



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1383/1
EVM/FFK/TKK:kjf:rs

2015 ASSEMBLY BILL 82

March 5, 2015 – Introduced by Representatives BORN, BALLWEG, BERNIER, BILLINGS, BRANDTJEN, E. BROOKS, R. BROOKS, DANOU, DOYLE, EDMING, GANNON, JAGLER, JARCHOW, KATZMA, KERKMAN, KLEEFISCH, KNODL, KREMER, KRUG, MACCO, MILROY, MURPHY, MURTHA, OHNSTAD, A. OTT, RIPP, ROHRKASTE, SCHRAA, WEATHERSTON and GENRICH, cosponsored by Senators OLSEN, NASS, BEWLEY, DARLING, GUDEx, HARS DORF, VINEHOUT, WANGGAARD and WIRCH. Referred to Committee on State Affairs and Government Operations.

1 **AN ACT** *to repeal* 59.43 (2) (i), 59.43 (2m) (d) 2. and 867.045 (3); and *to amend*
2 59.43 (1) (a), 59.43 (1) (L), 59.43 (1) (n), 59.43 (2) (a) 2., 59.43 (2m) (b) 5., 59.43
3 (2m) (d) 3., 59.43 (9) (a) 1. g., 236.25 (4), 236.34 (2) (a), 236.45 (2) (am) (intro.),
4 703.11 (1) and 779.97 (5) (a) and (b) of the statutes; **relating to:** instruments
5 filed or recorded with, and fees charged by, the register of deeds.

Analysis by the Legislative Reference Bureau

Current law requires the register of deeds to record and file plats and certified survey maps that are authorized to be filed with the register of deeds. This bill states that the register of deeds may either record or file these plats and certified survey maps.

Also under current law, the register of deeds is required to file all documents pertaining to security interests that are authorized to be filed with the register of deeds. Under this bill, the register of deeds must record these documents.

Current law requires the register of deeds to index certain statements or documents upon the filing of certain statements or documents evidencing the creation of a security interest. Under this bill, these statements and documents must be indexed upon recording.

Current law requires the register of deeds to maintain a real estate records index that contains certain specified information. One item of information required under current law is the volume and page where the recorded instrument is recorded. Under this bill, the index must provide a document number where the instrument is recorded and the volume and page only in certain situations.

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Current law requires the filing and indexing of notices of liens on real property for obligations payable to the United States, and certificates and notices affecting the liens, in the office of the register of deeds of the county in which real property subject to the liens is located. Under current law, the register of deeds may charge a fee for filing and indexing each notice of lien, certificate, or notice, and must bill the Internal Revenue Service (IRS) on a monthly basis for fees for documents filed by the IRS. This bill permits the register of deeds to file a fee for recording or filing each notice of lien, certificate, or notice, and permits, but does not require, the register of deeds to bill IRS on a monthly basis.

Under current law, counties collect fees for recording or filing instruments that are recorded or filed with a register of deeds. The general fee for filing or recording instruments is \$30. Among the fees for which a different amount is specified, counties collect \$25 for recording certain certificates and for preparing and mailing to the clerk of courts certain documents related to certain survivorship interests in property. Under this bill, the specification of a different fee for recording instruments related to certain survivorship interests in property is eliminated and the general fee for filing or recording instruments applies. A requirement that the register of deeds mail to the clerk of courts certain documents related to certain survivorship interests in property is eliminated.

Current law specifies certain standard format requirements for documents that are to be recorded with the register of deeds. Under one of these requirements, a document that is filed with the register of deeds must generally use only black or red ink. Under this bill, blue ink may also be used.

Also under current law, the standard format requirements do not apply to instruments that are filed documents. Under this bill the standard format requirement also does not apply to recorded documents.

Under current law, one provision of the statutes requires that an instrument that is submitted for recording with the register of deeds contain a blank space at least 2.5 inches by 2.5 inches for use by the register of deeds. Another provision requires a blank space at least 3 inches by 3 inches. This bill amends the former provision so that both provisions require a blank space at least 3 inches by 3 inches.

Under current law, the register of deeds is required to keep certain recorded plats and certified survey maps in volumes or books, which must be kept in the register of deeds office. Under the bill, a register of deeds may store such documents electronically.

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 (1) (a) of the statutes is amended to read:

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1 59.43 (1) (a) Record or cause to be recorded in suitable books to be kept in his
2 or her office, correctly and legibly all deeds, mortgages, instruments, and writings
3 authorized by law to be recorded in his or her office and left with him or her for that
4 purpose, provided ~~such~~ the documents have plainly printed or typewritten ~~thereon~~
5 on the document the names of the grantors, grantees, witnesses, and notary. The
6 register of deeds shall record ~~and~~ or file or cause to be recorded ~~and~~ or filed all plats
7 and certified survey maps that are authorized to be accepted for recording ~~and~~ or
8 filing in his or her office. Any county, by a resolution ~~duly~~ adopted by the board, may
9 combine the separate books or volumes for deeds, mortgages, miscellaneous
10 instruments, attachments, lis pendens, sales and notices, certificates of organization
11 of corporations, plats, or other recorded or filed instruments or classes of documents
12 as long as separate indexes may be produced. Notwithstanding any other provisions
13 of the statutes, any county adopting a system of microfilming or like process or a
14 system of recording documents by optical imaging or electronic formatting under ch.
15 228 may substitute the headings, reel, disk, or electronic file name and microfilm
16 image (frame) for volume and page where recorded and different classes of
17 instruments may be recorded, reproduced, or copied on or transferred to the same
18 reel, disk, or electronic file or part of a reel or disk. All recordings made prior to
19 June 28, 1961, which would have been valid under this paragraph, had this
20 paragraph then been in effect, are hereby validated by this paragraph. In this
21 subsection, “book”, if automated recording or indexing equipment is used, includes
22 the meaning given under sub. (12) (d).

