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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2009-10

(session year)

Joint

(Assembly, Senate or Joint)

Committee for Review of Administrative Rules ...

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) (June 2012)



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

JIM DOYLE
GOVERNOR

MICHAEL L. MORGAN
SECRETARY

Office of the Secretary
Post Office Box 7864
Madison, WI 53707-7864
Voice (608) 266-1741
Fax (608) 267-3842

March 13, 2009

Senator Fred Risser, President
Wisconsin State Senate
Room 220 South, State Capitol
Madison, WI 53702

Representative Michael Sheridan, Speaker
Wisconsin State Assembly
Room 211 West, State Capitol
Madison, WI 53702

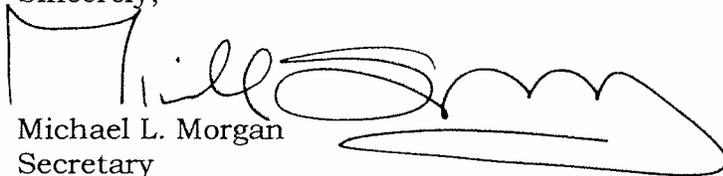
CRule 08-084

Dear Senator Risser and Representative Sheridan:

Enclosed in final draft form, please find the Department of Administration's proposed order to create Chapter Adm 70 relating to Electronic Recording of Documents in the County Register of Deeds Offices in Wisconsin. The Department's report to the Legislature is also enclosed.

We respectfully request submittal of the rule to the appropriate standing committees for review.

Sincerely,


Michael L. Morgan
Secretary

cc: Bruce Hoesley, LRB
Joint Committee for Review of Administrative Rules
Senator Jim Halperin, Cochair

**ADMINISTRATIVE RULES
REPORT TO LEGISLATURE
Clearinghouse Rule 08-084**

By the Department of Administration relating to Chapter Adm 70

Basis and Purpose of Proposed Rule:

The Department proposes to create Chapter Adm 70, regarding technical standards for electronic recording of documents in the County Register of Deeds Offices in Wisconsin. Pursuant to s. 706.25(4), Stats., the Department is required to promulgate by rule the standards adopted, amended or repealed by the Wisconsin Electronic Recording Council under the Uniform Real Property Electronic Recording Act. The proposed rule sets forth standards and requirements designed to promote standard practices, security and efficiencies in recording documents electronically with the offices of the register of deeds in Wisconsin.

Incorporation of Standards by Reference:

On December 11, 2008, the Department requested approval from the Attorney General's Office to incorporate standards promulgated by the Property Records Industry Association and the Mortgage Industry Standards Maintenance Organization by reference into proposed Chapter Adm 70. On December 17, 2008, The Attorney General consented to the proposed incorporation by reference on the condition that the proposed rule explicitly state that the referenced standards are on file in the offices of the Wisconsin Electronic Recording Council and the Legislative Reference Bureau. The rule has been amended in s. Adm 7.03(2) to provide the sources for physical copies of current standards, which include the offices of the Legislative Reference Bureau and the Electronic Recording Council of Wisconsin.

Response to Legislative Council Staff Recommendations

A copy of the Clearinghouse Report is attached. All of the recommendations have been incorporated into the rule.

1. Statutory Authority.

Language modified in ss. Adm 70.03 and 70.04 to reference source of current standards and business requirements imported by reference and provide for annual review by council to adopt changes to version cited in rule.

4. Adequacy of References Related to Statutes, Rules and Forms

- a. Corrected form of citations in "Related Statute or Rule" section.
- b. Incorporated appropriate statutory references in subs. Adm 70.02(6) and (7)
- c. Deleted reference to s. 66.02, Stats. in s. Adm 70.06
- d. Reference to UETA replaced by appropriate statutory reference in s. Adm 70.07.

5. Clarity, Grammar, Punctuation and Use of Plain Language

Added specific reference and citation to versions of standards imported in s. Adm 70.03.

Public Hearing and List of Persons Who Appeared or Registered at Public Hearing:

Three public hearings were held on the proposed rule on January 14, 2009 in Madison, January 15, 2009 in Green Bay, and January 21, 2009 in Eau Claire. Transcripts of the hearings are attached. No modifications were made to the proposed rule as a result of testimony at the hearings. The following persons appeared/registered at the hearings:

January 14, 2009

Larry Snyder, Premier Title - appearing for information
Callie Snyder, Premier/Gatewood Title – appearing for information
Kim Coleman, Community Title LLC – appearing for information
Brian D. Frame, Radian Guaranty – appearing for information

January 15, 2009

Patrick Ford – appearing in favor
Jennifer Gautreaux, Oneida Tribe of Indians of WI – appearing for information
Lauren Hartman, Oneida Tribe of Indians of WI – appearing for information

January 21, 2009

Kathryn Christenson, Eau Claire County Register of Deeds Office – appearing for informational purposes
Rose Ottum, Trempealeau County Register of Deeds Office – appearing in favor
Mary L. Kaiser, Eau Claire County Register of Deeds Office – appearing in favor
Marge Geissler, Chippewa County Register of Deeds Office – appearing in favor

Summary of Public Comments and Agency Response to Comments:

No written comments were received.

