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## Luther S. Olsen

State Senator

14th District

**TO:** Senate Committee on Economic Development, Commerce and Local Government

**DATE:** Wednesday, May 3, 2017

**SUBJECT:** Testimony in favor of Senate Bill 131

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Thank you Chairman Feyen and the Senate Committee on Economic Development, Commerce and Local Government for holding a hearing and allowing me to testify in favor of Senate Bill 131.

This legislation updates current law to allow for efficiencies in the Register of Deeds offices statewide, while also allowing them to stay current with the new technologies available to their offices. It will update recording requirements to utilize volume and page where a document is located, remove the penalty regarding registration of farm names and standardizing the recording space on condominium plats.

Under current law, a county Register of Deeds is required to assign to each document a unique document number, a volume, and page where the document is located. This legislation provides that a Register of Deeds may, but is not required to, assign a volume and page number to each document. The Register of Deeds will only be required to include volume and page number references in the index of the document if it has been assigned one.

This legislation also eliminates penalties that apply to the registration of a farm name that is recorded in a county Register of Deeds office. The practice of registering farm names is a thing of the past; most counties have not seen a registration of a farm name in over twenty years.

Finally, this legislation provides that a condominium plat that is submitted to a county Register of Deeds office for recording must contain a blank space at least three inches by three inches in size in the upper right corner on the first page for recording use by the Register of Deeds. The increase from the current two and a half inches is needed for updated recording software technology.

The Wisconsin Register of Deeds Association, Wisconsin Land Information Association, NAIOP Wisconsin, Wisconsin Realtors Association, and Wisconsin Counties Association support this proposal.

Thank you members, we ask for your support and would be more than happy to answer any questions.



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WISCONSIN STATE REPRESENTATIVE

41<sup>ST</sup> ASSEMBLY DISTRICT

## Senate Bill 131

Testimony of State Representative Joan Ballweg  
Senate Committee on Economic Development, Commerce, and Local Government  
May 3, 2017

Thank you, Chair Feyen, and members of the Committee on Economic Development, Commerce, and Local Government for holding this public hearing on SB 131.

SB 131 updates the statutes to reflect current practices by Register of Deeds offices and to increase efficiencies by allowing Register of Deeds offices to stay current with new technologies.

SB 131 makes three updates. First, it allows a register of deeds to assign a volume and page number to each document rather than requiring it. The register of deeds will only be required to include a volume and page number reference in the index of documents if the document is assigned a volume and page number. This change was requested by the Register of Deeds Association since advancements in electronic recording make it necessary to adapt to better practices for recording documents.

Second, SB 131 eliminates the penalties that apply to Registers of Deeds for registrations of farm names that are recorded in a county register of deeds office. Farms no longer register "farm names" since the Department of Financial Institutions requires that "business names" be filed. Under current law, a Register of Deeds can be fined not less than \$5 nor more than \$25 or imprisoned for not less than 10 days nor more than 30 days, or both. This penalty for failing to know if the farm name has already been used when the record may not be in their custody should be eliminated.

Lastly, SB 131 standardizes the recording space on condominium plats by making them 3 x 3 inches. Current law states the recording space shall be 2 ½ x 2 ½ inches, however all other recording spaces require the larger space. A 3 x 3 space is needed for the recording software technology that is used by Register of Deeds offices.

The Wisconsin Register of Deeds Association, the Wisconsin Realtors Association, the Wisconsin Land Information Association, the National Commercial Real Estate Development Association-Wisconsin Chapter, and the Wisconsin Counties Association support this proposal to update the statutes and reflect the current practices that are used by Register of Deeds offices.

Thank you for considering this bill, and I am happy to answer any questions.



## **Wisconsin Register of Deeds Association Legislative Committee**

Committee Members: Beth Pabst- Co-Chair, Sarah Guenther – Co-Chair, Karen Manske, John LaFave, Karen Miller, JoEllyn Storz, Tyson Fettes, Mike Mazemke, Margo Katterhagen, Kristi Chlebowski, Susan Ginter

<http://www.wrdaonline.org/Index.htm>

Re: **Support option for modernizing the official record and cleanup of statutes AB-175 & SB-131**

The Wisconsin Register of Deeds Association (WRDA) **supports the option for modernizing the official record.** Under current law, certain provisions of statutes require the Register of Deeds to assign to each document a unique number and a volume and page where the document is located. The bill provides that the register of deeds may, but is not required to assign a volume and page number to each document.

Consider the following:

- **Allows Register of Deeds to have the “option” to assign a volume and page to the document.** This option gives the counties the flexibility to move away from the assignment of volume and page and utilize document number, and if desired to use volume and page if needed.
- **Modernizing the public record.** It is the desire of the WRDA to collaborate with local banks, title companies, attorneys and the public to streamline the recording process.
- **Good government.** The WRDA is always striving to have the statutes reflect our current processes; this update of the statutes accomplishes that goal.
- **Ability to erecord certain documents by eliminating the volume and page requirement.** The Register of Deeds office is always striving to be on the cutting edge of technology, with this legislation we can accomplish that and have it complement our erecording process.
- **Obsolete process.** In the beginning of the Register of Deeds volume and page was the only enumeration for records. As time has evolved, we are transitioning to document numbers. We have moved away from physical books and now are computer based.
- **Condominium plat to have a recording space of 3 x 3.** During pass cleanup legislation 703.11(2)(am) was not changed to reflect a 3 x 3 recording space, it states 2 1/2 x 2 1/2 . This is needed for recording purposes.
- **Eliminates penalties that apply to registration of a farm.**

For these reasons, **the WRDA strongly supports the option for modernization of the official record,** allowing for technology advancements and modernization of outdated practices.