

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION  
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1255

2001 HOUSE POLITICAL SUBDIVISIONS

HB 1255

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1255

House Political Subdivisions Committee

☐ Conference Committee

Hearing Date 1-25-01

Tape Number	Side A	Side B	Meter #
1	xx		95--767
2	xx		905--1100
Committee Clerk Signature <i>Pam Deever</i>			

Minutes: Chairman Froseth opened the hearing on HB1255 with all committee members present.

Rep. Gulleason, Dist 26 : testified in support of this bill on behalf of the ND Association of Counties and the ND Association of Register of Deeds. It is their desire to change their title from Register of Deeds to *Recorder*. This change is requested to keep up with the times.

Maxine Olson-Hill, ND Register of Deeds Assoc. : here in support of HB1255.(see attached)

Vice-Chair Severson : (377) Are there any other places in statute that we need to change the words *register of deeds* to *recorder*?

Maxine : This will be reflected throughout the statute. All the sections of the law are covered.

Rep. Herbel : Why is this change needed? Are the responsibilities changing?

Maxine : This was established 100 years ago and things have changed a great deal. On a national level, most are already referred to as recorders. We need to get with the times.

Rep. Herbel : Will there be a salary adjustment and is the register of deeds in statute?

House Political Subdivisions Committee  
Bill/Resolution Number HB1255  
Hearing Date 1-25-01

Maxine : We are not in the constitution. We do not anticipate anything with salary structure.

There are minimum requirements as to what pay is in statute. Are salaries are set.

Rep. Grosz : Do you see any short term confusion with the public over this change?

Maxine : (615) I think this bill will clear up the confusion.

Larry Osborn, Richland County : Support of this bill. It will give a better description, and this change has already been done in many other states.

Chair Froseth : Any further testimony for or against? Hearing none, hearing closed.

**Tape 2, side A (905-1100)** Chair Froseth : Let's look at HB1255.

Rep. Maragos : I move a DO PASS.

Rep. Delmore : I second.

**VOTE: 13 YES and 0 NO with 2 absent. BILL PASSED. Rep. Maragos will carry.**

Date: 1-25-01  
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1255

House POLITICAL SUBDIVISIONS Committee

☐ Subcommittee on \_\_\_\_\_  
or  
☐ Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken DO PASS

Motion Made By Rep. Maragos Seconded By Rep. Delmore

Representatives	Yes	No	Representatives	Yes	No
Chairman Glen Froseth	/		Rep. Wayne W. Tieman	/	
Vice-Chair Dale C. Severson	/				
Rep. Lois Delmore	/				
Rep. Rachael Disrud	/				
Rep. Bruce Eckre	/				
Rep. Mary Ekstrom	AB				
Rep. April Fairfield	/				
Rep. Michael Grosz	/				
Rep. Jane Gunter	/				
Rep. Gil Herbel	AB				
Rep. Nancy Johnson	/				
Rep. William E. Kretschmar	/				
Rep. Carol A. Niermeier	/				
Rep. Andrew G. Maragos	/				

Total (Yes) 13 No 0

Absent 2

Floor Assignment Rep. Maragos

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE (410)**  
January 25, 2001 3:45 p.m.

**Module No: HR-13-1661**  
**Carrier: Maragos**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1255: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1255 was placed on the Eleventh order on the calendar.**

2001 SENATE POLITICAL SUBDIVISIONS

HB 1255

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1255

Senate Political Subdivisions Committee

☐ Conference Committee

Hearing Date March 1, 2001

Tape Number	Side A	Side B	Meter #
I	x		22.2-36.8
		x	16.5-17.7
Committee Clerk Signature <i>Mary Jo Wicken</i>			

Minutes:

The hearing was opened on HB1255; relating to changing references from the Register of Deeds to the recorder. All senators were present except Senator Flakoll was absent.

REPRESENTATIVE ONSTAD: Spoke in behalf of Representative Pam Gulleason. We introduced HB1255 on behalf of the Register of Deeds Association. It is the feelings of this association that the title Register of Deeds no longer provides a true representation of their roles in county government. Throughout the years their have expanded into many areas, beyond that of registering of deeds. They believe the county recorder would more accurately reflect that idea. Many states have already have this in place and have made this change. There are several people that represent the association and they will be able to provide you with more information that pertains to their exact job and other details. ANN JOHNSRUD: McKenzie County Register of Deeds. See attached written testimony. SENATOR WATNE: I am a former court reporter. Suddenly a number of years, in the court system they started in with recording instead of