Final Regulatory Flexibility Analysis

A final regulatory flexibility analysis is not required because the rule will not have a significant economic impact on a substantial number of small businesses, as defined in s. 227.114(1), Stats.

**PROPOSED ORDER OF THE
WISCONSIN DEPARTMENT OF ADMINISTRATION
TO ADOPT RULES**

The Department of Administration, in cooperation with the Electronic Recording Council of Wisconsin (Council), proposes an order to create Chapter Adm 70 of the Wisconsin Administrative Code, relating to technical standards for electronic recording of documents in the County Register of Deeds Offices in Wisconsin.

SUMMARY OF PROPOSED RULE

Statutory authority: s. 16.004(1) and 706.25(4), Wis. Stats.

Statutes interpreted: s. 706.25, Wis. Stats.

Explanation of agency authority:

Pursuant to s. 706.25(4), Wis. Stats., the Department of Administration is required to promulgate by rule the standards adopted, amended or repealed by the Council under Uniform Real Property Electronic Recording Act.

Related statute or rule:

Chapter 137, Wis. Stats.
Chapter Adm 13, Wis. Adm. Code

Plain language analysis:

The proposed rule sets forth standards and other requirements designed to promote standard practices, security and efficiencies in recording documents electronically with the offices of the register of deeds in Wisconsin.

Comparison with existing or proposed federal regulations

There are no federal regulations proposed for electronic document recording in the local offices of the register of deeds at this time.

Comparison of similar rules in adjacent states:

Though they have not adopted formal administrative rules to date, Iowa and Minnesota have adopted the Uniform Real Property Electronic Recording Act (URPERA) and established business rules which require advance submitter agreements. Model 2 and 3 technology, Property Records Industry Association (PRIA) standards, and trusted submitter agreements are used in both Iowa and Minnesota for electronic recording of documents.

The Minnesota Legislature adopted URPERA in the spring of 2008. The Commission established under the Minnesota URPERA law will assume responsibility from the sun-setting earlier established Electronic Recording Task Force and then may well develop administrative rules for electronic recording. As of this time, no implementing rules are in place.

The Iowa Legislature passed legislation establishing an Electronic Transaction Fee in order to establish a statewide system for accepting documents electronically. The system, called the County Land Record Information System (see www.iowalandrecords.org), is owned by the Iowa County Recorders and supported by a private project manager.

Michigan and Illinois have not progressed as far as Iowa or Minnesota.

Data used to support rule:

Surveys were conducted of most of the register of deeds offices in the Midwest and phone interviews were conducted of other register/recorder/clerk's offices who are actively recording documents electronically. Laws and rules regarding electronic recording from other states were reviewed. Various experts attended council meetings and gave presentations that greatly enhanced understanding of issues and technology:

- Mark Ladd, Technology Coordinator for the Property Records Industry Association (PRIA), shared updates on guidelines of this standard-setting organization;
- Tim Reiniger of the National Notary Association explained his group's desire for increased education for notaries and implementation of electronic notarization;
- Susan Churchill of the Wisconsin Secretary of State's Office explained plans to create a database of Wisconsin notaries;
- Phil Dunshee, gave presentations on the Iowa Recorders Association's statewide portal for accessing information and recording electronic documents;
- Marc Aronson from the US Notaries organization spoke on the National Uniform Committee's work on uniform notary law and his perspective on a range of acceptable methods for notaries;
- Lisa Nelson and Luann Kohlmann of Associated Bank in Middleton explained electronic funds transactions that can be used to make payments for electronic recordings;
- Bush Nielsen, counsel for the Wisconsin Land Title Association gave an interesting presentation on the importance of the prompt and proper order of recording documents;
- Mark Saunders, deputy legal counsel and Donna Sorenson, paralegal for the Wisconsin Department of Administration, reviewed the administrative rule form, wording, process and timeline; and
- Council administrative support provided by Amy K. Moran of the Department of Administration and Jim Pahl-Washa of the Department of Revenue.

Effect on small businesses:

The proposed rule will provide a clear path for recording documents electronically in Wisconsin allowing for speedier processing of conveyances. The proposed rule will have no significant economic impact on a substantial number of small businesses as defined in s. 227.114(1), Wis. Stats.

Agency contact person:

Donna Sorenson
Department of Administration
101 E. Wilson Street
P.O. Box 7864
Madison, WI 53707-7864
(608) 266-2887
Donna.Sorenson@Wisconsin.gov

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to the agency contact person that is listed above and via the Wisconsin Administrative Rules Website at:

<http://adminrules.wisconsin.gov> by 4:30 p.m. on January 23, 2009, to be included in the record of rule-making proceedings.

Fiscal estimate:

State Fiscal Effect

This rule will provide technical standards for electronic recording of documents in the local Register of Deeds Offices in Wisconsin. It requires the Wisconsin Electronic Recording Council to identify and approve "trusted submitters," which are private entities that would be approved to record documents electronically in Wisconsin. The rule does not require any entity to record electronically. Recording fees are unchanged by the rule.

Wisconsin does not have a state-level Register of Deeds and the State would not be impacted by costs to implement electronic recording. The rule does not impact the current level of administrative support provided to the Wisconsin Electronic Recording Council by state resources or staff.

