

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa1486/1dn

EVM:bjk:rs

February 15, 2010

ATTN: Sen. Jon Erpenbach

Please review this draft carefully. I have made several changes to the provided language to provide additional clarity and avoid ambiguity. Please ensure that the draft remains consistent with your intent. The following are several significant changes I have made to your provided text:

1. I used the construction “public records in the land information system” in the amendments to Sections 3 and 15 of SB 507.
2. I made two significant changes to your requested amendments to Section 13 of SB 507. First, rather than require the board to “have” a land information council, I required the board to “create and maintain” one. Second, I have substantially changed your revisions to the board membership requirements. Essentially, I kept the current format because of the necessary link to board appointment of the members. To address your apparent concern with certain seats being unfillable in certain counties, I added a new paragraph addressing the the potential situation.
3. Your provided language changes “redact social security numbers from electronic format records” to “prevent the viewing or accessibility of social security numbers on the Internet from electronic format records.” I believe this language is somewhat awkward, especially as applied in the revision of Section 10 of SB 507. I changed the construction to “make social security numbers from electronic format records not viewable or accessible on the Internet.” I think this construction addresses your concern with making permanent changes to underlying documents, limiting the scope of the register of deeds’ duty, and provides a more readable construction.

Another possible approach would be to provide a definition of “redact.” Perhaps something like, “redact means to make an item from an electronic format record not viewable on the Internet.” This approach may allow for less awkward constructions. Please let me know if you want any changes to these portions of the draft.

4. Please note, the qualifier “on the Internet” is added to several sections of SB 507 by this amendment. This qualifier will limit the register of deeds’ duties regarding “redaction” to electronic format documents accessed on the Internet. Other electronic format documents would presumably not be covered.

Please let me know if you have any additional changes or questions regarding this draft.

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