

Testimony Prepared for the
Senate State and Local Government Committee
January 31, 2025
By: Missy Hanson, Burleigh County Recorder

RE: SB2259 Relating to the
provision of blanks and records

My name is Missy Hanson, and I am the Burleigh County Recorder. Thank you for the opportunity to submit written testimony in support of SB2259. This bill would repeal N.D.C.C. 44-04-16 which requires North Dakota County Recorders to provide blank documents and records necessary for transacting official business associated with our offices.

Current Code reads as follows:

44-04-16. Officer to provide blanks and records for office. Each county, city, township, or school district officer shall provide, at the expense of the county, city, township, or school district, as the case may be, such blanks and records as are necessary for making proper records and for transacting any official business connected with the office.

I support SB2259 for following reasons:

In Burleigh County in the last ten years, we have recorded an average of 17,350 documents a year. In my office we are also responsible for issuing Marriage Licenses as well as being acceptance agents for Passport applications. We are required to hold forms for both services in our office if needed, but those forms are very specific to those services needed.

With being the sole office in the County for recording Real Estate transactions as well as transferring land and or minerals, it would be very difficult to determine exactly what form would qualify for the transaction that the individual would be wanting to do. With recording a multitude of documents yearly, it would require a law degree to decipher the correct document to use in each individual situation. There are many types of not only Deeds, but also Mortgages, Assignments, and Contracts that that do many different things. This could potentially cause a hardship not only to our constituents, but to the County as a whole.

Providing blank forms could potentially hold the Recorder's Office liable for an incorrect transaction and could ultimately cause the customer or individual incomplete or incorrect transfers in real property and issues with the title.

Our current practice when a customer comes in to request a form is, we refer them to a licensed attorney, a title company, or possibly their bank to assist them with this matter. They generally have some rebuttal with this, but when we explain all the issues that can come with doing their own legal work, they agree and contact the others. We will record documents that constituents draw up themselves, and will continue to do so, however by repealing N.D.C.C.44-04-16 this would take any liability away from the Recorder's Office at all cost. With this, the submitter of the documents would assume all the liabilities associated with preparing the documents themselves.

For these reasons I ask for and recommend a DO PASS recommendation on SB 2259.

Thank you again for your time and consideration.