

Representative Jordan D. Teuscher proposes the following substitute bill:

COUNTY RECORDER MODIFICATIONS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jordan D. Teuscher

Senate Sponsor: Lincoln Fillmore

LONG TITLE

General Description:

This bill modifies provisions related to county recorders.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ establishes the County Recorder Standards Board (board) for the purpose of making rules that establish statewide standards for county recorders;
- ▶ requires counties to establish an appeal authority to hear and decide appeals from a county recorder's application of rules made by the board;
- ▶ requires county recorders to comply with the board's rules and the county's appeal authority;
- ▶ describes the membership and appointment of board members;
- ▶ requires the Department of Commerce to provide staff support to the board;
- ▶ requires the board to report annually to the Legislature; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:



26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **17-21-1**, as last amended by Laws of Utah 2014, Chapter 89

30 ENACTS:

31 **17-50-340**, Utah Code Annotated 1953

32 **63C-29-101**, Utah Code Annotated 1953

33 **63C-29-201**, Utah Code Annotated 1953

34 **63C-29-202**, Utah Code Annotated 1953



36 *Be it enacted by the Legislature of the state of Utah:*

37 Section 1. Section **17-21-1** is amended to read:

38 **17-21-1. Recorder -- Document custody responsibility -- Compliance with rules**
39 **made by the County Recorder Standards Board -- Compliance with county appeal**
40 **authority.**

41 The county recorder:

42 (1) is custodian of all recorded documents and records required by law to be recorded;

43 (2) shall comply with rules made by the County Recorder Standards Board under

44 Section **63C-29-202**, including rules that govern:

45 (a) the protection of recorded documents and records in the county recorder's custody;

46 (b) the electronic submission of plats, records, and other documents to the county
47 recorder's office;

48 (c) the protection of privacy interests in the case of documents and records in the
49 county recorder's custody; and

50 (d) the formatting, recording, and redaction of documents and records in the county
51 recorder's custody;

52 (3) shall comply with the appeal authority established by the county legislative body in
53 accordance with Section **17-50-340**; and

54 (4) may adopt policies and procedures governing the office of the county recorder that
55 do not conflict with this chapter or rules made by the County Recorder Standards Board under
56 Section **63C-29-202**.

57 ~~[(2) shall establish policies and procedures that the recorder considers necessary to~~
58 ~~protect recorded documents and records in the recorder's custody, including determining the~~
59 ~~appropriate method for the public to obtain copies of the public record under Section 17-21-19~~
60 ~~and supervision of those who search and make copies of the public record;]~~

61 ~~[(3) may establish procedures and guidelines to govern the electronic submission of~~
62 ~~plats, records, and other documents to the county recorder's office consistent with Title 46,~~
63 ~~Chapter 4, Uniform Electronic Transactions Act, and Chapter 21a, Uniform Real Property~~
64 ~~Electronic Recording Act; and]~~

65 ~~[(4) shall establish procedures to govern the electronic submission of plats, records,~~
66 ~~and other documents to the county recorder's office consistent with standards established under~~
67 ~~Chapter 21a, Uniform Real Property Electronic Recording Act, by:]~~

68 ~~[(a) if in a county of the first or second class, July 1, 2016;]~~

69 ~~[(b) if in a county of the third or fourth class, July 1, 2017; or]~~

70 ~~[(c) if in a county of the fifth or sixth class, July 1, 2018.]~~

71 Section 2. Section **17-50-340** is enacted to read:

72 **17-50-340. Establishment of county recorder appeal authority.**

73 (1) On or before July 1, 2023, a county legislative body shall, by ordinance, establish
74 an appeal authority to hear and decide appeals from a county recorder's application of rules
75 made by the County Recorder Standards Board under Section 63C-29-201.

76 (2) This section:

77 (a) does not preclude an individual who seeks an appeal from a county recorder's
78 decision from pursuing any other available remedy; and

79 (b) may not be construed as requiring an individual to exhaust administrative remedies
80 with an appeal authority established under Subsection (1) before seeking any other available
81 remedy.

82 Section 3. Section **63C-29-101** is enacted to read:

83 **CHAPTER 29. COUNTY RECORDER STANDARDS BOARD**

84 **Part 1. General Provisions**

85 **63C-29-101. Definitions.**

86 As used in this chapter:

87 (1) "Board" means the County Recorder Standards Board created in Section

88 [63C-29-201.](#)

89 (2) "Department" means the Department of Commerce created in Section [13-1-2.](#)

90 Section 4. Section **63C-29-201** is enacted to read:

91 **Part 2. County Recorder Standards Board**

92 **63C-29-201. County Recorder Standards Board created.**

93 (1) There is created the County Recorder Standards Board.

