

SENATOR CLARK: Is there any discussion on LB 261 (sic)? Senator Vard Johnson.

SENATOR VARD JOHNSON: Mr. Speaker, members of the body, Senator Kahle just called to my attention the fact that he and I both voted against this bill in committee and I had to quick like refresh my memory as to why I voted against it in committee. And now that I have done that, I can speak to what I think the significant issue is. I believe this bill would place the Register of Deeds in a judgmental capacity as to what items should be recorded and what items should not be recorded and I think that is a bad practice. I think very simply that if someone presents to our Register of Deeds a document for recordation, the Register of Deeds should be obligated to take the document irrespective of whether the document has been approved by the city council, by the village board of trustees or what have you. I think we establish a bad policy when we say to our public record keeper, you, public record keeper, have some judgmental capacity in terms of accepting a document for recordation and this bill does this. Because what this bill says very simply is that a Register of Deeds is not to accept a plat unless the plat has been approved by the appropriate governing board. Now as a lawyer, I guess one of the things that I learned many years ago, and it basically still is true, is that the primary function of a register of deeds is to accept whatever documents come down the pike and they record them to be permanently memorialized for posterity. Now later on other lawyers, other real estate personnel and the like will be looking at those documents. They will read abstracts, and they will buy title insurance and what have you and it will be they who will make the decision as to whether or not the plat was a valid plat because it was or was not approved by the local governing board but the plat will be there. It will be something that will have been recorded and the decision whether or not to record the plat will never have been given to the register of deeds. So I do think this bill does represent...I understand why Senator Cullan has brought it in because I can appreciate some of the problems that have arisen but I think it is not good public policy to, in effect, give any judgmental powers to a register of deeds with respect to whether or not to accept a document for recordation. If we bring a document in, that register of deeds should record it and that is all there is to it so I do oppose the bill.

SENATOR CLARK: Senator Cullan, do you wish to close?

SENATOR CULLAN: Mr. President, members of the Legislature,