As a consumer, the State records documents with local Registers and pays recording and some copying fees. If the State elects to use electronic recording in counties which allow it, there may be some increased cost from software purchases or from trusted submitter fees. Since it is currently not known how many counties will elect to implement electronic recording, the cost to the State is indeterminate.

Local Fiscal Effect

The rule does not require local Registers to allow electronic recording of documents. However, if the local Register of Deeds Office chooses to allow electronic recording, it would need to purchase specific software that would enable it to receive documents for recording, indexing and returning a copy of the documents once recording is completed. There are approximately 17 large to mid-sized counties that are currently accepting certain documents for electronic recording. There are several vendors of electronic recording software, but costs for the systems vary and the cost appears to depend on the level of use.

Local Registers may also experience reduced costs as a result of electronic recording, including saving on scanning, copying and mailing costs, as well as more efficient identification and correction of errors in documents.

The fiscal impact on local units of government that choose to allow electronic recording is indeterminate. In addition, the proposed rule would not require local government entities to incur any costs since participation is voluntary.

TEXT OF RULE:

SECTION 1. Chapter Adm 70 is created to read:

Adm 70
Electronic Recording of Documents
In Wisconsin County Register of Deeds Offices

Adm 70.01 Purpose. The purpose of this chapter is to establish uniform recording standards and practices, provide for integrity and security of transmissions and promote efficiencies and improved service for electronic recording of documents in Wisconsin county register of deeds offices.

Adm 70.02 Definitions. In this chapter:

- (1) "Council" means Wisconsin electronic recording council.
- (2) "Department" means the Wisconsin department of administration.
- (3) "PRIA" means the property records industry association.
- (4) "Trusted submitter" means a party that has a trusted submitter agreement accepted by and on file with the council in order to record documents electronically with a register of deeds.
- (5) "Trusted submitter agreement" means the agreement to be signed by any party who wishes to become a trusted submitter.
- (6) "UETA" or "uniform electronic transaction act" has the meaning specified in ch. 137, Stats.
- (7) "URPERA" or "uniform real property electronic recording act" has the meaning specified in s. 706.25, Stats.

Adm 70.03 Standards. (1) Submission of electronic recording files shall be performed in a manner that is consistent with state statutes, council business rules and current industry standards adopted by the council. The council has adopted as standards for Wisconsin, the technical standards titled *Document 2.4.1* dated October 2007 and the *XML Implementation Guide* dated April 2007 both developed by PRIA. The council will review these standards and guidelines annually, vote and provide notice as in sub. (2) on any changes accepted for use in Wisconsin.

(2) The council shall notify each Wisconsin county of any changes to the electronic recording standards, requirements or agreements by sending notice to each register of deeds in advance of the effective date of the changes, by posting changes to the council's website, and by filing physical copies with the legislative reference bureau and the department's office of the secretary.

Note: Copies of the PRIA technical standards and guidelines imported by reference in s. Adm 70.03 and business requirements imported by reference in s. Adm 70.04 may be obtained from PRIA at:

Property Records Industry Association
2501 Aerial Center Parkway, Ste. 103
Morrisville, NC 27560
Telephone: 919.459.2081
FAX: 919.459.2075
Website : <http://www.pria.us/cart/publications.htm>

Locally copies may be obtained from the legislative reference bureau or from the council at the mailing address and website shown in s. Adm 70.04.

Adm 70.04 Business requirements and guidelines Fundamental business requirements for submitting trustworthy electronic documents for filing in Wisconsin registers of deeds shall be established, be placed on file for public access and be posted by the council. In addition to state developed requirements, these include business requirements established by the industry as most recently adopted and posted by the council. The council has adopted for Wisconsin use the *Business Requirements Document for Recording Electronic Document Formatted Recordable Instruments*, dated March 2008 developed by PRIA and the mortgage industry standards maintenance organization. The council will review these business requirements annually, vote and provide notice as in sub. 70.03(2) of any changes adopted.

Note: Copies of the current standards and guidelines for submission of electronic documents as in s. Adm 70.03, business requirements as in s. Adm 70.04 and materials for trusted submitter agreements as in s. Adm 70.05 may be obtained from the legislative reference bureau or the council at the following address:

Electronic Recording Council of Wisconsin
c/o Wisconsin Department of Administration Secretary's
Office
101 East Wilson Street, 10th Fl.
Madison, WI 53707
608 - 266-5030
Website - www.ercwis.wi.gov

Adm 70.05 Trusted submitter agreement. Every document submitter shall complete and sign a trusted submitter agreement application as approved by the council. Upon notice of acceptance of the trusted submitter agreement by the council, the trusted submitter shall be authorized to record documents electronically.

Note: A trusted submitter agreement application can be obtained from the council at mailing address and website listed in s. Adm 70.04.

Adm 70.06 Legal description. Electronic documents submitted for recording shall contain a valid legal description of the real property as defined in s. 706.01(7r), Stats.

Adm 70.07 Notarization of documents. An electronic document shall be notarized under standards adopted in ch.137, Stats. The notary's commission date shall be contained on the document or the document shall be authenticated as required in s. 706.06, Wis. Stats.