94 (2) The board shall be composed of nine members as follows:

95 (a) one representative of the Utah Property Rights Coalition, appointed by the Utah
96 Property Rights Coalition;

97 (b) one representative of the Utah Association of Counties, appointed by the Utah
98 Association of Counties;

99 (c) one representative of the Utah Council of Land Surveyors, appointed by the Utah
100 Council of Land Surveyors;

101 (d) one representative of the Utah Land Title Association, appointed by the Utah Land
102 Title Association;

103 (e) one representative from the oil, gas, or mining industry, appointed jointly by the
104 Utah Petroleum Association, the Utah Mining Association, and the Utah Association of
105 Professional Landmen;

106 (f) one county recorder from a county of the first or second class, appointed by the
107 Utah Association of County Recorders;

108 (g) one county recorder from a county of the third, fourth, fifth, or sixth class,
109 appointed by the Utah Association of County Recorders;

110 (h) one attorney who is a member of the Utah State Bar, appointed by the Utah
111 Association of County Recorders; and

112 (i) one attorney who is a member of the Utah State Bar, appointed by the Utah
113 Association of Realtors.

114 (3) (a) If a vacancy occurs in the membership of the board, the member shall be
115 replaced in the same manner in which the original appointment was made.

116 (b) A member shall serve a term of four years and until the member's successor is
117 appointed and qualified.

118 (c) Notwithstanding Subsection (3)(b), at the time of appointment or reappointment,

119 the department shall adjust the length of terms to ensure that the terms of board members are
120 staggered so that approximately half of the board members are appointed every two years.

121 (d) A board member may be appointed to more than one term.

122 (4) The board shall annually select a chair from among the board's members.

123 (5) (a) Five board members constitutes a quorum.

124 (b) The action of a majority of a quorum constitutes an action of the board.

125 (6) A board member may not receive compensation or benefits for the member's
126 service on the board, but may receive per diem and reimbursement for travel expenses incurred
127 as a board member at the rates established by the Division of Finance under:

128 (a) Sections [63A-3-106](#) and [63A-3-107](#); and

129 (b) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
130 [63A-3-107](#).

131 (7) The department shall provide staff support to the board.

132 Section 5. Section **63C-29-202** is enacted to read:

133 **63C-29-202. Duties of the board -- Reporting.**

134 (1) The board shall:

135 (a) subject to Subsection (2), make rules that establish statewide standards for county
136 recorders as the board deems necessary to reduce or eliminate inconsistencies, including rules
137 for:

138 (i) the protection of recorded documents and records in a county recorder's custody,
139 including appropriate methods for obtaining copies of a public record under Section [17-21-19](#),
140 and the supervision of individuals who search and make copies of the public record;

141 (ii) the electronic submission of plats, records, and other documents to a county
142 recorder's office;

143 (iii) the protection of privacy interests in the case of documents and records in a county
144 recorder's custody; and

145 (iv) the formatting, recording, and redaction of documents and records in a county
146 recorder's custody; and

147 (b) promote uniformity throughout the state with respect to the services provided by a
148 county recorder.

149 (2) (a) The rules under Subsection (1)(a) shall:

150 (i) be made in accordance with Title 63G, Chapter 3, Administrative Rulemaking Act;

151 and

152 (ii) be consistent with applicable state law, including:

153 (A) Title 17, Chapter 21, Recorder;

154 (B) Title 17, Chapter 21a, Uniform Real Property Electronic Recording Act;

155 (C) Title 46, Chapter 4, Uniform Electronic Transactions Act; and

156 (D) Title 57, Real Estate.

157 (b) The rules under Subsection (1)(a) may not require a county recorder to expend any

158 additional funds.

159 (3) On or before October 1 of each year, the board shall submit a written report to the

160 Political Subdivisions Interim Committee and the Business and Labor Interim Committee that

161 includes:

162 (a) information regarding the operations and activities of the board; and

163 (b) any recommendations for legislation related to the services provided by county

164 recorders, including recommendations for modification of the fees established in Section

165 [17-21-18.5](#).