

☞ **05hr\_SC-JCP\_sb0616\_pt01**



☞ (FORM UPDATED: 08/11/2010)

## WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

### 2005-06

(session year)

### Senate

(Assembly, Senate or Joint)

### Committee on Judiciary, Corrections and Privacy...

#### COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

#### INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)  
(**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)  
(**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

\* Contents organized for archiving by: Stefanie Rose (LRB) (July 2012)



Present: (5) Senators Zien, Roessler, Grothman, Taylor and  
Risser.  
Absent: (0) None.

March 6, 2006

**EXECUTIVE SESSION HELD**

Present: (5) Senators Zien, Roessler, Grothman, Taylor and  
Risser.  
Absent: (0) None.

Moved by Senator Risser, seconded by Senator Zien that **Senate  
Amendment LRBA2593/1** be recommended for introduction and  
adoption.

Ayes: (5) Senators Zien, Roessler, Grothman, Taylor  
and Risser.  
Noes: (0) None.

INTRODUCTION AND ADOPTION OF SENATE  
AMENDMENT LRBA2593/1 RECOMMENDED, Ayes 5, Noes 0

Moved by Senator Risser, seconded by Senator Roessler that  
**Senate Bill 616** be recommended for passage as amended.

Ayes: (5) Senators Zien, Roessler, Grothman, Taylor  
and Risser.  
Noes: (0) None.

PASSAGE AS AMENDED RECOMMENDED, Ayes 5, Noes 0

  
\_\_\_\_\_  
John Hogan  
Committee Clerk

## Vote Record

### Committee on Judiciary, Corrections and Privacy

Date: 3/6/6

Moved by: Risser

Seconded by: Zien

AB \_\_\_\_\_ SB 616 Clearinghouse Rule \_\_\_\_\_  
 AJR \_\_\_\_\_ SJR \_\_\_\_\_ Appointment \_\_\_\_\_  
 AR \_\_\_\_\_ SR \_\_\_\_\_ Other \_\_\_\_\_

A/S Amdt LRB a 2593/1  
 A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_  
 A/S Sub Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_

*"Unanimous consent" intro-adopt as cmt Amd*  
**Ayes**

Be recommended for:

- Passage     Adoption     Confirmation     Concurrence     Indefinite Postponement  
 Introduction     Rejection     Tabling     Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Senator David Zien, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Carol Roessler	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Glenn Grothman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Lena Taylor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Fred Risser	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Totals:</b>	<u>5</u>	<u>0</u>	_____	_____

Motion Carried

Motion Failed

**Vote Record**  
**Committee on Judiciary, Corrections and Privacy**

Date: 3/6/01

Moved by: RIS

Seconded by: Roessler

AB \_\_\_\_\_ SB 616 Clearinghouse Rule \_\_\_\_\_  
 AJR \_\_\_\_\_ SJR \_\_\_\_\_ Appointment \_\_\_\_\_  
 AR \_\_\_\_\_ SR \_\_\_\_\_ Other \_\_\_\_\_

A/S Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_  
 A/S Sub Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_

Be recommended for: As Amended

- Passage   
  Adoption   
  Confirmation   
  Concurrence   
  Indefinite Postponement  
 Introduction   
  Rejection   
  Tabling   
  Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
<b>Senator David Zien, Chair</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Carol Roessler</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Glenn Grothman</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Lena Taylor</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Fred Risser</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Totals:**    \_\_\_\_\_    \_\_\_\_\_    \_\_\_\_\_    \_\_\_\_\_

# FRED A. RISSER

## Wisconsin State Senator



February 21, 2006

Senator David Zien  
Senate Committee on Judiciary, Corrections and Privacy  
15 South, State Capitol  
HAND DELIVERED

*DAVE*  
Dear Senator Zien,

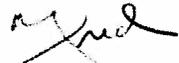
I am writing to request that the Senate Committee on Judiciary, Corrections and Privacy schedule Senate Bill 616 for a public hearing. This bill relates to the Uniform Real Property Electronic Recording Act. Rep. Judy Krawczyk is the Assembly lead sponsor.

The uniform language of SB-616 was drafted by the National Conference of Commissioners on Uniform State Laws. The act provides county clerks and land records officials with the authority to perform electronic recording of real property instruments.

The legislation was introduced at the request of the Wisconsin Register of Deeds Association and it is supported by the Property Records Industry Association.

Thank you for your consideration of my request. If you should have any questions about Senate Bill 616, please do not hesitate to contact me.