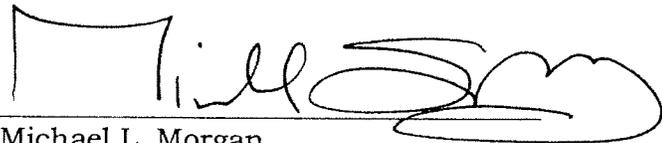
Adm 70.08 Return and rejection of documents. The submitter of a recorded electronic document is the party entitled to the return of the document. Electronic documents that are recorded may be returned immediately. A document may be rejected if the party identified in the document image differs substantially from the party identified in the related index submitted.

Adm 70.09 Method of payment. Each county shall permit payment of fees by electronic means.

Adm 70.10 Business rules. The register of deeds may post business rules to assist customers submitting documents electronically.

EFFECTIVE DATE. This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22 (2) (intro.), Stats.

Dated: March 13, 2009

A handwritten signature in black ink, appearing to read "Michael L. Morgan", written over a horizontal line.

Michael L. Morgan
Secretary of Administration



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE **08-084**

AN ORDER to create chapter Adm 70, relating to technical standards for electronic recording of documents in the County Register of Deeds Offices in Wisconsin.

Submitted by **DEPARTMENT OF ADMINISTRATION**

09-05-2008 RECEIVED BY LEGISLATIVE COUNCIL.

09-16-2008 REPORT SENT TO AGENCY.

RNS:WF

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]
Comment Attached YES NO
2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]
Comment Attached YES NO
3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]
Comment Attached YES NO
4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]
Comment Attached YES NO
5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]
Comment Attached YES NO
6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]
Comment Attached YES NO
7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]
Comment Attached YES NO



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

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Legislative Council Director

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CLEARINGHOUSE RULE 08-084

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated January 2005.]

1. Statutory Authority

Section 706.25 (4) (a), Stats., which the department cites as authority for the rule, requires the electronic recording council to adopt standards to implement s. 706.25, Stats. That statute also requires the department to promulgate by rule the standards adopted, amended, or repealed by the council.

Section Adm 70.03 (1) requires the council to establish technical standards for submitting electronic recording files. Section Adm 70.04 requires the council to establish fundamental business requirements and guidelines for trusted submitter software. The department should explain how these rules comply with the statutory requirement that the department promulgate standards that are adopted by the council.

4. Adequacy of References to Related Statutes, Rules and Forms

a. In the “Related Statute or Rule” section of Clearinghouse Rule 08-084, the reference to “Wisconsin Statute 137” should be changed to “ch. 137, Stats.”. The reference to “Adm 13, Electronic Signatures” should be changed to “Chapter Adm 13, Wis. Adm. Code.”

b. In s. Adm 70.02 (6), instead of identifying the Wisconsin Act that created the uniform electronic transactions act, a reference to the statutory section should be provided. By doing this, any future revisions to state statutes will be incorporated in the rule. This comment also applies to s. Adm 70.02 (7).

c. In s. Adm 70.06, the reference to s. 66.0217 (1) (c), Stats., is unnecessary. Section 706.01 (7r), Stats., incorporates s. 66.0127 (1) (c), Stats.

d. In s. Adm 70.07, the reference to "Wisconsin UETA law" should be replaced with a statutory reference.

5. Clarity, Grammar, Punctuation and Use of Plain Language

In s. Adm 70.03 (1), the reference to "XML Implementation guidance" is unclear. If the use of this term is necessary, it is suggested that it be defined in s. Adm 70.02.

**Transcript of January 14, 2009 Public Hearing RE: Adm 70
St. Croix Room, WI Administration Building, Madison, WI**

LICHT: The Department of Administration has set at this time and place a public hearing pursuant to ss. 16.004(1), 227.11(2)(a) and 706.25(4), of the Wisconsin Statutes, to consider creating rules relating to technical standards for electronic recording of documents in the County Register of Deeds Offices in Wisconsin.

My name is Jane Licht. I'm Chairperson of the Electronic Recording Council of Wisconsin. With me today is Amy Moran, of the Department of Administration and Jim Pahl Washa of the Department of Revenue. Other Council members attending with us today are: Steve Hanson from Associated Bank and Cathy Williquette the register of deeds from Brown County. Also on our Council are Hal Karas, attorney for Whyte Hirschboeck and Dudek of Milwaukee, and Craig Haskins of Knight Barry Title in Milwaukee, and Cindy Wisinski, the register of deeds of Portage County and Marvel Lemke, the register of deeds in Taylor County who plan to attend hearings at other locations. All of us on the council have volunteered our time for this endeavor because we believe in the merits of electronic recording. Electronic recording has great potential for saving time, money and providing increased security over paper documents. Therefore, I would like to personally thank my fellow council members for the many hours they devoted to this project for the citizens of Wisconsin.

In the January 1, 2009, issue of the Wisconsin Administrative Register, notice was given that public hearings would be held on the rulemaking order proposed by the Department. Copies of the proposed rules have been provided to interested parties. In addition, copies of the hearing notice were delivered by e-mail on January 5 and January 13, 2009 and hand-delivered to the Press Boxes located in Room 235 Southwest in the State Capitol Building on January 13, 2009.

