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CO-CHAIR, JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

41<sup>st</sup> ASSEMBLY DISTRICT

**Assembly Bill 327: Removing the Requirement for Providing a Certified Death Certificate  
when Recording a Termination of Decedents Interest  
Testimony of State Representative Joan Ballweg  
Assembly Committee on Local Government  
October 16, 2019**

Thank you, Chair Novak and members of the Committee on Local Government, for holding this public hearing on Assembly Bill 327.

The Wisconsin Register of Deeds Association proposed AB 327 to my office to make local government more efficient for constituents and reflect technological advancements in Register of Deeds' (RODs) offices. This bill removes the requirement that a death certificate be provided when a ROD records a Termination of Decedents Interest form. A Termination of Decedents Interest must be recorded when someone passes away who has an interest in real property to transfer their property rights.

On January 1, 2017, the implementation of the Statewide Vital Records Information System (SVRIS) began to allow the statewide issuance of birth, death, marriage, and divorce records, yet the statutes have not been updated to reflect this new process. Before SVRIS, if you lived in a different county from where those records were recorded, you would still have had to go through the original county's register of deeds rather than requesting it through the county you reside in. SVRIS has made retrieving these documents far more convenient for everyone, yet the statutes need to reflect this new process.

Providing a hard-copy of a certified death certificate is an outdated and unnecessary requirement for the following reasons:

- The counties are moving toward electronically filing documents, but electronically submitting a death certificate is considered a felony by the state; this prevents the RODs from electronically recording a Termination of Decedent's Interest documentation.
- Now that the state's vital records are recorded electronically, the RODs have the capability of verifying the death certificate through the state's vital records database.
- The individual will still have to swear to the correctness of the information under oath when submitting the Termination of Decedent's Interest Document.

Removing the requirement to provide a death certificate will benefit constituents who will no longer have to fill out another form and pay an additional fee for a certified copy of the death certificate. Also, it provides consistency with other ROD practices, since the law does not require a certified copy of a death certificate for other documents submitted on behalf of the decedent's estate.

Thank you for your consideration of AB 327, and I am happy to answer any questions.



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**Luther S. Olsen**  
State Senator  
14th District

**TO:** Assembly Committee on Local Government  
**FROM:** Senator Luther Olsen  
**DATE:** October 16, 2019  
**SUBJECT:** Testimony in favor of Assembly Bill 327.

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Thank you Chairman Novak and the Assembly Committee on Local Government for holding a hearing and allowing me to testify in favor of Assembly Bill 327.

Currently, when someone that has an interest in property passes away, a Termination of Decedents Interest must be recorded to eliminate their property rights. In order for that to take place, a hard-copy of a certified death certificate is required.

This legislation updates statutes to reflect technological advancements for how a Register of Deeds (RODs) records a Termination of Decedents Interest by removing the requirement that a death certificate is provided for that process.

Now that the Statewide Vital Records Information System (SVRIS) has been implemented, providing a hard-copy of a certified death certificate is an outdated and unnecessary requirement. Counties are moving towards electronically filing documents and RODs have the capability of verifying the death certificate through the state's vital records database.

Families would no longer be required to purchase additional certified copies of the death certificate to be submitted to counties in which the decedent owned properties. However, they would still have to swear under oath to the correctness of the information when submitting the Termination of Decedents Interest document.

The Wisconsin Register of Deeds Association supports this proposal.

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



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

Committee Members: Sarah Guenther- Co-Chair, Cheryl Berken Co-Chair, Kyle Franson, Brent Bailey, Sarah Van Camp, Margo Katterhagen, Karen Manske, Chris Planasch, Staci Hoffman, JoEllyn Storz, Tiffany Ringer, Sara Nuernberger, Heather Schwersenska

**Re: Support SB318/AB327 by removing the requirement for providing a certified death certificate when recording a Termination of Decedents Interest.**

The Wisconsin Register of Deeds Association (WRDA) **supports removing the requirement for providing a certified death certificate when recording a Termination of Decedents Interest.** With the advancements in technology and the requirement not to record a vital record this practice is an outdated means for submitting a non-probated interest in a decedent's property.

- **Fiscally Responsible to Constituents.** Wisconsin Statutes 867.045(1) and 867.046(2) requires any person having an interest in the property to provide to the register of deeds a certified copy of the death certificate for the decedent. Requiring a certified copy of a death certificate to be submitted with Termination of Decedents interest often requires a family to purchase additional certified copies to be submitted to multiple counties in which the decedent owned properties.
- **Consistency throughout documents.** The statutes do not require a certified copy of a death certificate for other documents submitted on behalf of a decedent's estate. Transfer by Affidavit of \$50,000 or less involving a decedent's real property does not require the submitter to provide a certified copy of the death certificate, the submitter swears under oath to the fact of death and could do so for the Termination of Decedent's Interest.
- **Technology advancements.** With the advancements in technology the majority of Wisconsin counties accept electronically submitted documents; the practice of submitting a death certificate electronically is considered a felony in the State of Wisconsin. The outdated requirement to submit a certified death certificate prohibits the recording of Termination of Decedent's Interest documentation electronically.

**For these reasons, the WRDA strongly supports removing the requirement for providing a certified death certificate when recording a Termination of Decedents Interest.**