

Introduced by

Legislative Council

(Advisory Commission on Intergovernmental Relations)

1 A BILL for an Act to create and enact a new section to chapter 11-18 of the North Dakota  
2 Century Code, relating to county recorder reports to the legislative council regarding use of  
3 document preservation funds; to amend and reenact sections 11-18-05 and 11-18-22 of the  
4 North Dakota Century Code, relating to the expiration of the document preservation fund; and  
5 to provide an expiration date.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. AMENDMENT.** Section 11-18-05 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9 **11-18-05. (~~Effective through June 30, 2005~~) Fees of recorder.** The recorder shall  
10 charge and collect the following fees:

- 11 1. For recording an instrument affecting title to real estate:
- 12 a. Deeds, mortgages, and all other instruments not specifically provided for in  
13 this subsection, ten dollars for the first page and three dollars for each  
14 additional page. In addition, for all documents recorded under this section  
15 that list more than five sections of land, a fee of one dollar for each additional  
16 section listed which is to be recorded in the tract index. Three dollars of the  
17 fee collected for the first page of each instrument recorded under this  
18 subdivision must be placed in the document preservation fund.
- 19 (1) "Page" means one side of a single legal size sheet of paper not  
20 exceeding eight and one-half inches [21.59 centimeters] in width and  
21 fourteen inches [35.56 centimeters] in length.
- 22 (2) The printed, written, or typed words must be considered legible by the  
23 recorder before the page will be accepted for recording.

- 1                   (3) Each real estate instrument must have a legal description considered to  
2                   be adequate by the recorder before such instrument will be accepted  
3                   for recording.
- 4                   (4) A space of at least four inches by three and one-half inches [10.16 by  
5                   8.89 centimeters] square must be provided on the first or last page of  
6                   each instrument for the recorder's recording information. If recording  
7                   information can only be placed on the reverse side of an instrument, an  
8                   additional page charge must be levied.
- 9                   b. Instruments satisfying, releasing, assigning, subordinating, continuing,  
10                  amending, or extending more than one instrument previously recorded in the  
11                  county in which recording is requested, ten dollars for the first page and three  
12                  dollars for each additional page plus three dollars for each such additional  
13                  document number or book and page. In addition, for all documents recorded  
14                  under this section which list more than five separate sections of land, a fee of  
15                  one dollar for each additional section listed which is to be recorded in the tract  
16                  index. Three dollars of the fee collected for the first page of each instrument  
17                  recorded under this subdivision must be placed in the document preservation  
18                  fund.
- 19                  c. Plats, irregular tracts, or annexations, ten dollars for one lot plus ten cents for  
20                  each additional lot, with the exception of auditor's lots which must be a single  
21                  charge of seven dollars.
- 22                  d. All instruments presented for recording after June 30, 2001, must contain a  
23                  one-inch [2.54-centimeter] top, bottom, or side margin on each page of the  
24                  instrument for the placement of computerized recording labels. An instrument  
25                  that does not conform to this margin requirement may be recorded upon  
26                  payment of an additional fee of ten dollars.
- 27                  2. For filing any non-central indexing system instrument, ten dollars.
- 28                  3. For making certified copies of any recorded instrument or filed non-central indexing  
29                  system instrument, the charge is five dollars for the first page and two dollars for  
30                  each additional page. For making a noncertified copy of any recorded instrument

1 or filed non-central indexing system instrument, a fee of not more than one dollar  
2 per instrument page.

3 4. For filing, indexing, making, or completing any statement, abstract, or certificate  
4 under the Uniform Commercial Code central filing data base, the computerized  
5 central notice system or the computerized statutory liens data base, for receiving  
6 printouts, and for other services provided through the computerized system, the  
7 fee is the same as that provided in sections 41-09-96 and 54-09-11.

8 5. The recorder may establish procedures for providing access for duplicating records  
9 under the recorder's control. Such records include paper, photostat, microfilm,  
10 microfiche, and electronic or computer-generated instruments created by  
11 governmental employees.

12 6. Duplicate recorders' records stored offsite as a security measure are not  
13 accessible for reproduction.

