

HOUSE BILL REPORT

SB 5477

As Reported by House Committee On:
Local Government

Title: An act relating to delivery of endorsements by recording officers.

Brief Description: Requiring the delivery of endorsements by recording officers.

Sponsors: Senators Shin, Winsley and Schmidt.

Brief History:

Committee Activity:

Local Government: 3/27/03, 4/3/03 [DPA].

Brief Summary of Bill
(As Amended by House Committee)

- Provides discretion to the county recording officer in the delivery of recorded documents.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass as amended. Signed by 11 members: Representatives Romero, Chair; Upthegrove, Vice Chair; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern, Berkey, Clibborn, Edwards, Ericksen, Mielke and Moeller.

Staff: Anne Warwick (786-7291).

Background:

Definitions:

Instruments are documents such as:

- Deeds, grants, and transfers of real property;
- Mortgage and release of mortgages or real estate;
- Agreements relating to community or separate property;
- Powers of attorney to convey real estate and leases; and
- All papers or writings required by law to be filed.

A **file** is the delivery or electronic transmission of an instrument to the auditor or recording officer for recording into the official public records.

A **record** is the process (such as electronic, mechanical, optical, magnetic, or microfilm storage) used by the auditor or recording officer after filing to incorporate the instrument into public records.

When any document required by law to be recorded is received by mail (electronically or in person) by the auditor's office, the recording officer marks the time it was received and notes if the document was received electronically. The recording officer then files and records the document. After the document is recorded, the recording officer will then mark on the document the time, book, and page in which the document was recorded. If requested, the document is electronically transmitted to the party leaving it for recording or delivered to the address on the face of the document.

Summary of Amended Bill:

The recording officer must electronically transmit a document to the party leaving it to be recorded, or deliver it to the address on the face of the document.

Amended Bill Compared to Original Bill:

Allows the county recording officer the discretion to either electronically transmit the document or deliver the document.

Appropriation: None.

Fiscal Note: Available on companion bill HB 1593.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: Providing the county auditors the authority to determine the method of returning a recorded document would be the most economically sound and cost effective method for the counties. In most counties 95 percent of all recorded documents are from title companies. Allowing the county auditors the discretion on the method of returning the recorded document would save the counties a substantial amount of money.

Testimony Against: None.

Testified: (In support) Senator Shin, prime sponsor; Karen Flynn, Kitsap County Auditor; and Pat McCarthy, Pierce County Auditor.

