

HOUSE BILL REPORT

HB 1716

As Passed Legislature

Title: An act relating to county recording procedures.

Brief Description: Standardizing terminology relating to county auditors and recording officers.

Sponsor(s): Representatives Wood, Haugen, Ferguson, Cooper, Zellinsky, Miller, Franklin, Beck, Bray, Edmondson, Horn, Wynne, Rayburn, Nealey, Roland, Mitchell, Winsley and Paris.

Brief History:

Reported by House Committee on:
Local Government, March 5, 1991, DP;
Passed House, March 13, 1991, 94-0;
Passed Legislature, 94-0.

**HOUSE COMMITTEE ON
LOCAL GOVERNMENT**

Majority Report: *Do pass.* Signed by 15 members: Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Minority Member; Mitchell, Assistant Ranking Minority Member; Bray; Edmondson; Franklin; Horn; Nealey; Nelson; Rayburn; Roland; Wood; Wynne; and Zellinsky.

Staff: Bill Lynch (786-7092).

Background: The county auditor is generally responsible for recording instruments into the official public records after payment of the necessary fees. The types of instruments recorded include deeds, mortgages, powers of attorney to convey real estate, and other papers that are required by law to be recorded and filed. A home rule charter, however, may designate someone other than the county auditor to perform this function. The statutes do not recognize that the recording officer may be the county auditor or someone else charged with that responsibility.

The methods provided in some statutes for the recording of documents limit the process to photographic or photomechanical means. There are other methods that allow for the safe recording of documents.

Every county auditor is required to keep a general index of information that is recorded. The general index must

contain a direct and an inverted index. There is no statutory authorization to maintain the index on microfilm or microfiche, or allow for its display on a video display terminal.

Each county auditor is required to maintain a book containing plats of all maps of towns. It is suggested that this requirement be deleted.

Fees are set forth in statute for the recording of various transactions. There is no statutory direction on how fees should be charged if one instrument contains multiple transactions.

Summary of Bill: A recording officer is defined as the county auditor, or in charter counties, the county official responsible for recording instruments in the county records.

Documents may be recorded by electronic, mechanical, optical, magnetic, or microfilm storage process.

The general index may combine the direct and indirect indexes into a single index. The index may be either printed on paper or produced on microfilm or microfiche, or it can be created from a computerized data base and displayed on a video display terminal.

The requirement for the county auditor to keep a book containing plats of all maps of towns is deleted.

The fee for recording multiple transactions contained in one instrument is calculated individually for each transaction requiring separate indexing.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Many of the laws governing the recording of public records are archaic. This will allow the use of current technology. The definitions of "file" and "record" are standardized to avoid confusion.

Testimony Against: None.

Witnesses: Sam Reed and Sue Burkley, Thurston County Auditors Office; Sherry Bays, Spokane County Auditor; and Joe Daniels, Washington State Assn. of Water and Wastewater Districts.