

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

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Under current law, subdivision plats are required to be filed, rather than recorded. Section 236.02 (10) defines “recording a plat” as the *filing* of the plat with the register of deeds. Because this exists in current law, and because the references to “recording” (a plat or a certified survey map) are so numerous in ch. 236, rather than changing every such reference to “filing” I added a similar definition for certified survey maps (i.e., “recording” one means “filing” one).

Because the word “recording” does not mean “filing” outside of ch. 236, I searched the statutes to make sure that the appropriate word was used with reference to subdivision plats or certified survey maps. If a statute appeared to apply only to subdivision plats or certified survey maps, I changed the form of the word “record” to the appropriate form of the word “file”. Because other types of plats (including assessor’s plats, condominium plats, project and time-share plats, transportation project plats and cemetery plats) must still be recorded under current law, if a statute appeared to apply to more than one kind of plat that could include a subdivision plat, I changed the form of the word “record” to the appropriate form of the words “file or record”. I made no change if a statute appeared to apply only to plats other than subdivision plats. To further complicate matters, subdivision plats are often referred to in the statutes as simply plats or subdivisions. There may be other references that I have not thought of and, therefore, not searched for. I cannot guarantee that I have found every statute that should be changed, nor can I guarantee that I have changed every statute that I did find in the correct way.

I see another potential problem with the change from “recording” to “filing”, at least with respect to certified survey maps. There may be statutes that refer to some generic term that may include a certified survey map. The statute may require that the document (including a certified survey map) be recorded in order for some transaction to be valid. The change from “recording” to “filing” might inadvertently invalidate such a transaction. Such a statute would be impossible to search for.

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