23 **SECTION 2.** 59.43 (1) (L) of the statutes is amended to read:

24 59.43 (1) (L) File Record all documents pertaining to security interests, as
25 defined in s. 401.201 (2) (t), that are required or authorized by law to be ~~filed~~ recorded

1 with the register. Except as otherwise prescribed by the department of financial
2 institutions under subch. V of ch. 409, these documents shall be executed in a manner
3 that satisfies the requirements set forth in sub. (2m) (b) 1. to 5.

4 **SECTION 3.** 59.43 (1) (n) of the statutes is amended to read:

5 59.43 (1) (n) Upon the ~~filing~~ recording of a financing statement or other
6 document evidencing the creation of a security interest, as defined in s. 401.201 (2)
7 (t), required to be filed or recorded with the register under s. 409.501 (1) (a), index
8 the statement or document in the real estate records index under sub. (9).

9 **SECTION 4.** 59.43 (2) (a) 2. of the statutes is amended to read:

10 59.43 (2) (a) 2. Any instrument that is submitted for recording shall contain
11 a blank space at least ~~2.5~~ 3 inches by ~~2.5~~ 3 inches in size for use by the register of
12 deeds. If the space is not provided, the register of deeds may add a page for his or
13 her use and charge for the page a fee that is established by the county board not to
14 exceed an amount reasonably related to the actual and necessary cost of adding the
15 page.

16 **SECTION 5.** 59.43 (2) (i) of the statutes is repealed.

17 **SECTION 6.** 59.43 (2m) (b) 5. of the statutes is amended to read:

18 59.43 (2m) (b) 5. The ink is black, blue, or red, except that signatures and coded
19 notations on maps may be other colors.

20 **SECTION 7.** 59.43 (2m) (d) 2. of the statutes is repealed.

21 **SECTION 8.** 59.43 (2m) (d) 3. of the statutes is amended to read:

22 59.43 (2m) (d) 3. Filed or recorded documents.

23 **SECTION 9.** 59.43 (9) (a) 1. g. of the statutes is amended to read:

24 59.43 (9) (a) 1. g. ~~Volume~~ The document number, and if given on the
25 instrument, the volume and page where the instrument is recorded or filed.

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1 **SECTION 10.** 236.25 (4) of the statutes is amended to read:

2 236.25 (4) ~~Every~~ Each final plat entitled to be recorded under this section shall
3 be bound or filed by the register of deeds into properly indexed volumes or stored
4 electronically in a plat index. Any facsimile of the original whole record, made and
5 prepared by the register of deeds or under his or her direction shall be deemed to be
6 a true copy of the final plat.

7 **SECTION 11.** 236.34 (2) (a) of the statutes is amended to read:

8 236.34 (2) (a) Certified survey maps prepared in accordance with subs. (1) and
9 (1m) shall be numbered consecutively by the register of deeds and shall be recorded
10 in a bound volume ~~to be kept in the register of deeds' office, known as the "Certified~~
11 Survey Maps of County", or stored electronically in the register of deeds office.

12 **SECTION 12.** 236.45 (2) (am) (intro.) of the statutes is amended to read:

13 236.45 (2) (am) (intro.) Ordinances under par. (ac) may include provisions
14 regulating divisions of land into parcels larger than 1 1/2 acres or divisions of land
15 into less than 5 parcels, and may prohibit the division of land in areas where such
16 prohibition will carry out the purposes of this section. Such ordinances shall make
17 applicable to such divisions all of the provisions of this chapter, or may provide other
18 surveying, monumenting, mapping and approving requirements for such division.
19 The governing body of the municipality, town, or county shall require that a plat of
20 such division be recorded with the register of deeds and kept in a book provided for
21 that purpose or stored electronically. "COUNTY PLAT," "MUNICIPAL PLAT," or
22 "TOWN PLAT" shall be printed on the map in prominent letters with the location of
23 the land by government lot, recorded private claim, quarter-quarter section, section,
24 township, range, and county noted. When so recorded, the lots included in the plat
25 shall be described by reference to "COUNTY PLAT," "MUNICIPAL PLAT," or

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1 “TOWN PLAT,” the name of the plat and the lot and block in the plat, for all purposes,
2 including those of assessment, taxation, devise, descent, and conveyance as defined
3 in s. 706.01 (4). Such ordinance, insofar as it may apply to divisions of less than 5
4 parcels, shall not apply to:

5 **SECTION 13.** 703.11 (1) of the statutes is amended to read:

6 703.11 (1) TO BE FILED FOR RECORD. When any condominium instruments are
7 recorded, the declarant shall file ~~for record~~ a condominium plat to be recorded in a
8 separate plat book maintained for condominium plats or stored electronically in the
9 register of deeds office.

10 **SECTION 14.** 779.97 (5) (a) and (b) of the statutes are amended to read:

11 779.97 (5) (a) The fee for recording or filing and indexing each notice of lien or
12 certificate or notice affecting the lien is the fee specified under s. 59.43 (2) (ag).

13 (b) The officer ~~shall~~ may bill the district directors of internal revenue on a
14 monthly basis for fees for documents recorded or filed by them.

15 **SECTION 15.** 867.045 (3) of the statutes is repealed.

16 (END)