

Wisconsin Presidents' Council

Annual Meeting Notes

October 6, 1998

Wisconsin Dells

Attendees

Bush Nielson, Vice Chair Leg. Comm., Wisc. Land Title Assn.
Mark Ladd, Vice President, Wisc. Registers of Deeds Assn.
Frieda Jacobson, Past Pres., Wisc. Co. Treasurers Association
Roxanne Brown, Pres. Elect, Wisc. Land Information Association
Diann Danielsen, President, Wisc. Land Information Association
Frank Thousand, Wisc. Dept. Of Transportation
Karen Gilster, Executive Officer, Wisc. Land Title Association
Barbara Petkovsek, Wisc. County Clerks Association
Matt Janiak, President, Wisc. County Surveyors Association
Jennifer Sunstrom, Wisc. Counties Association
Mike Sydow, Wisc. Register of Deeds Association
Karn Olson, President, Wisc. Real Property Listers Association
Burt Naumann, President, Wisc. Society of Land Surveyors

Review of Council Mission & overview of activities

The Wisconsin Presidents Council was formed in 1996 by Association Presidents desiring to discuss issues of importance to each organization, to share information, and to gather support. Twenty-four organizations are currently on the contact list for the Presidents Council. Discussions focus primarily on legislative issues and other areas of common concern. The group encourages the exchange of newsletter, calendars and event planning, and speakers on particular areas of expertise. Group members have felt that an annual meeting has been very beneficial for making each other aware of current policies, initiatives and activities. Continued communication and follow-up contacts are encouraged on an as needed basis throughout the year. Council hosts have included: Wisc. Real Property Listers Association (1996), Wisc. Land Title Association (1997), and Wisc. Land Information Association (1998).

Introductions

Attendees introduced themselves and their organizations, and distributed calendars, newsletters or other materials they had brought for the group.

Recording Highway Right-of-Way Plats

Frank Thousand gave the group an update on WisDOT's activities regarding Act 282 which allows the agency to record right-of-way plats with the Register of Deeds. WisDOT is currently establishing 14 pilot projects, with a minimum of one in each Transportation District Office around the state. The policy is optional right now, with a goal of making it a requirement after the pilots have been completed. The filing requirement will not apply to re-surfacing or bridge projects. WisDOT expects to send a copy of the plat to the Real Property Lister at the time the plat is recorded with the Register of Deeds. Copies of sample plats and an amendment were distributed to the group. Frank has been meeting with as many organizations as possible to make them aware of WisDOT's activities in this area; contact him if your group would like more information. WisDOT would like as much input as possible during the pilot phase so that they can refine their processes. Eventually, WisDOT would like to make this a digital process and/or use Internet technology, tho these ideas are not part of the pilot or near-term implementation plans.

Open Records and the Internet

Karn Olson introduced this topic with some background and materials from Barron County. The county had contacted its legal counsel to ask if Internet posting of information met open records requirements for making such records available to the public. The issue was later brought to the Wisconsin Attorney General's Office. The AG will not take a formal stand since it feels this is a matter for the legislature, and until that time does not feel that the Internet can be a substitute for public access to records. As a public employee, Karn's concern is the need to streamline government processes and make more effective use of staff time; the Internet offers the potential to make some information directly available and reduce staff time spent on these requests. Related issues include: definition of a public record, answering requests for access to information, copyright, cost recovery, abuse of information and confidentiality. Mark Ladd had served on the Legislative Committee on Data Brokering and provided a report on that group's activities. It was widely recognized that Chapter 19 does not serve us well in the electronic age. However, the group eventually disbanded, without resolution, due to the complexity of the issue and great diversity of opinion amongst members. The group had looked at trying to define different types of public records, with differing requirements. For example, public records which were truly open (County Board meetings), those for which a person should demonstrate a direct and tangible interest and show identification (birth, death, or marriage certificates), records that would be available only with notice to or permission of the affected party (court records), and sealed records (juveniles, jurors). The group had also looked at increasing the time to respond to requests.

Office of Land Information Services

Diann Danielsen gave an update on the formation of the Office of Land Information Services. (Mike Blaska, Office Director and WCA President, was unable to attend today's meeting.) At the time that staff for the Wisc. Land Information Board and Wisc. Land Council were being moved to the DOA Secretary's Office, it was decided to form the Office of Land Information Services and include other related program areas. The new office now holds WLIB and WLC staff, as well as Subdivision Plat Review, Municipal Boundary Review, and the DOA GIS Service Center.

Open Forum on Legislative Issues

The group held a round table discussion to discuss current legislative issues and initiatives:

- *WLIA - Fee for Customized Work Products* - Two issues prevented this bill from moving through the legislature in the past: the newspapers' concern that "may" could mean selective implementation of the policy, and DOA concern that it may cause an additional burden on state agency staff and take them away from other duties. A clearer definition of "customized work products" was proposed but the bill drafter felt the language was redundant. Roxanne mentioned a Maine policy that refers to this type of activity as a "premium service." She feels that the Wisconsin legislation should use language similar to this, emphasizing "service" over "product". Bush thought that the word "premium" may be problematic, changing the focus to attitude rather than service. Other suggested terminology included "service fee" and "fee for additional services". WLIA is working to revise the language and find another legislative sponsor. The group agreed that it was important to retain specific language that states that once a custom product is created, it does not become a public record.
- *WRDA - Affidavit of correction v. re-recordings* - State statute makes no clear distinction between these two types of actions, and they may be being misused. A re-recording was originally intended only to protect public records, such as in the case of a courthouse fire where the original document has been destroyed. Today, re-recordings are frequently done to make corrections and without involvement by appropriate parties. The WRDA suggests that affidavits would be better in these cases. They feel the affidavits should note the purpose of the correction and who commissioned the affidavit. This item has been forwarded to the WLTA and the state bar, with both parties being receptive. It was also suggested that the WRPL be involved in action on this item.
- *WRDA - Termination of Joint Tenancy* - Two paragraphs of current (statute?) appear to be in conflict. One states that any interested party can take this

action, the other does not allow that. WRDA is working with WLTA and the state bar to clarify this.

