Electronic Real Estate Recording Task Force
Minutes: 14 March 2002
As recorded by Bob Horton

Present: (Members) David Arbeit, Julie Bergh, Angela Burrs, Michael Cunniff, Larry Dalien, Don Goedken, Bob Horton, Chuck Hoyum, Secretary Kiffmeyer, Gail Miller, Mark Monacelli, Leonard Peterson, Eileen Roberts, Steve Rohlik, Dennis Unger, Joe Witt. (Guests) Bert Black, Luci Botzek, Trish Laedtke, Beth McInerny.

1. Call to Order

Secretary of State Mary Kiffmeyer called the meeting to order at 9.30.

2. Approval of Minutes

The minutes of 14 February 2002 were approved as distributed.

3. Report of the Executive Committee

Secretary Kiffmeyer reported that the Executive Committee has had several telephone conversations to plan for legislation and to prepare a budget spreadsheet for the task force's review. All projected activities are funded through the fiscal year.

4. Report of the Legal Subcommittee

Chuck Hoyum reported that the subcommittee members have been active supporting and testifying about the legislation moving through the House and Senate. He said that legislators could benefit from further educational presentations about the task force's activities.

5. Report of the Pilot Framework and Scope Subcommittee

Bob Horton reported that the subcommittee met after the February task force meeting and determined that there were two steps to take: 1) select the hosts of the pilots; and 2) define the scope of the pilots.

To begin the process to complete those, Beth McInerny and Horton drafted a set of specs for the pilots, which defined capabilities, requirements and responsibilities. The specs were circulated to the Technology Subcommittee for comments and were then distributed to the task force for review. The purpose of the specs is to act as a filter or RFP to help the task force select sites. The specs will be in two forms: narrative and grid. The narrative is an explanatory text and the grid is a checklist for quick analysis and review. The current drafts are not final products. They are designed to get the conversation started. Task force members were encouraged to review the drafts and to send any and all comments to McInerny and Horton for inclusion in the next versions.

To determine the scope of the pilots, the subcommittee began development of a set of questions, which it will refine as material from BenNevis becomes available. Some of the issues so far identified are: Which documents should be included? Should these be tested at level 2 or 3? Should the pilots include the use of digital signatures? Who are the willing private sector participants? Should the pilots be constructed in phases? Will a single gateway or portal be a part of the effort? And is the task force prepared to consider some aspects of the pilots as failures or will it want to make sure that the investments in the pilots can be used whatever the results?

Bert Black asked about the definitions of success and failure. Horton responded that the standards anticipated from BenNevis will define "smart" documents, but, in practice, these will only be as smart as the systems that implement them. The pilots have to choose from a variety of options in terms of hardware, software and workflow. Not all of the possible configurations might prove to be successful or cost effective.

McInerny noted that using Torrens could complicate the pilots. Michael Cunniff said that the standards will include Torrens, since the information content for both abstract and Torrens is the same, but that counties will use the information differently for the different types of recording. The task force should focus on abstracts as they are common to everyone and simpler, but it needs to look at being able to do both. Dennis Unger said that both level 2 and 3 projects could be useful. The use of imaging would allow the task force to include deeds and mortgages much more easily. Secretary Kiffmeyer agreed that level 3 filing is the direction in which we want to go, but we can't necessarily do it all at once. Black suggested that we test an array of technological options, with level 2 in one site and level 3 in another.

6. Report of the Technology Subcommittee

Beth McInerny reported that the subcommittee was working with the pilot subcommittee to refine the draft of specs for pilot sites.

7. Report of the Task Force Project Funding Subcommittee

Secretary Kiffmeyer said that Mark Monacelli believed that it would be important to have the extension of the task force to 2004 in place to make partnerships with non-government sources of funding work.

8. Report of the GIS Subcommittee

David Arbeit reported that the subcommittee had met twice with BenNevis about the GIS issues in the work plan, in particular examining the parcel identification numbers used in counties. Among other things, the subcommittee is now working on how to develop a unique PIN that takes into account the lineage of properties.

