, e-mail from Julie Laundrie. The change allows the register of deeds to charge \$30 for services under s. 59.43 (2) (i), stats., only until one of the conditions under s. 59.43 (2) (L) is met. The money collected under this provision is not subject to s. 59.72 (5), stats. Please let me know if you want any changes to this provision.

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

12 59.43 (2) (L) For recording any instrument under par. (ag), filing any
13 instrument under par. (e), and recording certificates and preparing and mailing
14 documents under par. (i), \$30 if the county uses \$5 of each \$30 fee received under this
15 paragraph to redact social security numbers from electronic format records under
16 sub. (4) (c) and s. 59.72 (6), until the earliest of the following:

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

19 2. Unless the register of deeds has been granted an extension by the
20 department of administration, January 1, 2012. The register of deeds may request
21 the department of administration to extend the time period under this subdivision

1 by one year. The department of administration may grant the extension and may
2 renew the extension for additional one-year periods.

3 3. January 1, 2015.

****NOTE: Are there standards you wish to impose under s. 59.43 (2) (L) 1. and 2.? Please note, under the current language: 1) it may be unclear when redaction is complete; and 2) little information is provided regarding what is involved in the extension application and determination.

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

5 59.43 (4) (c) With regard to any instrument filed with or recorded by a register
6 of deeds before ^{April 1,} 2006, which the register of deeds transfers to an electronic format as
7 described in this subsection, the register of deeds shall make ^{a reasonable} the best effort possible
8 to redact social security numbers from the transferred instrument's electronic
9 format.

****NOTE: The phrase "best effort" is not used in the statutes, so I'm not sure what the legal effect of this requirement is. Also, your instructions referred to documents filed or recorded before 2006. Would you like to change this to "before March 31, 2006?" 2005 Wisconsin Act 139, which created s. 59.43 (1m), first applied to instruments presented to a register of deeds for recording on March 31, 2006.

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

11 59.43 (4) (d) No later than March 31 annually, every register of deeds of a
12 county that has not completed redaction of social security numbers from electronic
13 format records under par. (c) shall submit to the department of administration a
14 report regarding the progress made by the county during the preceding year in
15 redacting social security numbers from electronic format records under par. (c).

INSERT
4-15

****NOTE: Please note, I have added a specific date by which the register of deeds must submit his or her annual social security number redaction report. Having a deadline will likely make administration easier and compliance more likely. Please let me know if you want this changed. Does this provision provide enough guidance regarding the required report, e.g. do you wish to further specify the contents of the report?

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

1 59.72 (2) DUTIES. (a) The board shall make land records related to land use and
2 land use controls and restrictions accessible on the Internet.

INSERT
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****NOTE: This provision is in regards to item 3. in the October 1, 2009, e-mail from Julie Landrie. I have taken several terms from the definition of "land information" that appear to relate to zoning and land use. Please let me know if you believe anything has been omitted or improperly included.

3 (b) No later than March 31 following the end of any year in which a county that
4 accepts a grant under s. 16.967 (7) or retains any fees under sub. (5) (b), the county
5 clerk shall submit to the department of administration a report describing the
6 expenditures made with the moneys derived from those grants or retained fees.

****NOTE: Please note, I added a specific date by which the county must submit its annual expenditure report. Let me know if you want this changed.

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

8 59.72 (3) (b) Within 2 years after the land information office is established,
9 develop and receive approval for a countywide plan for land records modernization.
10 For any county in which land records are not fully accessible on the Internet, the plan
11 shall include a goal of providing full access to land records on the Internet. The plan
12 shall be submitted for approval to the department of administration under s. 16.967
13 (3) (e).

If the board has established a land information office under ^{Plan} sub. (3), the

****NOTE: I believe this provision accurately effectuates your instruction to require "the goal of online records as part of their countywide plan for records modernization." Please let me know if this provision is not what you intended.

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

15 59.72 (3m) LAND INFORMATION COUNCIL. (a) The board shall create a land
16 information council consisting of not less than 5 members. The council shall consist
17 of the register of deeds and the county assessor or their designees and following
18 members appointed by the board for terms prescribed by the board:

19 1. A member of the board.

20 2. A realtor employed within the county.

3. A representative of the land information office

NO #, the treasurer, and, if one has been appointed, the real property lister

- 1 ~~4~~ An emergency medical service provider employed within the county.
- 2 ~~5~~ Any other members of the board or public that the board designates.

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

****NOTE: As drafted the land information council consists of the 5 persons you identified in your instructions and any number of additional members that the county board appoints. Also, as drafted the council is solely advisory. Please note, to add a little clarity to this provision, I added a specification that, other than the council members who are members because of their office, the county board appoints the members for terms to be set by the county board. Other than this, I have not included any particular procedural requirements (e.g. appointment procedures, quorum requirements, or financing provisions) because it was unclear to me how formal a body you intend to create. Please let me know if you wish to make any changes or additions to this provision.