The purpose of today's hearing is to give all interested persons or their representatives an opportunity to present facts, views or arguments regarding

the proposed rules. In addition to today's testimony, the department will accept written comments or questions received by 4:30 p.m. on January 23, 2009. Please direct written comments to Donna Sorenson, Department of Administration, 101 East Wilson Street, P.O. Box 7864, Madison, Wisconsin 53707.

The statutes require that all persons present at this hearing have an opportunity to present their arguments and comments to the agency officer responsible for promulgating these rules. The Secretary of the Department of Administration has final responsibility for promulgation of these proposed rules. The Secretary has determined that argument to him should be made in writing rather than by oral argument. Consequently, a transcript of this hearing will be prepared and provided to the Secretary, along with your written comments, prior to promulgation as required by s. 227.18(3), of the Statutes.

The Department proposes to create a rule as required by s. 706.25(4), of the Wisconsin Statutes, to provide technical standards for electronic recording of documents in the offices of the Register of Deeds in Wisconsin. The proposed rule requires the Electronic Recording Council of Wisconsin to identify and approve "trusted submitters," which are private entities that would be approved to record documents electronically in Wisconsin. The rule does not require any entity to record electronically.

The proposed rules were submitted to the Wisconsin Legislative Council Clearinghouse on September 3, 2008, for their review, analysis and recommendations. The Legislative Council issued its report on the proposed rules on September 16, 2008. The Department amended the rules to address all of the comments presented in the Legislative Council Rules Clearinghouse Report. This revised version, dated December 2008, has been posted at the Council website.

The Department will be further amending the rule to explicitly state that the standards incorporated by reference in the rule will be available on file at the

Legislative Reference Bureau and at the Department of Administration Office of Legal Counsel. This amendment meets the requirement of Wisconsin Statute s. 227.21(2)(b) and the condition of the Department of Justice consent to incorporation of the extrinsic standards on this rule.

I'll now go through the appearance slips to see who wants to give testimony on the rules. Those listening by Webcast may submit written comments by January 23, 2009 after the hearing. When I call your name, please come forward, state your name, who you are representing and if you are testifying in favor or in opposition to the proposed rule. Brian Frame? We have a microphone for you Brian.

FRAME: My name is Brian Frame and I'm with Radian Guaranty. I'm here today, just for information purposes. So, no proposal for or against, just for information.

LICHT: Alright, we have Kim Coleman, with Community Title LLC?

COLEMAN: Hi, I'm Kim Coleman with Community Title LLC, here for informational purposes.

LICHT: Okay. Callie Snyder?

SNYDER: Hi, I'm Callie Snyder. I'm just here for general information.

LICHT: And Larry Snyder?

SNYDER: Same. Larry Snyder, Premier Title. Here for informational purposes.

MORAN: I suggest we wait a few more minutes to see if anyone shows up.

LICHT: We'll wait a few more minutes in case anyone else might come. We have no questions so far online. That's good to know. Oh yes, we do have

information on the screen that's behind me that's from our website. We have a very interesting website. It has lots of information on it: www.ercwis.wi.gov. It's got all of our minutes, the council members, how to contact us, the draft rule. It has links to the PRIA, Property Records Industry Standard standards and various documents. It has other links to resources. We have been making use of that website every step of the way and we've been meeting for over two years. Sure, www.ercwis.wi.gov. We were hoping that Craig Haskins of Knight Barry Title, who has been a member all along, we were hoping that he could come along with Hal Karas an attorney from Milwaukee, and they were planning to be here but I think the weather probably persuaded them not to come.

SNYDER: (inaudible) . . . it took a lot longer . . .

LICHT: You did?

SNYDER: He may be coming but may just be late.

LICHT: I think what we'll do is we'll do a little discussion after the hearing part is over. Well, seeing that no other parties are interested in testifying, I will hereby adjourn the hearing. Thank you very much for coming.

MORAN: So the recording on the webcast can cease.

(End of hearing transcript)

1/14/09

WISCONSIN DEPARTMENT OF ADMINISTRATION
PUBLIC HEARING

On

PROPOSED ORDER TO CREATE CHAPTER ADM 70,
Relating to technical standards for electronic recording of
documents in the County Register of Deeds Offices in Wisconsin

REGISTRATION

NAME: Larry Snyder
ADDRESS: 2280 N. 105th St
Wauwatosa 53226
PHONE: 414 727 8001
REPRESENTING: Premier Title

Please check applicable statement(s):

- () Appearing in favor.
- () Appearing in opposition.
- () Appearing for informational purposes.
- () I wish to testify.

1/14/09

WISCONSIN DEPARTMENT OF ADMINISTRATION
PUBLIC HEARING

On

PROPOSED ORDER TO CREATE CHAPTER ADM 70,
Relating to technical standards for electronic recording of
documents in the County Register of Deeds Offices in Wisconsin

REGISTRATION

NAME: Callie Snyder

ADDRESS: 2280 N. 105th St.
Wauwatosa, WI 53226

PHONE: 414-727-8001

REPRESENTING: Premier (Gatewood TRU)

Please check applicable statement(s):

- Appearing in favor.
- Appearing in opposition.
- Appearing for informational purposes.
- I wish to testify.

