

2009 DRAFTING REQUEST

Senate Amendment (SA-SB507)

Received: **02/05/2010**

Received By: **emueller**

Wanted: **As time permits**

Identical to LRB:

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

By/Representing: **Julie Laundrie**

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

Drafter: **emueller**

May Contact:

Addl. Drafters:

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

Extra Copies: **MES**

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Clarify redacting requirement.

Instructions:

See attached.

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>
/?							
/1	emueller 02/15/2010	bkraft 02/15/2010	rschluet 02/15/2010	_____	sbasford 02/15/2010	sbasford 02/15/2010	
/2	emueller 02/16/2010	bkraft 02/16/2010	phenry 02/16/2010	_____	mbarman 02/16/2010	mbarman 02/16/2010	

FE Sent For:

<END>

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1?							
1/1	emueller 02/15/2010	bkraft 02/15/2010	rschluet 02/15/2010	_____	sbasford 02/15/2010	sbasford 02/15/2010	

1/2 *em*
2/16/10
FE Sent For: *1/2 bjk 2/16 2/16 pk/ms*
pk <END>

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1/2	emueller						
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1/1	EM 2/15/10						
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FE Sent For:

2/15/10

<END>

Mueller, Eric

From: Laundrie, Julie
Sent: Friday, February 12, 2010 12:51 PM
To: Mueller, Eric
Subject: please draft an amendment to Erpenbach SB 507 per instructions in attached doc

Attachments: SB 507 Amendment.doc



SB 507
Amendment.doc (44 K)

The committee plans to exec next wed so sorry it is a RUSH rush☺

Call with questions – thank you Julie

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

Erpenbach - SB 507 Amendments

Section 3

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

Section 8

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~~ prevent the viewing or accessibility of social security numbers on the Internet from electronic format records under sub. (4) (c) and s. 59.72 (6), until the earliest of the following:

1. Completion of the ~~redaction~~ prevention of the viewing or accessibility of social security numbers on the Internet from electronic format records under sub. (4) (c) and s. 59.72 (6).

Section 9

59.43 (4) (c) With regard to any instrument filed with or recorded by a register of deeds before April 1, 2006, which the register of deeds makes available for viewing or download via the Internet ~~transfers to an electronic format as described in this subsection~~, the register of deeds shall make a reasonable effort to prevent the viewing or accessibility of ~~redact~~ social security numbers on the Internet from ~~the transferred instrument's~~ electronic format records

Section 10

59.43 (4) (d) No later than March 31 annually, every register of deeds of a county that has not completed ~~redaction~~ prevention of the viewing or accessibility on the Internet 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~~ preventing the viewing or accessibility of social security numbers on the Internet from electronic format records under par. (c), 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 prevented from being viewed or accessed on the Internet ~~redacted~~ in the preceding year, the number of instruments remaining to be prevented from having social security numbers viewed or accessed on the Internet ~~reviewed for redaction~~, and the estimated time needed to review the remaining instruments for prevention of having social security numbers viewed or accessed on the Internet ~~redaction~~.

Section 11

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

(b) No later than ~~March 31~~ June 30 following the end of any year in which a county that accepts a grant under s. 16.967 (7) or retains any fees under sub. (5) (b), the county land information office shall submit to the department of administration a report describing the expenditures made with the moneys derived from those grants or retained fees.

Section 12

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

Section 13

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

59.72 (3m) Land Information Council. (a) If the board has established a land information office under sub. (3), the board shall ~~create~~ have a land information council consisting of not less than 8 members. The council shall consist of the register of deeds, the treasurer, if one has been appointed, the real property lister or their designees, a County Board Member, a representative of the land information office and the following members, unless none are willing to serve, appointed by the board for terms prescribed by the board:

1. County surveyor or registered land surveyor employed within the county.
2. A Realtor or member of the Realtors Association employed within the county.
3. ~~An emergency medical service provider~~ A public safety or emergency communications representative employed within the county.
4. ~~Any other members of the board or public~~ that the board designates.

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

Section 15

59.72 (4) (b): 1. and to make ~~the system~~ public records accessible on the Internet before using these funds for any other purpose."

Section 20

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

Mueller, Eric

From: Laundrie, Julie
Sent: Monday, February 15, 2010 10:33 AM
To: Mueller, Eric
Subject: RE: please draft an amendment to Erpenbach SB 507 per instructions in attached doc

Thanks Eric – you may want to add the word “professional” in front of “land surveyor” in section 13 – it would make my life a bit easier..... Call with anything – I am here until 1pm then I am on my cell at 772-0110

Julie

From: Mueller, Eric
Sent: Monday, February 15, 2010 8:34 AM
To: Laundrie, Julie
Subject: RE: please draft an amendment to Erpenbach SB 507 per instructions in attached doc

Julie,

Sorry, I was out on Friday. I'll have this to you today.

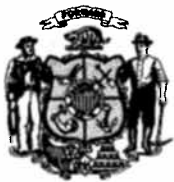
Eric

From: Laundrie, Julie
Sent: Friday, February 12, 2010 12:51 PM
To: Mueller, Eric
Subject: please draft an amendment to Erpenbach SB 507 per instructions in attached doc

The committee plans to exec next wed so sorry it is a RUSH rush☺ << File: SB 507 Amendment.doc >>

Call with questions – thank you Julie

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



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBa1486/1

EVM:.....

bjk

→ Note

fmr

SENATE AMENDMENT ,
TO 2009 SENATE BILL 507

2/15/10
2:18 PM

bh

Today

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

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

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

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

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

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

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

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”.

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

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”.

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”.

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

22 **21.** Page 6, line 22: after “create” insert “and maintain”.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

Date

LRBa1486/3dn

EVM:.....

Lbjk

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.

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa1486/1dn
EVM:bjk:rs

February 15, 2010

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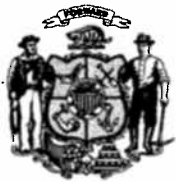


JON ERPENBACH
STATE SENATOR

Julie
Cell
772-0110
on floor

Genie
Please redraft
as 1/2 asap
① page 2 line 22
delete "create"
"maintain"
and add
"have"

② there is an
extra "the"
page 3
line 2



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBa1486/1
EVM:bjk.rs

12

stays

→ Note

RMR

SENATE AMENDMENT,
TO 2009 SENATE BILL 507

2/16/10

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Handwritten note: Page 6 line 22: delete "create" and substitute "have".

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

LRBa1486/2dn

EVM:bjk:rs

L stays

Date

ATTN: Sen. Jon Erpenbach

This draft makes the requested change to Item 21 of LRBa1486/1, i.e. requiring certain county boards to “have” a land information council, rather than “create and maintain” a land information council. Though the language may have the same effect, I believe the construction from the initial draft is preferable for two reasons. First, the construction requiring a county board to “have” an advisory body is not the usual statutory construction. This construction seems to imply that a land information council will somehow appear in the county without the county board being required to take any action. As such, the interpretation of the construction may not be entirely predictable. Second, the term “have” in this context may be a little imprecise in two senses. It may have a connotation of possession or ownership that may not be intended. ⁵ It also does not clearly specify what actions the county board is taking in regards to the council. It is unclear to me whether the legal effect of stating that the county board “shall have a land information council” clearly allows the board to create the body or take action to continue its operation. It also may not be clear whether the county board is responsible and, if so, to what extent, for this entity it seemingly has not created. Please let me know if you want any further changes.

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LRBa1486/2dn
EVM:bjk:ph

February 16, 2010

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