Most Sincerely,

  
FRED A. RISSER  
State Senator

FAR:tet





February 24, 2006

Wisconsin Senate Committee on Judiciary, Corrections and Privacy  
c/o Senator David Zien  
Room 15 South - State Capitol  
Madison, WI 53707-7882

Distinguished Members of the Committee,

I am writing on behalf of my client, the Property Records Industry Association (PRIA), who has instructed me to fully support the Wisconsin Register of Deeds Association's work to adopt SB616, the Uniform Real Property Electronic Recording Act (URPERA).

Wisconsin currently has <sup>15</sup>~~12~~ counties that have implemented electronic recording systems. That is more than any other state! However, the forward-thinking Register of Deeds who have implemented these state-of-the-art systems are limited in their ability to realize the full potential of these systems due to legal uncertainties that exist in current law. URPERA addresses these legal uncertainties and will allow these and other counties in Wisconsin to take full advantage of the productivity enhancements electronic recording systems can provide.

PRIA is proud to support the Wisconsin Register of Deeds Association in this effort, as we had the privilege of advising the National Council of Commissioners on Uniform State Laws' (NCCUSL) drafting committee that developed this uniform act. This act builds on the legal foundation laid in the Uniform Electronic Transaction Act, which Wisconsin has already adopted, and provides the framework to enable greater utilization of electronic commerce in the real estate and real estate financing industries.

In a time when local governments are being asked to "do more with less", electronic recording is a crucial tool for Registers of Deeds to have at their disposal. Wisconsin's Register of Deeds led the nation in implementing this important technology. URPERA will allow them to fully realize the benefit of the investments they have made.

PRIA salutes the Wisconsin Register of Deeds Association for their diligent work in promoting this Uniform Act. We thank the authors and co-sponsors of this bill for their support of this important legislation. We hope that the Committee will quickly approve SB616 so that it can continue its course to becoming law.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read "Mark A. Ladd". The signature is fluid and cursive, with the first name "Mark" and last name "Ladd" clearly distinguishable.

Mark A. Ladd  
PRIA Technology Committee Coordinator

Principal Member, Addison/One, LLC





February 24, 2006

Wisconsin State Legislature  
Committee on Judiciary, Corrections and Privacy  
Senator Zien, chairperson  
Senators Roessler, Grothman, Taylor, and Risser

Dear Senator Zien and Members of the Committee :

I am writing to address electronic recording of documents in support of Senate Bill 616.

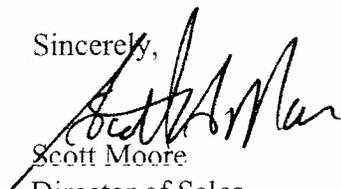
Currently 60% of the real estate documents recorded in Wisconsin are going through our system creating a significant amount of interest among our customer base, both from County Officials and the title community, for Wisconsin Registers to be able to electronically record Deeds.

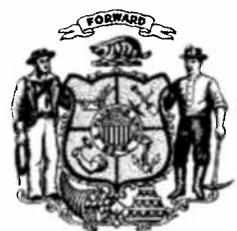
eRecording technology in its current state has already proven to be highly valuable for both the County and its constituents. Adding the capability to electronically record deeds will unquestionably allow for an increase in volume and efficiency, therefore streamlining operations inside the Courthouse. This technology also facilitates accurate searching and good records management.

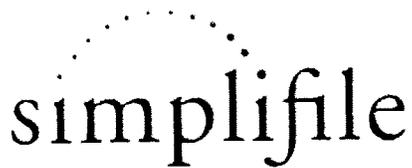
The passage of SB 616 will establish standards for recording deeds electronically and help create faster document turnaround time for customers and county offices.

Thank you for your time and consideration.

Sincerely,

  
Scott Moore  
Director of Sales  
Fidlar Software





February 24, 2006

Dear Senator Zien,

You have requested that I present my company's endorsement and related information regarding S.B 616 in letter form.

Simplifile is a company that provides electronic recording services to those who submit documents to counties to be recorded. From Simplifile's experience in recording just under 400,000 documents, it can clearly be said that electronic recording provides substantial benefits, including reduction of cost, for all participants.

A Simplifile customer, Steve McDonald, Recorder of Deeds for Lancaster County, Pennsylvania, and President of the Recorders Division of the International Association of Clerks, Recorder, Election Officials and Treasurers (IACREOT), estimates that processing a document electronically requires one third of the time required for processing a paper submission. This is substantiated in Salt Lake County, Utah where a single recording clerk is able to electronically record the same number of documents each day as all three recording stations that process paper submissions combined.

