

SENATE BILL NO. 2173

Introduced by

Senator Lee

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 creation of a document preservation fund; and to amend and reenact
3 section 11-18-05 of the North Dakota Century Code, relating to fees charged by the register of
4 deeds.

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

6 **SECTION 1.** A new section to chapter 11-18 of the North Dakota Century Code is
7 created and enacted as follows:

8 **Document preservation fund.** The county treasurer shall establish a document
9 preservation fund to receive the portion of the recording fees authorized by section 11-18-05.
10 The revenue in this fund may be used only for purchasing equipment and software for a
11 document preservation, storage, and retrieval system; training employees to operate the
12 system; maintaining and updating the system; and contracting for the offsite storage of
13 microfilm or electronic duplicates of documents for the county register of deeds' office.

14 **SECTION 2. AMENDMENT.** Section 11-18-05 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **11-18-05. Fees of register of deeds.** The register of deeds shall charge and collect
17 the following fees:

- 18 1. For recording an instrument affecting title to real estate:
- 19 a. Deeds, mortgages, and all other instruments not specifically provided for in
20 this subsection, ~~seven~~ ten dollars for the first page and three dollars for each
21 additional page. In addition, for all documents recorded under this section
22 that list more than five sections of land, a fee of one dollar for each additional
23 section listed which is to be recorded in the tract index. Three dollars of the

- 1 fee collected for the first page of each instrument recorded under this
2 subsection must be placed in the document preservation fund.
- 3 (1) "Page" means one side of a single legal size sheet of paper not
4 exceeding eight and one-half inches [21.59 centimeters] in width and
5 fourteen inches [35.56 centimeters] in length.
- 6 (2) The printed, written, or typed words must be considered legible by the
7 register of deeds before the page will be accepted for recording.
- 8 (3) Each real estate instrument must have a legal description considered to
9 be adequate by the register of deeds before such instrument will be
10 accepted for recording.
- 11 (4) A space of at least four inches by three and one-half inches [10.16 by
12 8.89 centimeters] square must be provided on the first or last page of
13 each instrument for the register of deeds' recording information. If
14 recording information can only be placed on the reverse side of an
15 instrument, an additional page charge must be levied.
- 16 b. Instruments satisfying, releasing, assigning, subordinating, continuing,
17 amending, or extending more than one instrument previously recorded in the
18 county in which recording is requested, ~~seven~~ ten dollars for the first page
19 and three dollars for each additional page plus three dollars for each such
20 additional document number or book and page. In addition, for all documents
21 recorded under this section which list more than five separate sections of
22 land, a fee of one dollar for each additional section listed which is to be
23 recorded in the tract index. Three dollars of the fee collected for the first page
24 of each instrument recorded under this subsection must be placed in the
25 document preservation fund.
- 26 c. Plats, irregular tracts, or annexations, ten dollars for one lot plus ten cents for
27 each additional lot, with the exception of auditor's lots which must be a single
28 charge of seven dollars.
- 29 d. All instruments presented for recording after June 30, 2001, must contain a
30 one-inch [2.54-centimeter] top, bottom, or side margin on each page of the
31 instrument for the placement of computerized recording labels. An instrument

- 1 that does not conform to this margin requirement may be recorded upon
2 payment of an additional fee of ~~two~~ ten dollars.
- 3 2. For filing any non-central indexing system instrument, ~~five~~ ten dollars.
- 4 3. For making certified copies of any recorded instrument or filed non-central indexing
5 system instrument, the charge is five dollars for the first page and two dollars for
6 each additional page. For making a noncertified copy of any recorded instrument
7 or filed non-central indexing system instrument, a fee of not more than one dollar
8 per instrument page.
- 9 4. ~~For making a copy of any filed non-central indexing system instrument, one dollar~~
10 ~~for each five pages or portion thereof. For making a certified copy of any~~
11 ~~non-central indexing system filed instrument, five dollars plus one dollar for each~~
12 ~~additional five pages or portion thereof.~~
- 13 ~~5.~~ 5. For filing, indexing, making, or completing any statement, abstract, or certificate
14 under the Uniform Commercial Code central filing data base, the computerized
15 central notice system or the computerized statutory liens data base, for receiving
16 printouts, and for other services provided through the computerized system, the fee
17 is the same as that provided in sections 41-09-42 and 41-09-43, as applicable.
- 18 ~~6.~~ 5. The register of deeds may establish procedures for providing access for duplicating
19 records under the register of deeds' control. Such records include paper,
20 photostat, microfilm, microfiche, and electronic or computer generated instruments
21 created by governmental employees.
- 22 ~~7.~~ 6. Duplicate register of deeds' records stored off-site as a security measure are not
23 accessible for reproduction.