



2005 SENATE BILL 51

February 8, 2005 – Introduced by Senators OLSEN, BRESKE, GROTHMAN, KEDZIE, LASSA, RISSER and ROESSLER, cosponsored by Representatives WOOD, KREIBICH, ALBERS, BIES, GIELOW, GUNDERSON, HAHN, HINES, KERKMAN, KESSLER, KESTELL, KRAWCZYK, LEMAHIEU, F. LASEE, MUSSER, OTT, PARISI, TOWNS, TOWNSEND, VAN ROY, VOS, VRAKAS, WARD, M. WILLIAMS, FREESE and GRONEMUS. Referred to Committee on Natural Resources and Transportation.

1 **AN ACT** *to renumber* 236.295 (2); *to amend* 59.20 (3) (c), 70.27 (3) (a), 83.01 (7)
2 (g), 236.25 (2) (a), 236.34 (1) (c), 703.11 (2) (d), 867.045 (1) (j) and 867.046 (2) (i);
3 and *to create* 59.43 (2m) (d) 4., 236.295 (2) (b) and 706.01 (7r) of the statutes;
4 **relating to:** the cutoff time for receipt of documents for filing and recording
5 with a register of deeds, federal tax lien forms, and maintenance of county
6 highway registers.

Analysis by the Legislative Reference Bureau

Under current law, a county board may enact an ordinance providing that the cutoff time for a register of deeds to receive documents for filing and recording may be one-half hour before the close of an official business day during which a register of deeds office is open to the public in order to allow a register of deeds to complete the processing, recording, and indexing of documents to conform to the day of reception.

Under this bill, a county board may enact an ordinance providing that the cutoff time for a register of deeds to receive documents for filing and recording may be one hour before the close of an official business day during which a register of deeds office is open to the public.

The bill also makes technical changes to the recording of certain real estate, tax lien, and probate documents to facilitate and modernize recording.

Under current law, a county highway commissioner, generally elected by the county board, is responsible, under the direction of the county highway committee,

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for all matters related to the construction and maintenance of county highways. Among other duties, the county highway commissioner must compile and maintain a "county highway register," which is a record of the laying out, alteration, or discontinuance of all highways in the county outside the limits of cities and villages. The county highway register must be kept in the manner or form prescribed by the Department of Transportation (DOT), and the information contained in the county highway register must be placed in the county register of deeds' office, but must be kept separate from the records of real estate and may not be included in the county register of deeds' indexes. The county highway register is not part of the official real estate records maintained by the county register of deeds.

This bill eliminates the requirement that information contained in a county highway register be kept in the county register of deeds' office. Instead, information contained in a county highway register must be kept together in a location within the county that provides a safe repository for records as determined by the county board and must be accessible to the public. The county highway register must also still be kept in the manner or form prescribed by DOT.

For further information see the *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.** 59.20 (3) (c) of the statutes is amended to read:

2 59.20 **(3)** (c) Any board may, by ordinance, provide that the cutoff reception time
3 for the filing and recording of documents shall be advanced by ~~one-half~~ one hour in
4 any official business day during which time the register of deeds office is open to the
5 public, in order to complete the processing, recording, and indexing to conform to the
6 day of reception. Any register of deeds may provide in his or her notice under s. 19.34
7 (1) that requests for inspection or copying of the records of his or her office may be
8 made only during a specified period of not less than 35 hours per week. For all other
9 purposes, the register of deeds office shall remain open to the public during usual
10 business hours.

11 **SECTION 2.** 59.43 (2m) (d) 4. of the statutes is created to read:

12 59.43 **(2m)** (d) 4. Federal income tax lien form 688 (Y) (c).

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1 **SECTION 3.** 70.27 (3) (a) of the statutes is amended to read:

2 70.27 (3) (a) Reference to any land, as it appears on a recorded assessor's plat
3 is deemed sufficient for purposes of assessment and taxation. Conveyance may be
4 made by reference to such plat and shall be as effective to pass title to the land so
5 described as it would be if the same premises had been described by metes and
6 bounds. Such plat or record thereof shall be received in evidence in all courts and
7 places as correctly describing the several parcels of land therein designated. After
8 an assessor's plat has been made and recorded with the register of deeds as provided
9 by this section, all conveyances of lands included in such assessor's plat shall be by
10 reference to such plat. Any instrument dated and acknowledged after September 1,
11 1955, purporting to convey or, mortgage ~~any such lands except by reference to such,~~
12 or otherwise give notice on interest in land that is within or part of an assessor's plat
13 shall not be recorded by the register of deeds describe the affected land by the name
14 of the assessor's plat, lot, block, or outlot.