1/14/09

WISCONSIN DEPARTMENT OF ADMINISTRATION
PUBLIC HEARING

On

PROPOSED ORDER TO CREATE CHAPTER ADM 70,
Relating to technical standards for electronic recording of
documents in the County Register of Deeds Offices in Wisconsin

REGISTRATION

NAME: Kim Coleman / Community Title LLC

ADDRESS: 2923 marketplace Dr, Ste 104
Fitchburg, WI 53711

PHONE: 255-0551

REPRESENTING: Wendy Hansen / Community Title

Please check applicable statement(s):

- () Appearing in favor.
- () Appearing in opposition.
- (X) Appearing for informational purposes.
- () I wish to testify.

WISCONSIN DEPARTMENT OF ADMINISTRATION
PUBLIC HEARING

On

PROPOSED ORDER TO CREATE CHAPTER ADM 70,
Relating to technical standards for electronic recording of
documents in the County Register of Deeds Offices in Wisconsin

REGISTRATION

NAME: Brian D. Frame

ADDRESS: 4931 W. 87th Street

PHONE: (212) 953-9423

REPRESENTING: Radian Guaranty, Inc.

Please check applicable statement(s):

- () Appearing in favor.
- () Appearing in opposition.
- () Appearing for informational purposes.
- () I wish to testify.

**Transcript of January 15, 2009 Public Hearing RE: Adm 70
Room 200, 305 E. Walnut Street, Green Bay, WI**

LICHT: The Department of Administration has set at this time and place a public hearing pursuant to ss. 16.004(1), 227.11(2)(a) and 706.25(4), of the Wisconsin Statutes, to consider creating rules relating to technical standards for electronic recording of documents in the County Register of Deeds Offices in Wisconsin.

My name is Jane Licht, Chairperson of the Electronic Recording Council of Wisconsin. With me is Amy Moran, of the Department of Administration. Other Council members attending with us today are: Cathy Williquette the register of deeds of Brown County, and Cindy Wisinski, the register of deeds of Portage County. Also serving on the Council are Steve Hanson from Associated Bank of Madison who is our vice-chair, Hal Karas, attorney for Whyte Hirschboeck Dudek of Milwaukee, County, Craig Haskins of Knight Barry Title in Milwaukee, and Marvel Lemke, the register of deeds of Taylor County who plan to attend hearings at other locations. We are also provided staff support by and Jim Pahl-Washa of the Department of Revenue. All of us on the council have volunteered our time for this endeavor because we believe in the merits of electronic recording. Electronic recording has great potential for saving time, money and providing increased security over paper documents. Therefore, I would like to thank my fellow council members for the many hours they devoted to this project for the citizens of Wisconsin.

In the January 1, 2009, issue of the Wisconsin Administrative Register, notice was given that public hearings would be held on the rulemaking order proposed by the Department. Copies of the proposed rules have been provided to interested parties. In addition, copies of the hearing notice were delivered by e-mail on January 5 and January 13, 2009 and hand-delivered to the Press Boxes located in Room 235 Southwest in the State Capitol Building on January 13, 2009. I would also like to call your attention to the Council website at www.ercwis.wi.us where more information about the Council and its work is posted.

The purpose of today's hearing is to give all interested persons or their representatives an opportunity to present facts, views or arguments regarding the proposed rules. In addition to today's testimony, the department will accept written comments or questions received by 4:30 p.m. on January 23, 2009. Please direct written comments to Donna Sorenson, Department of Administration, 101 East Wilson Street, P.O. Box 7864, Madison, Wisconsin 53707.

The statutes require that all persons present at this hearing have an opportunity to present their arguments and comments to the agency officer responsible for promulgating these rules. The Secretary of the Department of Administration has final responsibility for promulgation of these proposed rules. The Secretary has determined that argument to him should be made in writing rather than by oral argument. Consequently, a transcript of this hearing will be prepared and provided to the Secretary, along with your written comments, prior to promulgation as required by s. 227.18(3), Stats.

The Department proposes to create a rule as required by s. 706.25(4), of the Wisconsin Statutes, to provide technical standards for electronic recording of documents in the offices of the Register of Deeds in Wisconsin. The proposed rule requires the Electronic Recording Council of Wisconsin to identify and approve "trusted submitters," which are private entities that would be approved to record documents electronically in Wisconsin. The rule does not require any entity to record electronically.

The proposed rules were submitted to the Wisconsin Legislative Council Clearinghouse on September 3, 2008, for their review, analysis and recommendations. The Legislative Council issued its report on the proposed rules on September 16, 2008. The Department amended the rule to address all of the comments presented in the Legislative Council Rules Clearinghouse Report. This revised version, dated December 2008, has been posted at the Council website.

The Department will be further amending the rule to explicitly state that the standards incorporated by reference in the rule will be available on file at the Legislative Reference Bureau and at the Department of Administration office of Legal Counsel. This amendment meets the requirement of Wis. Stat. s. 227.21(2)(b) and the condition of the Department of Justice consent to incorporation of the extrinsic standards in this rule.

I'll now go through the appearance slips to see who wants to give testimony on the rules. When I call your name, please come forward, state your name, who you are representing and if you are testifying in favor or in opposition to the proposed rules. And we have Patrick Ford who wishes to appear in favor.

FORD: I support the electronic recording of documents. I feel it is the responsible thing for government to do. I also believe that as long as there is the required security and back up that goes with electronic documents.