shorthand in the county system. Those people have the title of county recorder, although those are now in district court. Is there any conflict? ANN JOHNSRUD: Senator Watne, I guess I don't have a real good answer for that. In our county, she still is the clerk of court, she would be the clerk of district court and I'm the register of deeds. I will be the recorder. SENATOR WATNE: Not the clerk of court? ANN JOHNSRUD: We're talking about the shorthand...SENATOR WATNE: The ones that are with the judge taking everything down on the machine and some of those courts have now gone to the system of recording instead of shorthand. ANN JOHNSRUD: I guess I don't have any comment, we don't one in our county. AL JAEGER: Secretary of State. Our position here is neutral in terms of the name change itself. See attached written testimony. SENATOR COOK: Mr. Jaeger can you shed any light on Senator Watne's question? AL JAEGER: No I really can't. I think what I am hearing you say is the person that's sitting there and doing the transcribing, but I think if, what I perceive from your question Senator Watne was that would there be any confusion? And I think in the terms of the general public I really can't see that being any source of confusion because quite frankly I think the public doesn't know who that person is. They just see him on television, on Perry Mason reruns, sitting there doing something. And unless they are in court, they don't even know, they just know that there is a person there. I think in the county system in terms of terminology, I just can't see where it would be a really any kind of problem. The name being changed for this particular county position isn't going to or wouldn't be a problem. SENATOR WATNE: HB1105, is that the one we heard in the Judiciary Committee yesterday? AL JAEGER: Yes, Senator Watne that is the one you heard yesterday. SENATOR WATNE: As to the fiscal note, and I am sure that bill will go through no problem, what does it do to this one? Eliminate it? AL JAEGER: See I am not even sure we were ask to submit a fiscal note on this. We did talk to Legislative Council about it because when

we became aware of the name change we immediately knew that that was a fiscal impact to our office. But also the cut off on fiscal notes is \$5000. So the impact is less than that so we weren't asked to make one, but because it has in the Registers were aware of it, we felt we would be up front with everybody and say that yes his office is impacted, but no it doesn't bother us, and yes if it is done at the same time as 1105. Because of the nature of the programming. See our central indexing system is on the states mainframe. So, when we do the name change in Article 9, that is all mainframe programming. If they are doing it for Article 9 at the same time makes a switch to recorder, we've saved a considerable amount of cost. So it would be minimal. SENATOR MATHERN: Could you tell me briefly what HB1105 does? AL JAEGER: 1105 was introduced by the Uniform Commission of States Laws. It has specifically to do with the rewrite really of the uniform commercial code. What it essentially does is take our present law and just wipes the slate clean and puts in the new language. It is about 142 pages long. That bill though, what happened before its introduction is that all of the different parties, banks, Secretary of State's office, the trade associations like the Grain Dealers, all got together and we were facilitated by Sandy Tabor who at that time was the EEO of the Bar Association. This thing has been combed through so many times that. Everybody's got whatever they needed is okay. We had to make a couple of minor amendments on the House side and so when it came in front of the Judiciary Committee yesterday it was in good shape. Essentially everybody got up and more or less blessed it, and there was no more opposition to it. Probably one of the main things from the standpoint of our office as a office of record is that it will allow direct data entry for filings. We've been working with the registe. of deeds and what have you, and we will be handling that the same way that we now do on searches. That is that when the filing is made so that there is no revenue lost to the counties, the filer will have the choice of saying which county is going to get

credit for that filing, like they do now in searches. It should work well, when we get everything done. But again with that I have to do some programing. This name change actually from the standpoint of register of deeds association, there timing is pretty good because I can do it at the same time. SENATOR MATHERN: Ann, could you foresee any changes in documents, where that name is addressed if you have to change documents in your office or the ones that are supplied to financial institutions, etc. ANN JOHNSRUD: I don't believe so. The only thing that really has register of deeds on it a form per say, would be from the Secretary of State's office. The UCC forms. We would have to change our stamp from register of deeds to county recorder but other than that I don't, there are no forms that have to be changed nowhere. TERRY TRAYNOR: Association of Counties, spoke on behalf of Maxine Olson Hill, Burleigh County Register of Deeds testimony in support of HB1255. See written attached testimony. The Association of Counties supports the registers in this effort and would urge a Do Pass on the bill. Hearing Closed on HB1255.

**March 1, 2001 Tape 1, Side B, Meter # 16.5-**

Senator Cook asked the committee for discussion on HB1255.

Senator Watne moved for a Do Pass

Senator Christenson- 2nd

Roll call vote: 7 Yeas, 0 No, 1 Abs

Carrier: Senator Christenson

Date: 3/1/01  
Roll Call Vote #: 1

**2001 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. H. B. 1255**

Senate Political Subdivisions Committee

☐ Subcommittee on \_\_\_\_\_  
or  
☐ Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken No Pass

Motion Made By Sen. Watne Seconded By Sen. Christenson

Senators	Yes	No	Senators	Yes	No
Senator Cook	✓		Senator Christenson	✓	
Senator Lyson	✓		Senator Mathern	✓	
Senator Flakoll			Senator Polovitz	✓	
Senator Lee	✓				
Senator Watne	✓				

Total (Yes) 7 No 0

Absent 1

Floor Assignment Sen. Christenson

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE (410)**  
March 2, 2001 2:04 p.m.

