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41ST ASSEMBLY DISTRICT

AB 374: Improving Title Transfer Recordkeeping
Testimony of State Representative Joan Ballweg
Assembly Committee on Housing and Real Estate
October 29, 2015

Thank you, Chair Jagler and committee members, for hearing Assembly Bill 374. This legislation came to us from the Wisconsin Register of Deeds Association (WRDA). Senator Lasee worked closely with Brown County Register of Deeds Cathy Williquette-Lindsay to develop this bill. I'm grateful to Ms. Williquette-Lindsay and Carey Petersilka, Door County Register of Deeds, who have come to testify today.

Under current law, a person does not have to file a real estate transfer fee return if the conveyance is exempt from the real estate transfer fee. There are several circumstances in which title transfers go unreported.

1. The person made the conveyance before October 1, 1969.
2. The property is conveyed from the United States or from this state or from any agency or subdivision of either.
3. The property is conveyed to the United States or to this state or to any agency or subdivision of either in order to construct a road, street, or highway.
4. The property is sold to pay delinquent taxes.
5. The property is conveyed by will, descent, or survivorship.

The current system creates unnecessary confusion for anyone looking for a property holder. Assembly Bill 374 requires that all conveyances must be reported, eliminating exemptions to clarifying who owns what, while keeping the status quo on which conveyances require a fee. We're not changing the transactions or fees, simply requiring proper documentation.

After introducing this bill, we learned there were 21 statutory transfers that are exempt from a fee. Assembly Amendment 1 maintains that those fee-exempt transfers remain fee-exempt. The amendment also specifies that there may be no local fees added to the fee-exempt deed transfers.

Senator Lasee and I are happy to have the support of the WRDA. Since they are the experts on this matter, I'll defer to them. Thank you for your time, I'm happy to answer any questions.

REGISTER OF DEEDS

Brown County



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CATHY WILLIQUETTE LINDSAY CPM
Register of Deeds

October 29, 2015

Wisconsin State Assembly
Committee on Housing & Real Estate
400 Northeast, State Capitol

Re: Assembly Bill 374

Honorable Chair Jagler and Committee Members:

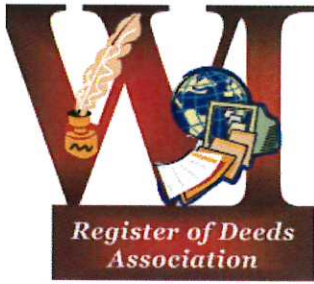
Thank you for the opportunity to testify in support of Assembly Bill 374 as it relates to real estate transfer fee returns for conveyances exempt from the Wisconsin real estate transfer fee. Special thanks to Representative Ballweg for introducing this bill in the Assembly and to Senator Lasee for introducing the companion bill SB 279 in the Senate. I would also like to thank the many co-sponsors in both the Assembly and Senate especially my area Representative's Gingrich, Macco, Steffen, and Senators Hansen and Cowles for their support.

Earlier this year the Brown County Elected County Constitutional Officers invited our area representatives in the Wisconsin Assembly and Senate to a legislative luncheon. One of the many items of concern to me expressed during the luncheon was the inconsistency of when a Wisconsin Real Estate Transfer form is required and when it is not. Senator Lasee followed up with me after the luncheon and as a result this measure comes before you today.

In Wisconsin whenever real property is sold or conveyed a document of conveyance (typically a deed) is recorded with the Register of Deeds in the county where the property is located. Wisconsin law also requires there to be a Wisconsin Real Estate Transfer form (eRETR) completed and either a transfer fee paid or an exemption number provided to us. There are currently 30 exemptions from paying the real estate transfer fee and of those 30 exemptions; four do not require completion of the eRETR. This makes it confusing for the public and the Register of Deeds staff. It would be so much easier to simply require an eRETR to be completed any time property in Wisconsin is sold or conveyed, no matter the exemption. Additionally the eRETR provides much needed information to the county, state and local assessor such as owner's name, where to mail the annual tax bill and whether or not the property will be used as primary residence, etc.

While it would be rare for us to receive a conveyance document dated prior to October 1, 1969 (the date transfer fee law went into effect) I do agree that any document claiming exemption 77.25 (1) be exempt from the eRETR form – this should be the only exception.

Respectfully,
Cathy Williquette Lindsay CPM
Brown County Register of Deeds



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Tuesday October 29, 2015

RE: 2015 Assembly Bill 374

Dear Committee on Housing and Real Estate:

The Wisconsin Register of Deeds Association (WRDA) would like to go on record supporting AB-374 requiring a real estate transfer return (eRETR) for every conveyance, with the exception only to documents prior to the creation of chapter 77.25, October 1, 1969 exemption 1.

Register of Deeds Comments

- **Standardization.** Requiring an eRETR on all real property conveyances would alleviate any confusion the general public feels when trying to determine if their document requires a return. In addition it would end any and all questions asking when a return is required from our business partners.
- **Consistency.** Requiring an eRETR on all conveyances would simplify the process and result in a consistent work flow for every party involved.
- **The following lists numerous reasons why we feel this is necessary:**
 - The implementation of the newly mandated Statewide Parcel Mapping Initiative will benefit greatly with the requirement of eRETR's on all conveyances.
 - By completing a transfer return for every conveyance we will create a transparent government allowing the public to view any and all property transfers.
 - This requirement will also assist the municipal assessors in preparing the appropriate assessment on all properties.

Requiring the eRETR for all conveyances, regardless of the exemption, simplifies the process and insures valuable details about the property for assessment and taxation are provided to the County and State. Filers claiming one of the 21 exemptions would continue to be exempt from paying the Wisconsin Real Estate transfer fee.

To summarize, when transferring real estate in Wisconsin, the person conveying property records a deed and an eRETR with the register of deeds in the county where the property is located. While the deed is a legal instrument used to transfer title from the seller to the buyer, the eRETR is the instrument used to update the county tax roll, update ownership records with the Wisconsin Department of Revenue, provides valuable details about the property attributes and gives the preferred name and address of the responsible party who will receive the annual tax bill.

With that said, AB-374 has the full support of the Real Property Listers Association along with the Wisconsin Treasurer's Association.

For these reasons the WRDA asks for your support of SB-279.

Carey Petersilka, Wisconsin Register of Deeds Co Legislative Chair/ 1st Vice-President

Sarah Guenther, Wisconsin Register of Deeds Co Legislative Chair/Green Lake County Register

"Few things have to last as long as county records."