9. Report of the Private Sector Subcommittee

Joe Witt announced that the subcommittee is prepared to serve as a resource for other subcommittees. It is working to organize support for the task force in the legislature. It has already written letters to legislators and is ready to write more.

10. Report on Status of Legislation

Bert Black said that four bills are working their way through the legislative process. Their subjects are: the correction to include Torrens in the fee structure; language to remove restrictions on implementing the pilots; and an extension for the task force to July 2004. Both Senate bills are now on the floor. The Senate changed one bill to have the fees go into the general fund and then have the task force's funds appropriated from there. The Department of Finance would prefer to see this as a special revenue project working from a dedicated fund. The House bill retains the original language to give the task force flexibility as the debate goes on. The Senate is not debating the advisability of an extension or the costs, just the mechanism for the funding. Senator Kelley is the author of both bills, with Senator Limmer as co-author.

The bills are separately authored in the House. They passed to the Ways and Means Committee on 13 March and from there will probably have to go to the Rules Committee. The Chair of the State Government Finance Committee raised some substantive and philosophical questions about the two bills. Both bills did pass the committee, although Rep. Krinkie might have some additional questions later in the process. Black distributed a set of talking points for the bills that could inform letters to members of the Ways and Means Committee. Active support from the private sector would be very useful at this stage.

Joe Witt suggested that task force contact some consumer groups, such as the AARP, to get their support. Secretary Kiffmeyer said the task forces needs to win support for the extension, since that was not part of the original legislative package. Concerted efforts are necessary to get all of these bills through the legislature and to maintain the momentum the task force has now. Bert Black said the extension is especially important to maintaining partnerships with the private sector and planning for the pilots. To provide some assurance of continuity in funding and purpose is essential. Julie Bergh said some additional details on the nature of the private sector investments should be added to the talking points. Black and McInerny will revise the talking points and email the enhanced version to the task force.

11. Discussion of Copyright Issues

Bert Black distributed a resolution stating that all work of the task force should be under copyright. It also would authorize payment of the filing fee to the Library of Congress to register the copyright. Joe Witt moved and Leonard Peterson seconded the resolution. Black will facilitate the registration process. Larry Dalien asked who actually would hold the copyright and how would task force members be able to use copyrighted material. Secretary Kiffmeyer suggested that the task force draft a generic statement that any member of the task force can use the material for educational and informational purposes. The purpose of the copyright is to prevent others from copyrighting and mis-using the material, not to limit use of the material for the legitimate goals of the task force and its members. David Arbeit said that the data practices act would mandate terms of access and use to some information. Bert Black will check with the Attorney General's Office to get its advice. With the added consideration to develop a statement of the intent of the task force regarding copyright, the motion was approved.

12. Report on Project Status Including BenNevis Work

Beth McInerny asked if the current practice of morning meetings was acceptable. As there were no complaints, the task force will continue to meet at this time. She introduced a representative from Isogen, Trish Laedtke. Isogen has offered to develop an informational presentation for the task force on XML. Secretary Kiffmeyer said the task force should announce on its web site that it welcomes offers from all companies to support the project. Bert Black asked about the content of the educational presentations. Secretary Kiffmeyer said all members should offer their suggestions about the content.

McInerny reviewed the project schedule. BenNevis will finish its work by the end of May. She said that anyone interested in hosting a pilot should be aware that there is a limited amount of time available to move forward after that date. Michael Cunniff said it is not clear from the potential vendors how long it would take to setup and run a pilot. McInerny said the task force has a very aggressive schedule and that meeting these deadlines might well mean losing some functionality and value in the pilots. That might discourage participation, particularly from the private sector. Bert Black noted that even with an extension to 2004, the task force would need to have a product by the start of the 2004 legislative session.

McInerny reported that BenNevis has completed all interviews and the phone survey is almost 50% complete. She has distributed a summary of efforts and reports from BenNevis to the task force by email.

13. Adjournment

Secretary Kiffmeyer thanked all the task force members for their help supporting the task force in the legislature. The meeting adjourned at 11.30.