LICHT: And you are representing?

FORD: Myself. I am a registered land surveyor.

LICHT: A registered land surveyor, thank you. We also have Laura Hartman and Jennifer Gautreaux who are both here representing the Oneida Tribe and they are appearing for information only. Thank you very much. And I will adjourn the hearing.

(End of hearing transcript)

Browns
county
1-15-09

WISCONSIN DEPARTMENT OF ADMINISTRATION
PUBLIC HEARING

On

PROPOSED ORDER TO CREATE CHAPTER ADM 70,
Relating to technical standards for electronic recording of
documents in the County Register of Deeds Offices in Wisconsin

REGISTRATION

NAME: PATRICK FORD

ADDRESS: 2485 WILDWOOD DR

GREEN BAY WI 54302

PHONE: 920-469-2493

REPRESENTING: _____

Please check applicable statement(s):

- Appearing in favor.
- Appearing in opposition.
- Appearing for informational purposes.
- I wish to testify.

Browns
County
1-15-09

WISCONSIN DEPARTMENT OF ADMINISTRATION
PUBLIC HEARING

On

PROPOSED ORDER TO CREATE CHAPTER ADM 70,
Relating to technical standards for electronic recording of
documents in the County Register of Deeds Offices in Wisconsin

REGISTRATION

NAME: JENNIFER GAUTREAUX

ADDRESS: 470 AIRPORT RD
ONEIDA, WI

PHONE: 920-869-1690 x1814

REPRESENTING: ONEIDA TRIBE OF INDIANS OF WI

Please check applicable statement(s):

- () Appearing in favor.
- () Appearing in opposition.
- (X) Appearing for informational purposes.
- () I wish to testify.

Brown
County
1-15-09

WISCONSIN DEPARTMENT OF ADMINISTRATION
PUBLIC HEARING

On

PROPOSED ORDER TO CREATE CHAPTER ADM 70,
Relating to technical standards for electronic recording of
documents in the County Register of Deeds Offices in Wisconsin

REGISTRATION

NAME: Lauren Hartman

ADDRESS: 2777 W Mason St GB

PHONE: 920 8578209

REPRESENTING: Crude Tribe

Please check applicable statement(s):

- Appearing in favor.
- Appearing in opposition.
- Appearing for informational purposes.
- I wish to testify.

**Transcript of January 21, 2009 Public Hearing RE: Adm 70
Room 2550, Eau Claire County Courthouse, Eau Claire, WI 54703**

LICHT: The Department of Administration has set at this time and place a public hearing pursuant to ss. 16.004(1), 227.11(2)(a) and 706.25(4), of the Wisconsin Statutes, to consider creating rules relating to the technical standards for electronic recording of documents in the County Register of Deeds Offices in Wisconsin.

My name is Jane Licht. I'm Chairperson of the Electronic Recording Council of Wisconsin. With me is Amy Moran, of the Department of Administration, and also attending today are Marvel Lemke, the register of deeds of Taylor County, and Cindy Wisinski, the register of deeds of Portage County. Also serving on the Council are Steve Hanson from Associated Bank of Madison who is our vice-chair, Cathy Williquette the register of deeds of Brown County, Hal Karas, attorney for Whyte Hirschboeck Dudek of Milwaukee, and Craig Haskins of Knight Barry Title in Milwaukee. All of us on the Council have volunteered our time for this endeavor because we believe in the merits of electronic recording. Electronic recording has great potential for saving time, money and providing increased security over paper documents. Therefore, I would like to thank my fellow council members for the many hours they devoted to this project for the citizens of Wisconsin. Thank you. I already thanked you once.

In the January 1, 2009, issue of the Wisconsin Administrative Register, notice was given that public hearings would be held on the rulemaking order proposed by the Department. Copies of the proposed rules have been provided to interested parties. In addition, copies of the hearing notice were delivered by e-mail on January 5 and January 13, 2009 and hand-delivered to the Press Boxes located in Room 235 Southwest in the State Capitol Building on January 13, 2009.

The purpose of today's hearing is to give all interested persons or their representatives an opportunity to present facts, views or arguments regarding the proposed rules. In addition to today's testimony, the department will accept

written comments or questions received by 4:30 p.m. on January 23, 2009. Please direct written comments to Donna Sorenson, Department of Administration, 101 East Wilson Street, P.O. Box 7864, Madison, Wisconsin 53707.

I'd also like to mention our electronic recording council website which has all of the information that I'm referring to today and a lot more information. It's www.ercwis.wi.gov.

The statutes require that all persons present at this hearing have an opportunity to present their arguments and comments to the agency officer responsible for promulgating these rules. The Secretary of the Department of Administration has final responsibility for promulgation of these proposed rules. The Secretary has determined that argument to him should be made in writing rather than by oral argument. Consequently, a transcript of this hearing will be prepared and provided to the Secretary, along with your written comments, prior to promulgation as required by s. 227.18(3), of the Statutes.

The Department proposes to create a rule as required by s. 706.25(4), of the Wisconsin Statutes, to provide technical standards for electronic recording of documents in the offices of the Register of Deeds in Wisconsin. The proposed rule requires the Electronic Recording Council of Wisconsin to identify and approve "trusted submitters," which are private entities that would be approved to record documents electronically in Wisconsin. This rule does not require any entity to record electronically.