- WRDA - *Chap. 70.273* - This chapter states that if an assessors plat has been recorded, any subsequent conveyance must reference it and the Register of Deeds must assure that it does. The WRDA would like the requirement for their assurance of compliance to be removed. Also forwarded to the WLTA and state bar for their consideration.
- WRDA - *Archival Products* - The WRDA suggests that this is an item that needs attention and likely legislative redefinition since it does not reflect today's practices.
- WRDA - *Increased Use of SSN* - Another item the WRDA feels needs legislative attention is the increased use of social security numbers on documents. In some cases, this is the only identifier used. When it has been blocked out to protect privacy, there is no other way to figure which "Bill Smith" is referred to.
- WLTA - *Wage Claims* - Chap 109.9 gives these liens superiority over all others. They are required to be filed in the county of residence tho valid all over the state. No docket is required to be kept, thus it is often difficult to be aware of the existence of these liens.
- WLTA - *Assessor's Plat Law* - Suggest amending the last sentence of Sec. 70.27(3).
- WLTA - *Broker Lien Law* - This law comes into effect on November 1, 1998 and applies to commercial properties only. An index is created for broker liens but not for notices of intent to file liens. The document requires only "a brief description of the land", not a legal description. WLTA suggests that this law needs some attention/correction for better practices.
- WLTA - *Child Support Lien* - The only identifier used for this lien is a SSN. It is a long statewide docket accessed by RODs and produced by the KIDS system. There is a potential for many similar names to be on the docket with no other form of identification (e.g., address, county). There is no requirement for Dept. of Workforce Development to issue payoff notices, so the docket can be outdated. The amount of the liens also vary with time, making it problematic to be certain of settlement. Mortgage refinances tend to make more dollars available for child support payoff, but problems with the lien system can make refinancing difficult. WLTA is meeting with DWD about these issues.
- WLTA - *Update survey laws to reflect today's practices and technology?* - WLTA wondered if it would be timely to investigate revising statute and administrative rules guiding surveying practices to reflect today's equipment and accuracy results, holding existing monuments as legal representation of ownership, status

of occupation evidence, etc. It was suggested that this might quickly expand to include related issues such as mapping the evidence found and the representing ownership in digital forms. WSLs and WCSA offered to work with WLTA to investigate this further.

- WisDOT - *Transportation 233* - WisDOT reviews CSMs and condo and subdivision plats for setback, drainage, etc. Other issues involved with this bill include: reservation of large corridors and restricting use within them, the need for drainage studies, increased fees (\$110 currently proposed), and grandfathering of previous plats which may have existing uses in these r/w. Strong opposition was heard from the utility companies on this proposal.
- WCSA - *Chapter 59* - WCSA is reviewing Chapter 59 for possible updates regarding timeframes, notifications, cost share for replacing monuments, increased penalties, and required monumentation.
- WSLs - Legislative initiatives - The Wisconsin Supreme Court upheld the statute of limitation for surveys. The Society is looking at a proposal to allow the use of CSMs to subdivide assessor's plats.
- WSLs - The redefinition of land surveying is now at the Legislative Reference Bureau. Frank Thousand offered to meet with anyone who would like more information.
- WSLs - The Society is proposing a voluntary continuing education program (it is hoped that this would be a mandatory requirement in the future). The Society will sponsor additional programs and certification opportunities to support this effort. WSLs will take final action on this in January and hope to have everything in place for their January 1999 Surveyors' Institute.
- WRPL - The Listers are also working on the customized work products legislation. They re-iterated the need to require contact information on conveyance with no transfer forms.
- WCTA - The lottery credit is going back to (??? help!), which will require changing the (?) form. Options are to cite the tax bill, use the real estate tax form, or (?). The will need to be done in time for the 1999 tax bills.
- WCTA - Act 315 (AB342) - The Lottery Credit may return to the distribution format in effect prior to 1995 when it was declared unconstitutional. If this successfully passes through the legislature, counties would have to return to a process of pre-certifying who is eligible to receive the credit (Principal Residency Requirement). This process is very costly and time consuming. WCTA has drafted a resolution opposing this action and retaining the current distribution method. WCTA feels the current method is more cost effective and appears to be preferred by the public even though they get a smaller amount in most cases.

It requires no extra effort from the property owner and minimal effort and expense by the governmental units.

Select Date and Host for Next Year's Presidents Council

Matt Janiak agreed to have the Wisc. County Surveyors Association host the next meeting of the Presidents Council. The meeting will be held on Tuesday, October 5, 1999, in Wisconsin Dells. If you are aware of any groups which should be added to the mailing list, contact Matt at 715-839-4742 or mjaniak@discover-net.net.