
Local Government Committee

BILL ANALYSIS Proposed Substitute HB 1647

TITLE OF THE BILL: Amending recording statutes.

WHAT THIS BILL DOES: *Makes changes in the process for recording documents with county auditors.*

SPONSORS: Representatives Mulliken, Dunshee, and Scott

HEARING DATE: Monday, February 22, 1999

FISCAL NOTE: Not requested

ANALYSIS PREPARED BY: Scott MacColl (786-7106)

BACKGROUND:

The county auditor records deeds and other county instruments is writing which by law are to be filed and recorded in and for the county to which elected. The auditor is also required to charge fees for service and to act as clerk for the board of county commissioners. The county auditor is authorized to copy, preserve, and index documents filed with the county.

Many of the statues regarding the process in which documents are filed with an auditor refer to processes and practices that are no longer considered appropriate.

SUMMARY:

Numerous outdated and archaic language references are changed, processes are streamlined, and some processes applicable to the document standardization process for recorded documents are clarified.

However, there are some substantive changes to existing statutes, which are as follows:

- Auditors are authorized to keep a separate tax lien index listing from the general index provided by the county commissioners;
- The recording statutes are updated to add the definition of legible and capable of being imaged–, which means documents must be suitable to produce a readable image, effectively updating for technology;
- The definition of an abbreviated legal description used when for recording is expanded to include quarter/quarter sections;
- The document for a recording must use courier font type, and must be sufficiently clear enough to image the document, and only bar codes or address labels may be affixed to the pages;
- Certain documents are exempt from recording format requirements;
- The county auditor is authorized to charge ‘appropriate recording fees’, which takes the place of the fifty cent charge, to record the liens on real estate.

An August 1, 1999, effective date is specified.

Proposed Substitute Bill Compared to Original Bill:

The following sections were removed from the original bill:

Fees that auditors are required to charge are raised as follows:

- The first page of a recording document are raised from \$5 to \$9 dollars; The fee for recording multiple transactions is calculated by the number of titles or transactions, but fees for any additional pages are only collected once, and may not be collected for each title or transaction for the same referencing documents;
- The fee for non-certified documents is lowered from \$1 to 25 cents;
- The searching records per hour fee is raised from \$8 to \$10;
- The fee for the first page of miscellaneous records is raised from \$5 to \$9 dollars;
- Additionally, a fee of \$50 is added for recording an emergency nonstandard document in addition to all other applicable fees; and
- The per instrument recorded surcharge is raised from \$2 to \$4 dollars.