

IN THE SENATE

SENATE BILL NO. 1096

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1  
2 RELATING TO THE ELECTRONIC RECORDING COMMISSION; AMENDING SECTION 31-2905,  
3 IDAHO CODE, TO PROVIDE FOR LOCATION OF THE COMMISSION IN THE OFFICE OF  
4 THE SECRETARY OF STATE AND TO PROVIDE A CERTAIN DUTY OF THE COMMISSION  
5 MEMBERS.

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 31-2905, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 31-2905. COMMISSION CREATED -- OFFICERS -- STANDARDS. (1) An elec-  
10 tronic recording commission consisting of seven (7) members appointed by  
11 the governor is hereby created in the office of the secretary of state to  
12 adopt standards to implement this chapter. A majority of the members of the  
13 commission must be recorders, and at least one (1) member shall be a repre-  
14 sentative from the title insurance industry. The governor shall appoint  
15 three (3) members, each for a term of two (2) years; two (2) members, each  
16 for a term of three (3) years; and two (2) members each for a term of four (4)  
17 years. Thereafter, the term of office shall be four (4) years. Vacancies  
18 in any unexpired term shall be filled by appointment by the governor for the  
19 remainder of the unexpired term.

20 (2) The commission shall annually elect a chairman and a secre-  
21 tary-treasurer from among its members. The commission shall meet regularly  
22 at least once each year, and at such other times as called by the chairman or  
23 when requested by two (2) or more members of the commission.

24 (3) To keep the standards and practices of recorders in this state in  
25 harmony with the standards and practices of recording offices in other ju-  
26 risdictions that enact substantially this uniform act and to keep the tech-  
27 nology used by recorders in this state compatible with technology used by  
28 recording offices in other jurisdictions that enact substantially this uni-  
29 form act, the electronic recording commission, so far as is consistent with  
30 the purposes, policies and provisions of this chapter, shall adopt, amend or  
31 repeal standards, taking into account the following considerations:

32 (a) Standards and practices of other jurisdictions;

33 (b) The most recent standards promulgated by national standard-setting  
34 bodies, such as the property records industry association;

35 (c) The views of interested persons and governmental officials and en-  
36 tities;

37 (d) The needs of counties of varying size, population and resources;  
38 and

39 (e) Standards requiring adequate information security protection to  
40 ensure that electronic documents are accurate, authentic, adequately  
41 preserved and resistant to tampering.

1           (4) The commissioners shall appoint one (1) of their members to serve  
2 as a liaison to the property records industry association (PRIA) in order  
3 to stay informed of technological changes relative to electronic recordings  
4 and the standards of other jurisdictions.