**Module No: SR-36-4748**  
**Carrier: Christenson**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1255: Political Subdivisions Committee (Sen. Cook, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1255 was placed on the Fourteenth order on the calendar.**

2001 TESTIMONY

HB 1255

ALVIN A. JAEGER  
SECRETARY OF STATE

E PAGE: <http://www.state.nd.us/soc>



PROBATION 128 2000

TAX 1200 128 2000

E PAGE 128 128 2000

## SECRETARY OF STATE

STATE OF NORTH DAKOTA  
600 EAST BOULEVARD AVENUE DEPT 108  
BISMARCK ND 58505 0500

January 25, 2001

TO: Rep. Frosoth and Members, House Political Subdivisions Committee

FR: Al Jaeger, Secretary of State

RE: HB 1255 - Name change - Register of Deeds to County Recorder

Although the bill does have a minor impact on the Office of the Secretary of State, the agency does not have a position one way or the other on the merits of this bill.

The name change implemented with the passage of this bill will require programming changes to the Central Indexing System that is interconnected with the Secretary of State's office and the state's 53 County Register of Deeds. If the programming were done all by itself and at one time, the cost to the Secretary of State's office would be approximately \$2,800.

However, because of the additional programming that will be required with the anticipated passage of HB 1105 (uniform state law bill pertaining to the Uniform Commercial Code) that was heard by the House Judiciary Committee on January 24, the programming required by the name change will be completed at the same time, which will greatly reduce the cost. Therefore, the financial impact to the Secretary of State's will be minimal and easily covered within the agency's budget.

1/25/01

**To: Chairman Froseth and Members – Political Subdivisions**  
**From: Maxine Olson-Hill – Burleigh County Register of Deeds**  
**RE: HB 1255**

I am appearing on behalf of the Register of Deeds Association this morning regarding the name change issue addressed in HB 1255. The majority of our Registers of Deeds feel that County Recorder is more reflective of what we do in our offices currently. It is also consistent with the majority of the other states. The name Register of Deeds is over 100 years old and is reflective of that time.

We register or more correctly record more than just deeds. Legal documents include mortgages, assignments of mortgages, satisfactions, affidavits, leases, mechanics liens, death certificates, power of attorneys, plat maps, declaration of restrictive covenants, bylaws and many other documents.

It seems an appropriate time to make this change with the rewrite of UCC Article 9 addressed in HB 1105. There would be programming costs of approximately \$2,200 when associated with these changes. In visiting with Secretary of State, Al Jaeger, it appears this would not be a problem.

On January 1, 2001, the non-judicial duties of the Clerk of Court were assigned to a number of Registers of Deeds offices. As a result, we are handling marriage licenses, death certificates, birth records, passports, burial permits, depository for wills, performing marriage ceremonies as well as maintaining other documents relating to various licensing requirements.

I recommend a due pass of House Bill 1255.



## **'Non-Judicial' Clerk of Court Duties**

House Bill 1275, passed in the 1999 Session of the North Dakota Legislature, identifies a number of county responsibilities (non-judicial duties) that will not be performed by Clerks of Court that become State Employees. The law will shift these responsibilities to the County Register of Deeds, unless the County Commission determines that they should be assigned to another office within that particular county. The only exception is (J) below, which is assigned to the Register of Deeds with no provision for transfer to another office.

- A. File copies of home rule charters [NDCC 11-09.1-04, 40-05.1-05, 54-40.4-05(4)]
- B. Maintain coroner's certificate registry, filing coroner proceedings [NDCC 11-19-03, 11-19-16, 11-19-17, 11-19.1-08]
- C. File surveyors appointment/revocation of appointment [NDCC 11-20-02]
- D. Serve as secretary for debt adjustment board and file the board's records [NDCC 11-26-01, 11-26-03, 11-26-04]
- E. Issue/file marriage licenses, solemnize marriages [NDCC 14-03-09, 14-03-10, 14-03-11, 14-03-17, 14-03-19, 14-03-20, 14-03-21, 14-03-22, 14-03-24]
- F. Maintain record of state toxicologist reports [NDCC 20.1-13.1-08(4), 20.1-13.1-10(4)(5), 20.1-15-08(4), 20.1-15-11(6)(7), 39-06.2-10.6(4), 39-20-05(4), 39-20-07(6)(7), 39-24.1-08(4)(5)]
- G. Maintain registry of birth & death certificates [NDCC 23-02.1-06 see also 23-02.1-13, 23-02.1-14, 23-02.1-19, 23-02.1-20, 23-02.1-21]
- H. Maintain registry of cemetery licenses [NDCC 23-21.1-02.1, 23-21.1-02.2]
- I. File orders regarding insurers [NDCC 26.1-06.1-12(1), 26.1-06.1-17(1), 26.1-06.1-24(1), 26.1-06.1-49(3), 26.1-06.1-50(3)]
- J. Maintain depository of wills [NDCC 30.1-11-01]
- K. Maintain DD214 military discharge registry [NDCC 37-01-34, 37-01-35]
- L. Filing trustee appointment records for defaults on notes by certain public authorities [NDCC 40-33.1-14(1), 40-33.1-16(1)]
- M. Receive list of licensed real estate brokers [NDCC 43-23-16]
- N. Maintain massage therapist license registry [NDCC 43-25-09]
- O. Maintain reflexologist registry [NDCC 43-49-09]
- P. File homestead appraiser appointments [NDCC 47-18-08]
- Q. Receive list of licensed auctioneers [NDCC 51-05.1-06]
- R. Approve personal property tax undertaking, warrants [NDCC 57-22-16, 57-22-32]

