

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass
Vote:	8 - 0 - 0
Yeas:	Beyer, Gilliam, Krieger, Roblan, Schaufler, VanOrman Wingard, Clem
Nays:	0
Exc.:	0
Prepared By:	Cheyenne Ross, Administrator
Meeting Dates:	3/5, 3/12

WHAT THE MEASURE DOES: Prohibits county clerk from refusing to record an instrument that is permitted or required by law to be recorded because of its title or the presence of extraneous information.

ISSUES DISCUSSED:

- Does not change standards that must be met at point of recording
- Role of county clerks to inspect instruments submitted for recording
- Whether clerks should and/or are capable of review for legal sufficiency
- Whether clerks should be required to accept documents as submitted
- Buyer's responsibility in real property transactions
- Advent of electronic filing

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Clerks must inspect materials submitted for recording to ensure that certain standards are met. There is concern that some clerks, intending to err on the safe side, interpret their duty to inspect too broadly, and unnecessarily reject materials that are sufficient. This can cause undue inconvenience and delay for parties conducting time-sensitive transactions, and if not addressed, has the potential to become worse with the increasing use of electronic filing processes. The bill does not change the duty to inspect, nor does it alter the existing standards that must be met.