The proposed rules were submitted to the Wisconsin Legislative Council Clearinghouse on September 3, 2008, for their review, analysis and recommendations. The Legislative Council issued its report on the proposed rules on September 16, 2008. The Department amended the rule to address all of the comments presented in the Legislative Council Rules Clearinghouse Report. This version dated December 2008, has been posted at the Council website and copies are available at this hearing.

The Department will be further amending the rule to explicitly state that the standards incorporated by reference in the rule will be available on file at the Legislative Reference Bureau and at the Department of Administration Office of Legal Counsel. This amendment meets the requirement of Wisconsin Statute s. 227.21(2)(b) and the condition of the Department of Justice consent to incorporation of the extrinsic standards on this rule.

I'll now go through the appearance slips to see who wants to give testimony on the rules. When I call your name, please come forward, state your name, who you are representing and if you are testifying in favor or opposition to the proposed rules. The first person is Mary Kaiser. Mary would come forward and just give your name and who you are representing? I think if she sits here, would that be sufficient? Yes, if you just sit there.

KAISER: Mary Kaiser, Register of Deeds for Eau Claire County.

LICHT: And so are you representing your office?

KAISER: Right, the office of the Register of Deeds.

LICHT: Okay. And you're appearing in favor.

KAISER: Yes, we're in favor.

LICHT: Did you wish to give any testimony?

KAISER: No.

LICHT: Thank you. Marge Geissler.

GEISSLER: Marge Geissler, Register of Deeds Chippewa County.

LICHT: And you're appearing in favor?

GEISSLER: Yes, I am.

LICHT: And did you wish to give any testimony?

GEISSLER: No, I just think this is great that you're doing this and thank you very much for all your work on this.

LICHT: Thank you. And Rose Ottum.

OTTUM: I'm Rose Ottum, Register of Deeds for Trempealeau County. I'm in favor. Thank you for all your work.

LICHT: Is that your testimony then?

OTTUM: That's my testimony.

LICHT: Okay, thank you very much. Kathryn Christenson?

CHRISTENSON: Hi. I'm Kathryn Christenson. I'm a Deputy Register of Deeds for Eau Claire County and yes—(inaudible).

LICHT: Okay. And so are you registering—how are you registering? You marked you're appearing for informational purposes?

CHRISTENSON: Yes, and I just wanted to hear what you guys have to say. I've never been to one of these before.

LICHT: Okay, thank you.

CHRISTENSON: Thank you.

LICHT: Seeing that no one else wishes to testify, I will now call the hearing closed. Thank you.

(End of hearing transcript)

EAO
CLARE
1/21/09

WISCONSIN DEPARTMENT OF ADMINISTRATION
PUBLIC HEARING

On

PROPOSED ORDER TO CREATE CHAPTER ADM 70,
Relating to technical standards for electronic recording of
documents in the County Register of Deeds Offices in Wisconsin

REGISTRATION

NAME: Kathryn Christenson

ADDRESS: Eau Claire County Courthouse
721 Oxford Ave, Eau Claire, WI

PHONE: 715-839-4745

REPRESENTING: Register of Deeds

Please check applicable statement(s):

- Appearing in favor.
- Appearing in opposition.
- Appearing for informational purposes.
- I wish to testify.

EAV
CLAIM #
1/2/09

WISCONSIN DEPARTMENT OF ADMINISTRATION
PUBLIC HEARING

On

PROPOSED ORDER TO CREATE CHAPTER ADM 70,
Relating to technical standards for electronic recording of
documents in the County Register of Deeds Offices in Wisconsin

REGISTRATION

NAME: Rose Ottum

ADDRESS: P O Box 67, Whitehall, WI

PHONE: (715) 538-2311

REPRESENTING: Trempealeau Co Register of Deeds

Please check applicable statement(s):

- Appearing in favor.
- Appearing in opposition.
- Appearing for informational purposes.
- I wish to testify.

Eau Claire
1/21/09

WISCONSIN DEPARTMENT OF ADMINISTRATION
PUBLIC HEARING

On

PROPOSED ORDER TO CREATE CHAPTER ADM 70,
Relating to technical standards for electronic recording of
documents in the County Register of Deeds Offices in Wisconsin

REGISTRATION

NAME: Mary L Kaiser

ADDRESS: County Court House

PHONE: 839-4740

REPRESENTING: Eau Claire County Register of Deeds

Please check applicable statement(s):

- Appearing in favor.
 Appearing in opposition.
 Appearing for informational purposes.
 I wish to testify.

EAO
CLARK
1/21/09

WISCONSIN DEPARTMENT OF ADMINISTRATION
PUBLIC HEARING

On

PROPOSED ORDER TO CREATE CHAPTER ADM 70,
Relating to technical standards for electronic recording of
documents in the County Register of Deeds Offices in Wisconsin

REGISTRATION

NAME: Marge Jessler
ADDRESS: 711 N Bridge St
Chippewa Falls, WI 54729
PHONE: 715-726-7994
REPRESENTING: WRDA

Please check applicable statement(s):

Appearing in favor.

Appearing in opposition.

Appearing for informational purposes.

I wish to testify.