

To: Chairwoman Roers & Senate State & Local Government Committee

Re: SB 2259 Relating to the provision of blanks and records

From: Katie Paulson McKenzie County Recorder/Tax Director

January 31, 2025

Chairwoman Roers & Committee Members:

My name is Katie Paulson, and I currently serve as the McKenzie County Recorder. I am asking for your support in repealing 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 have worked in this office since 2010. The primary duty of the county recorder is to keep and maintain the permanent records in relation to land in the county. We follow the standards set forth in NDCC 11-18 which details what we are expected to handle our office. We determine if a document meets recording requirements, assess the proper fees associated with the filing, and process each document as presented.

Over the years in McKenzie County, especially following the oil boom that we have experienced, we answer phone calls from all over the country from mineral owners who have been contacted by oil companies about potential ownership of mineral rights. In many instances there are older title issues and ownership that has never officially been transferred from deceased relatives or companies that are no longer in business. These situations will need legal counsel to advise the customer, navigate any legal processes, and prepare the proper legal documents to transfer ownership. County recorders are not qualified to advise or help the public in this way. We normally suggest that the customer seeks help

from attorneys, title companies, or other qualified professionals to draft the documents that are required. Having to provide blank forms for private transactions that are kept in our office would be a liability for North Dakota counties. There are hundreds of different types of documents that are on record in McKenzie County, and as recorder, I wouldn't be able to recommend which form would apply to the customer's need. The county should not assume any liability or responsibility for private transactions. Our only responsibility is to file, preserve, catalog, provide access, and maintain the land records for the county.

The counties will continue offer applications and the forms that are required for services that the county provides for their citizens. As the official that is assigned to offer marriage licenses, I do have a blank application form that couples fill out when applying for a marriage license. There is information that is required in order to issue a marriage license. We are trained and qualified to offer the required form and make the determination if we can issue the license. I believe that would be the same for building permits, zoning applications, or other services offered by the county. When the county has an active role in the service, there would be no question that required forms would be provided to the public. We just need the law to support that the county is not responsible for providing blank forms for transactions that are private.

Having good land records is something that I have listened to landmen over the years boast for North Dakota. I am a big supporter of referring folks to the professionals that are qualified to prepare the documents that are kept in our records. I fear that if we are required to provide forms, we will see more title issues and problems in our land records that are an unintended consequence.

Thank you for your time and consideration, I urge you to vote "Do Pass" on SB 2259

Sincerely,

Katie Paulson McKenzie County Recorder/Tax Director