15 **SECTION 4.** 83.01 (7) (g) of the statutes is amended to read:

16 83.01 (7) (g) The county commissioner shall compile and maintain a record of
17 the laying out, alteration, or discontinuance of all highways in the county outside the
18 limits of cities and villages. The record shall be known as the county highway
19 register and be kept in the manner or form prescribed by the department. The county
20 highway commissioner or agents shall have access to the records of town clerks and
21 may have temporary custody of such as are necessary for the purpose of making
22 accurate and appropriate copies thereof. The department shall assist in the
23 compilation of the records and shall furnish to the county highway commissioner
24 such information as the department deems appropriate relative to the laying out of
25 military, territorial, and such other roads as have been authorized by the legislature.

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1 The information contained in the county highway register shall be placed in the
2 county register of deeds' office, which records shall be kept separate and apart from
3 the records of real estate and shall in no event be indexed in indexes provided for
4 ordinary real estate conveyance. Such register of deeds' office shall be used solely
5 as a safe repository for such county highway register and shall never be considered
6 a part of the official real estate records kept together in a location within the county
7 that provides a safe repository for records as determined by the county board and
8 shall be accessible to the public. Such county highway register may be supplemented
9 from time to time by the county highway commissioner and such supplemental
10 information is to be treated in the same fashion as the original county highway
11 register all of which shall be admissible in evidence.

12 **SECTION 5.** 236.25 (2) (a) of the statutes is amended to read:

13 236.25 (2) (a) It is on ~~muslin-backed white paper 22 inches wide by 30 inches~~
14 ~~long and bears a department certification of no objection or it is reproduced with~~
15 ~~photographic silver haloid image on double matt polyester film of not less than 4 mil~~
16 ~~thickness, a permanent nonfading black image on durable white media that is 22~~
17 ~~inches wide by 30 inches long, complies with the requirements of s. 59.43 (2m) (b) 4.,~~
18 ~~and bears a department certification of no objection.~~ Seals or signatures reproduced
19 on images complying with this paragraph shall be given the force and effect of
20 original signatures and seals;

21 **SECTION 6.** 236.295 (2) of the statutes is renumbered 236.295 (2) (a).

22 **SECTION 7.** 236.295 (2) (b) of the statutes is created to read:

23 236.295 (2) (b) Notwithstanding par. (a), in a county that maintains a tract
24 index pursuant to s. 59.43 (12m), a correction may be made by reference in the tract
25 index to the plat or certified survey map.

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1 **SECTION 8.** 236.34 (1) (c) of the statutes is amended to read:

2 236.34 (1) (c) The map shall be prepared in accordance with s. 236.20 (2) (a),
3 (b), (c), (e), (f), (g), (h), (i), (j), (k), and (L) and (3) (b), (d), and (e) at a graphic scale of
4 not more than 500 feet to an inch, which shall be shown on each sheet showing layout
5 features. The map shall be prepared with a binding margin 1.5 inches wide and a
6 0.5 inch margin on all other sides on durable white paper ~~8 1/2 inches wide by 14~~
7 ~~inches long with nonfading black image or reproduced with photographic silver~~
8 ~~haloid image on double matt polyester film of not less than 4 mil thickness which~~
9 media that is 8 1/2 inches wide by 14 inches long with a permanent nonfading black
10 image. When more than one sheet is used for any map, each sheet shall be numbered
11 consecutively and shall contain a notation giving the total number of sheets in the
12 map and showing the relationship of that sheet to the other sheets. "CERTIFIED
13 SURVEY MAP" shall be printed on the map in prominent letters with the location
14 of the land by government lot, recorded private claim, quarter-quarter section,
15 section, township, range and county noted. Seals or signatures reproduced on
16 images complying with this paragraph shall be given the force and effect of original
17 signatures and seals.

18 **SECTION 9.** 703.11 (2) (d) of the statutes is amended to read:

19 703.11 (2) (d) All survey maps and floor plans submitted for filing shall be
20 legibly prepared with a binding margin of 1.5 inches on the left side and a one-inch
21 margin on all other sides on durable white paper ~~14 inches in length and 22 inches~~
22 ~~in width with nonfading black image or reproduced with photographic silver haloid~~
23 ~~image on double matt polyester film of not less than 4 millimeter thickness and~~
24 media that is 14 inches long by 22 inches wide with a permanent nonfading black
25 image. The maps and plans shall be drawn to a convenient scale.