TO: Chairman Cook & Members of the Senate Political Subdivision Committee

FR: Ann Johnsrud - McKenzie County Register of Deeds

RE: HB1255

I am Ann Johnsrud from Watford City and serve as the McKenzie County Register of Deeds.

I am appearing on behalf of the Register of Deeds Association this morning regarding the name change issue addressed in HB1255. The majority of our Register of Deeds feel that the name: County Recorder is more reflective of what we do in our offices currently. It is also consistent with the majority of the other states. The name Register of Deeds is over 100 years old and is reflective of that time.

We register or more correctly record more than just deeds. Legal documents include mortgages, assignments of mortgages, satisfactions, affidavits, leases, mechanics liens, death certificates, power of attorneys, plat maps, declaration of restrictive covenants, bylaws and many other documents.

It seems an appropriate time to make this change with the rewrite of UCC Article 9 addressed in HB1105. In visiting with Secretary of State, Al Jaeger, it appears this would not be a problem. There would be programming costs of approximately \$2800.00 if done alone, but when associated with the changes for HB1105 it would be substantially less. So it would work out well being done together.

Also, on January 1, 2001, the non-judicial duties of the Clerk of Court were assigned to a number of Registers of Deeds offices. As a result, we are handling marriage licenses, death certificates, birth records, passports, burial permits, depository for wills, performing marriage ceremonies as well as maintaining other documents relating to various licensing requirements.

To keep up with the changes taking place the Registers feel it is time for the change.

We would ask for a do pass of House Bill 1255

2. At the next regular meeting of the board of county commissioners following the filing of an application for abatement or, if forthcoming, at the next regular meeting of the board of county commissioners following transmittal of the recommendations of the governing body of the municipality, the applicant may appear, in person or by a representative or attorney, and may present such evidence as may bear on the application. The applicant shall furnish any additional information or evidence requested by the board of county commissioners. The recommendations of the governing body of the municipality in which such assessed property is located must be endorsed upon or attached to every application for an abatement or refund, and the board of county commissioners shall give consideration to such recommendations. The board of county commissioners, by a majority vote, either shall approve **or reject** the application in whole or in part. **If rejected, in whole or in part, a written explanation of the rationale for the decision,** signed by the chairman of the board, must be attached to the application, and a copy thereof must be mailed by the county auditor to the applicant at the post-office address specified in the application.

**Removed overstrike**

**Added by Chairman Froseth**

**Added by Representative Klemin**

ALVIN A. JAEGER  
SECRETARY OF STATE

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## SECRETARY OF STATE

STATE OF NORTH DAKOTA  
600 EAST BOULEVARD AVENUE DEPT 108  
BISMARCK ND 58505-0500

March 1, 2001

TO: Senator Cook and Members, Senate Political Subdivisions Committee

FR: Al Jaeger, Secretary of State

RE: HB 1255 - Name change - Register of Deeds to County Recorder

Although this bill will have a minor impact on the Secretary of State's office, the agency does not have a position one way or the other on the merits of this bill as to the name change.

This is the position of the Secretary of State even though the name change proposed in this bill will require programming changes to the agency's Central Indexing System's computer, which is interconnected between the Secretary of State's office and the state's 53 County Register of Deeds. If the programming were done all by itself and at one time, the cost to the Secretary of State's office would be approximately \$2,800.

However, with the anticipated adoption of HB 1105 (a bill related to a uniform state law pertaining to the Uniform Commercial Code), the cost to the Secretary of State's office to do the name change programming should be greatly reduced. This will be accomplished by having the necessary programming done at the same time as the programming is done, which will be required by HB 1105.

HB 1105 passed 96 to 2 in the House and the Senate Judiciary Committee held a hearing on it yesterday without any opposition testimony being presented. Therefore, assuming the Senate adopts HB 1105, the financial impact of HB 1255 to the Secretary of State's office would be minimal.