The factors that contribute to this time savings at the county include:

- No need to count pages to calculate fees. The computer reports the number of pages in a document automatically and accurately.
- No need to enter the identifying information for the submitter since the computer forwards that information along with the document to be recorded.
- No need to deal with staples or paper clips.
- No need to endorse or process paper checks. Payment of recording fees is handled electronically.
- No need to print the recorder's stamp on each page of paper document. The stamp is embedded automatically in the image of each page.
- No need to scan electronic documents. They arrive in scanned format and can be forwarded to the counties archiving solution.
- No need to engage in conversation with people submitting documents.

This is all accomplished with increased security and full continuing control of the recording process by the recorder.

On the submission side, the service fee charged for electronic recording is less than the cost of sending a runner or sending documents via FedEx or UPS. Even where escrow closing offices are located close to the Recorder's office, the internal workflow efficiencies of recording electronically make the service worthwhile. Some title companies next door to, or across the street from, a county recording office are still recording electronically.

The effectiveness of electronic recording for the submitter is illustrated by the fact that along the Wasatch Front which includes the Salt Lake City Metro area, the increasing number of title companies that are recording electronically has reached between 85 and 90% of the total market with increasing numbers of attorneys and law firms joining in. This acceptance by the submitters results in electronic recording volume from 40-66% of the total daily recordings in Wasatch Front counties.

If S.B. 616 is enacted, Simplifile is ready, able and willing to immediately begin marketing in Wisconsin with the goal of achieving the same levels of participation that have been realized in Utah. Initial inquiries have shown an apparent receptiveness in title companies to our services.

For the benefit of all players in the recording process, Simplifile encourages the passage of S.B. 616.

Sincerely,



Mark L. Reynolds  
Vice President  
Simplifile, LC



# FRED A. RISSER

Wisconsin State Senator



March 1, 2006

Senator David Zien, Chair  
Senate Committee on Judiciary, Corrections and Privacy  
15 South, State Capitol  
HAND DELIVERED

Dear Senator Zien,

Thank you for holding a public hearing on Senate Bill 616, which relates to the Uniform Real Property Electronic Recording Act (URPERA).

SB-616 would provide county clerks and land records officials with the statutory authority to prepare for electronic recording of real property instruments. Specifically, SB-616 does three things:

1. Equates electronic documents and electronic signatures to original paper documents and manual signatures.
2. Establishes the standards a recording office must follow and what it must do to make electronic recording effective.
3. Establishes a council to set uniform statewide standards that must be implemented in every recording office.

The uniform language was drafted by the National Conference of Commissioners on Uniform State Laws and is supported by the Wisconsin Commission on Uniform State Laws, both of which I am a member of.

I introduced this legislation at the request of the Wisconsin Register of Deeds Association via Jane Licht, the Dane County Register of Deeds who is here with me today to testify about the bill's background and provisions.

Thank you for your consideration of Senate Bill 616. If you should have any additional questions about this proposal, please do not hesitate to contact me.

Most sincerely,

  
FRED A. RISSER  
State Senator

FAR:tet



**Hogan, John**

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**From:** Jeremy Shepherd [jshepherd@wisbank.com]  
**Sent:** Wednesday, March 01, 2006 9:24 AM  
**To:** Hogan, John; Searing, Eric  
**Subject:** SB 616  
**Importance:** High

Fellas,

**Your committee is taking up SB 616 – relating to the Uniform Real Property Electronic Recording Act today. It's a Risser/Krawczyk bill.**

**The Wisconsin Bankers Association thinks the bill is ok, but we are requesting an amendment to the bill. The bill creates a council and it calls for one representative from a mortgage banking association. Since one of our traditional bank (not a mortgage banker) members in Racine County helped pilot this, we'd like to have a chance to have any banking representation on the council, not just from a mortgage banking association.**

**Thanks for any help that you can give us on this one!**

Shep

**From:** Sen.Risser [mailto:Sen.Risser@noreply.legis.state.wi.us]  
**Sent:** Monday, February 06, 2006 3:08 PM  
**To:** \*Legislative All Senate; \*Legislative All Assembly  
**Cc:** Williquette\_CA; Licht, Jane; Templeton, Carrie  
**Subject:** Risser-Krawczyk/Cosponsor LRB 3695/Uniform Real Property Electronic Recording Act/Deadline: Thursday, February 16, 2006

To: Legislative Colleagues

From: Senator Fred Risser and Representative Judy Krawczyk

Date: February 6, 2006

Re: Co-sponsorship of LRB-3695, relating to the Uniform Real Property Electronic Recording Act. We are introducing legislation at the request of the Wisconsin Register of Deeds Association. This act provides county clerks and land records officials with the legal authority to prepare for electronic recording of real property instruments.

