



2009 ASSEMBLY BILL 292

June 2, 2009 – Introduced by Representatives SOLETSKI, ZIGMUNT, BERCEAU, DANOU, HUEBSCH, PETROWSKI, STEINBRINK, STRACHOTA, TOWNSEND, TURNER, VAN ROY, VOS and VRUWINK, cosponsored by Senators HANSEN, RISSER, KEDZIE, LEHMAN, SCHULTZ, TAYLOR and COWLES. Referred to Committee on Urban and Local Affairs.

1 **AN ACT** *to repeal* 59.43 (2m) (a) 6.; *to amend* 226.14 (1) (b) and 706.055; and *to*
2 *create* 59.43 (1g), 59.43 (2m) (b) 7. and 706.25 (3) (d) of the statutes; **relating**
3 **to:** recording and filing documents with the register of deeds.

Analysis by the Legislative Reference Bureau

Under current law, the register of deeds may not record any document unless it complies with certain formatting requirements. Among these is a requirement that the bottom and side margins of the first page of a document to be recorded are at least 0.25 inches.

This bill requires that the bottom and side margins of every page of the document to be recorded are at least 0.25 inches. This bill also permits the register of deeds to return without recording an entire group of related documents representing one transaction when any single document within the group is improperly formatted.

Current law requires a register of deeds to record conveyances of mineral interests in a register of mineral rights. The bill requires that a register of deeds record conveyances of mineral interests in the index in which the register of deeds records real estate transactions.

Current law provides that a register of deeds may accept electronic documents for recording. The bill provides that any electronic document that is properly indexed in a public index maintained by the register of deeds shall be considered recorded even if the electronic document does not satisfy all of the requirements set forth in the statutes for recording. A similar provision applies under current law to paper documents.

ASSEMBLY BILL 292

Under current law, a common law trust must meet certain requirements in order to lawfully transact business in the state. Among these are requirements that a declaration of trust be filed with the register of deeds and that a certificate be provided to the Department of Financial Institutions (DFI) stating the time when the declaration was filed. The register of deeds is required to charge 25 cents for providing a certificate to DFI. Under this bill, the register of deeds must charge \$1 for providing a certificate to DFI.

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.** 59.43 (1g) of the statutes is created to read:

2 **59.43 (1g)** AUTHORITY TO REJECT ENTIRE GROUP OF RELATED DOCUMENTS. If the
3 register of deeds is presented with a group of related documents that has been
4 identified by the person submitting the documents by any reasonable method as
5 representing a single transaction and one or more documents within the group may
6 not be recorded because of a failure to comply with any provision of sub. (2m), the
7 register of deeds may return the entire group of documents unrecorded.

8 **SECTION 2.** 59.43 (2m) (a) 6. of the statutes is repealed.

9 **SECTION 3.** 59.43 (2m) (b) 7. of the statutes is created to read:

10 **59.43 (2m)** (b) 7. The bottom and side margins of each page are at least 0.25
11 inch.

12 **SECTION 4.** 226.14 (1) (b) of the statutes is amended to read:

13 **226.14 (1)** (b) A copy of the declaration of trust and amendments verified in the
14 manner described in par. (a), and a certificate of the department of financial
15 institutions, showing the date when the declaration was filed and accepted by the
16 department of financial institutions shall, within 30 days of filing and acceptance by
17 the department of financial institutions, be recorded with the register of deeds of the

ASSEMBLY BILL 292

1 county in which the trust has its principal office or place of business in this state.
2 No common law trust shall transact business in this state until the declaration of
3 trust or verified copy of the declaration is left for record. The register of deeds shall
4 immediately transmit to the department of financial institutions a certificate stating
5 the time when the declaration or verified copy of the declaration was recorded. The
6 register of deeds shall be entitled to ~~a~~ the fee of 25 cents specified under s. 59.43 (2)
7 (b) for the certificate, to be paid by the person presenting the papers for record. Upon
8 receipt of the register of deed's certificate, the department of financial institutions
9 shall issue to the trustees of the trust a certificate of filing.

10 **SECTION 5.** 706.055 of the statutes is amended to read:

11 **706.055 Register Conveyances of mineral rights.** The register of deeds
12 shall record all conveyances of mineral interests in ~~a register of mineral rights~~ the
13 index maintained under s. 59.43 (9).

14 **SECTION 6.** 706.25 (3) (d) of the statutes is created to read:

15 706.25 **(3)** (d) Every document that a register of deeds accepts for recordation
16 under this subsection shall be considered recorded despite its failure to conform to
17 one or more of the requirements of this section or s. 59.43 (2m), if the document is
18 properly indexed in a public index maintained in the office of the register of deeds.

19 (END)