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

8 59.72 (4) (a) A board that has established a land information office under sub.
 9 (3) and a land information council under sub. (3m) may apply to the department of
 10 administration for a grant for a land information project under s. 16.967 (7).

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

12 59.72 (4) (b) A board shall use any grant received by the county under s. 16.967
 13 (7) (a) and any fees retained under sub. (5) (b) to design, develop, and implement a
 14 land information system under s. 16.967 (7) (a) 1. and to make the system accessible
 15 on the Internet before using these funds for any other purpose.

****NOTE: The instructions did not specify what should be included in the "online property tax record system." This provision (and the change to s. 16.967 (7) (a) (intro.)) references the existing specified grant project under s. 16.967 (7) (a) 1., stats., and adds an Internet access requirement. The grant project under s. 16.967 (7) (a) 1., stats., includes the design, development, and implementation of a land information system containing and integrating mainly records with particular relevance to property tax. Depending upon your exact intent, however, the referenced project may not be a perfect fit. Also please note, I have not included grants under s. 16.967 (7) (b), stats., in this provision since those grants appear to have a rather specific purpose. Let me know if you want any changes to either this provision or s. 16.967 (7) (a) (intro.).

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

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

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

6 59.72 (5) (b) (intro.) ~~A~~ Except as provided in s. 16.967 (7m), a county may retain
7 \$5 \$8 of the \$7 \$10 submitted under par. (a) from the fee for recording or filing the
8 ~~first page~~ of each instrument that is recorded or filed under s. 59.43 (2) (ag) 1. or (e)
9 if all of the following conditions are met:

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

11 59.72 (5) (b) 1m. The county has created a land information council under sub.
12 (3m).

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

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

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

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

1 **SECTION 21. Initial applicability.**

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

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

8 **SECTION 22. Effective date.**

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

****NOTE: To avoid potential ambiguity we often use effective dates that read, e.g.,
"this act takes effect on the first day of the 2nd month beginning after publication." Please
let me know if you wish to change the construction.

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(END)

DNote

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INSERT Analysis

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 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.

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INS ANALYSIS
CONT

of

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. Also, if a county employs countywide property assessment or maintains land 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.

(end ins)

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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

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, including a statement of the number of instruments transferred to an electronic format in the preceding year, the number of these instruments from which social security numbers were redacted in the preceding year, the number of

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

(end ins 4-15)

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NO If the county has established a county assessor system under s. 70.99 or

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maintains land records that identify the zoning classification of individual parcels,

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the board shall post on the Internet land records that identify the zoning

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classification of individual parcels.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2917/1dn
MES&EVM:jld:ph

↑
keep

date

ATTN: Sen. Jon Erpenbach ✓

This draft incorporates the changes requested in your e-mail dated ✓ December 16, 2009. Please review the draft carefully, as I have made a few changes to the provided wording. The most significant changes are as follows:

1. I added some detail to the additions to section 10 of the draft. ✓ Mainly, I have specified that the required elements of the register of deeds' report relate to the preceding year. ✓ Please let me know if you want this changed.

2. In making the land information council ✓ mandatory, I also limited it to counties in which the county board has established a land information office. ✓ I did this because the council's duties appear limited to supervision of and advice regarding the land information office ✓ and because the council is required to have a representative of the land information office. ✓ From the information provided, it seems unlikely that the clarification will have any effect because it appears that all counties have established land information offices. The provision regarding the establishment of land information offices, however, is not mandatory and conceivably ✓ a county could decide to not have a land information office. Again, let me know if you want any changes.

* 3. Both sections 9 and 23 ✓ of the draft have been changed from "shall make the best effort possible" to "shall make a reasonable effort." ✓

Please let me know if you have any questions or additional instructions.

Eric V. Mueller
Legislative Attorney
Phone: (608) 261-7032
E-mail: eric.mueller@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2917/1dn
EVM:jld:jf

January 14, 2010

ATTN: Sen. Jon Erpenbach

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Please let me know if you have any questions or additional instructions.

Eric V. Mueller
Legislative Attorney
Phone: (608) 261-7032
E-mail: eric.mueller@legis.wisconsin.gov

Duerst, Christina

From: Laundrie, Julie
Sent: Thursday, January 14, 2010 11:47 AM
To: LRB.Legal
Subject: Draft Review: LRB 09-2917/1 Topic: Changes to register of deeds filing fees; use increased funds to redact social security numbers; changes to land information program

Please Jacket LRB 09-2917/1 for the SENATE.