URPERA does three things:

1. Equates electronic documents and electronic signatures to original paper documents and manual signatures, so that any requirement for originality (paper document or manual signature) is satisfied by an electronic document and signature.
1. 2. Establishes what standards a recording office must follow and what it must do to make electronic recording effective.

03/01/2006

2. 3. Establishes a board to set statewide standards and requires it to set uniform standards that must be implemented in every recording office.

The uniform language was drafted by the National Conference of Commissioners on Uniform State Laws and is supported by the Property Records Industry Association. Below is a link to the NCCUSL website detailing this proposal: [http://www.law.upenn.edu/bll/ulc/urpera/URPERA\\_Final\\_Apr05-1.htm](http://www.law.upenn.edu/bll/ulc/urpera/URPERA_Final_Apr05-1.htm)

A copy of LRB-3695 is attached for your review. Also attached is the PRIA Position Statement Uniform Real Property Electronic Recording Act. If you would like to co-sponsor this legislation, please contact Senator Risser's office by phone (6-1627) or by e-mail no later than **Thursday, February 16, 2006**. Thank you.

<<05-36951.pdf>> <<PRIA Position - URPERA - October 15 2005 FINAL.DOC>>

Jeremy J. Shepherd  
Wisconsin Bankers Association  
Director of Legislative Affairs  
608.441.1215  
[jshepherd@wisbank.com](mailto:jshepherd@wisbank.com)



H SB 616  
From  
Marge Geissler  
Chip Co.

Dear Senator

My colleagues and I have been studying the "Uniform Real Property Electronic Recording Act", (URPERA) drafted by the National Conference of Commissioners on Uniform State Laws. Wisconsin did enact many provisions in URPERA as Wisconsin Act 294. By the way, URPERA is a more narrowly defined document than its parent project termed "UETA" or Uniform Electronic Transmission Act.

Wisconsin adopted part of UETA, but not sections 17, 18 and 19, because of already existing provisions. Section 17 deals with retention rules that we understand were addressed in Adm. Rule 12. Section 18 deals with accepting and distributing electronic data and Section 19 deals with inoperability. URPERA, UETA and Wisconsin Act 294 need to be carefully compared in order to understand our situation in Wisconsin.

Wisconsin adopted part of UETA, but not sections 17, 18 and 19, because of already existing provisions. Section 17 deals with retention rules that we understand were addressed in Adm. Rule 12. Section 18 deals with accepting and distributing electronic data and Section 19 deals with inoperability. URPERA, UETA and Wisconsin Act 294 need to be carefully compared in order to understand our situation in Wisconsin.

As a result it was clear it would be in Wisconsin's best interest to adopt URPERA legislation.

### Discussion Points in Support of SB 616 – URPERA Legislation

1. URPERA provides a framework to help state and local governments develop electronic recording systems. There are over 3,600 local land records offices in the United States. Many lenders make loans and record mortgages nationwide. Thus, it is important that a uniform law be adopted by all states to help reduce the differences in local recording standards for electronic documents.
2. A key concept of URPERA is that it calls for the creation of a statewide electronic recording council with the responsibility of implementing URPERA and adopting standards regarding the receipt, recording, and retrieval of electronic documents. This entity is directed to adopt such standards in such a manner to foster intra and interstate harmony and uniformity in the electronic recording process and to address important security issues such as forgery, hacking and other forms of fraud.
3. The Wisconsin Register of Deeds Association in concert with PRIA (Property Records Industry Association) supports the creation of a recording council because it assures that the resulting administrative rules will accord with the practical aspects of the land recording process.

4. Adoption of this legislation does not mandate documents be recorded electronically. This legislation merely sets standards for those who chose to submit their documents electronically.

In conclusion, URPERA will provide a framework to help state and local government develop electronic recording systems that are compatible with other recording jurisdictions.

Again, thank you for your support and leadership in helping Wisconsin remain at the forefront of making recording more accessible to the public. I look forward to working closely with you on this legislation.