14 ~~(Effective after June 30, 2005) Fees of recorder.~~ The recorder shall charge and  
15 collect the following fees:

16 1. ~~For recording an instrument affecting title to real estate:~~

17 a. ~~Deeds, mortgages, and all other instruments not specifically provided for in~~  
18 ~~this subsection, seven dollars for the first page and three dollars for each~~  
19 ~~additional page. In addition, for all documents recorded under this section~~  
20 ~~that list more than five sections of land, a fee of one dollar for each additional~~  
21 ~~section listed which is to be recorded in the tract index.~~

22 (1) ~~"Page" means one side of a single legal size sheet of paper not~~  
23 ~~exceeding eight and one half inches [21.59 centimeters] in width and~~  
24 ~~fourteen inches [35.56 centimeters] in length.~~

25 (2) ~~The printed, written, or typed words must be considered legible by the~~  
26 ~~recorder before the page will be accepted for recording.~~

27 (3) ~~Each real estate instrument must have a legal description considered to~~  
28 ~~be adequate by the recorder before such instrument will be accepted~~  
29 ~~for recording.~~

30 (4) ~~A space of at least four inches by three and one half inches [10.16 by~~  
31 ~~8.89 centimeters] square must be provided on the first or last page of~~

- 1                   each instrument for the recorder's recording information. If recording  
2                   information can only be placed on the reverse side of an instrument, an  
3                   additional page charge must be levied.
- 4           b.   Instruments satisfying, releasing, assigning, subordinating, continuing,  
5           amending, or extending more than one instrument previously recorded in the  
6           county in which recording is requested, seven dollars for the first page and  
7           three dollars for each additional page plus three dollars for each such  
8           additional document number or book and page. In addition, for all documents  
9           recorded under this section which list more than five separate sections of  
10           land, a fee of one dollar for each additional section listed which is to be  
11           recorded in the tract index.
- 12           e.   Plats, irregular tracts, or annexations, ten dollars for one lot plus ten cents for  
13           each additional lot, with the exception of auditor's lots which must be a single  
14           charge of seven dollars.
- 15           d.   All instruments presented for recording after June 30, 2001, must contain a  
16           one inch [2.54 centimeter] top, bottom, or side margin on each page of the  
17           instrument for the placement of computerized recording labels. An instrument  
18           that does not conform to this margin requirement may be recorded upon  
19           payment of an additional fee of ten dollars.
- 20           2.   For filing any non-central indexing system instrument, ten dollars.
- 21           3.   For making certified copies of any recorded instrument or filed non-central indexing  
22           system instrument, the charge is five dollars for the first page and two dollars for  
23           each additional page. For making a noncertified copy of any recorded instrument  
24           or filed non-central indexing system instrument, a fee of not more than one dollar  
25           per instrument page.
- 26           4.   For filing, indexing, making, or completing any statement, abstract, or certificate  
27           under the Uniform Commercial Code central filing data base, the computerized  
28           central notice system or the computerized statutory liens data base, for receiving  
29           printouts, and for other services provided through the computerized system, the  
30           fee is the same as that provided in sections 41-09-96 and 54-09-11.

1           5. ~~The recorder may establish procedures for providing access for duplicating records~~  
2           ~~under the recorder's control. Such records include paper, photostat, microfilm,~~  
3           ~~microfiche, and electronic or computer generated instruments created by~~  
4           ~~governmental employees.~~

5           6. ~~Duplicate recorders' records stored offsite as a security measure are not~~  
6           ~~accessible for reproduction.~~

7           **SECTION 2. AMENDMENT.** Section 11-18-22 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9           **11-18-22. (~~Effective through June 30, 2005~~) Document preservation fund.** The  
10 county treasurer shall establish a document preservation fund to receive the portion of the  
11 recording fees authorized by section 11-18-05. The revenue in this fund may be used only for  
12 contracting for and purchasing equipment and software for a document preservation, storage,  
13 and retrieval system; training employees to operate the system; maintaining and updating the  
14 system; and contracting for the offsite storage of microfilm or electronic duplicates of  
15 documents for the county recorder's office.

16           **SECTION 3.** A new section to chapter 11-18 of the North Dakota Century Code is  
17 created and enacted as follows:

18           **Document preservation fund - Recorder reporting requirement to legislative**  
19 **council.** Before March first of each even-numbered year, each recorder shall prepare a report  
20 that specifies how the county used the county's document preservation funds during the  
21 preceding two fiscal years; how the county's use of the document preservation funds has  
22 furthered the goal of document preservation; and the county's general strategic plans for  
23 document preservation. The county reports must be submitted to the North Dakota association  
24 of counties for compilation and submittal to the legislative council before April first of each  
25 even-numbered year.

26           **SECTION 4. EXPIRATION DATE.** Section 3 of this Act is effective through July 31,  
27 2009, and after that date is ineffective.