

**NORTH CAROLINA GENERAL ASSEMBLY**

**LEGISLATIVE FISCAL NOTE**

**BILL NUMBER:** SB 1529 (First Edition) **Revised**

**SHORT TITLE:** Register of Deeds Fee Adjustments

**SPONSOR(S):** Senator Dalton

**FISCAL IMPACT**

**Yes ( )      No ( )      No Estimate Available (X)**

**FY 2000-01   FY 2001-02   FY 2002-03   FY 2003-04   FY 2004-05**

**REVENUES**

**EXPENDITURES**

**POSITIONS:**

**PRINCIPAL DEPARTMENT(S) &  
PROGRAM(S) AFFECTED:** County Governments

**EFFECTIVE DATE:** This act is effective October 1, 2000.

**BILL SUMMARY:** This bill amends G.S. 47-21 to authorize the county Registers of Deeds to adjust the fee for filing, recording, and indexing a blank or master form of mortgage, deed of trust, or other instrument conveying a lien on real or personal property. The legislation allows them to raise the fee for this service from \$5 to \$50 for the first page, and \$2 for each additional page or fraction thereof. This legislation does not apply to the following counties:

Alleghany, Ashe, Avery, Beaufort, Bladen, Camden, Carteret, Chowan, Cleveland, Columbus, Dare, Gates, Granville, Guilford, Halifax, Iredell, Jackson, Martin, Moore, Perquimans, Sampson, Stanly, Swain, Transylvania, Vance, Washington, and Watauga.

The second portion of this legislation amends G.S. 161-10 (a) to authorize the county Register of Deeds to collect a \$2 access fee to the Vital Records Network, and to collect the cost of providing miscellaneous services.

**ASSUMPTIONS AND METHODOLOGY:** G.S. 47-21 that authorizes the collection of fees for the filing of blank or master forms for mortgages, deeds of trust, and other property liens was first authorized in 1935, and was amended in 1971 to the current \$5 rate. However, the convention of filing on blank or master forms is very rarely utilized in North Carolina anymore. According to the North Carolina Association of Registers of Deeds, on average, ten of these master forms are recorded and filed per year across the state. Of those filed, the documents are an average of six pages. This fiscal note assumes a yearly filing of ten of these master forms that contain six pages each. Therefore, upon the passing of this bill, the gross revenue for all counties will be approximately **\$550** from this portion of the bill.

The second portion of this bill authorizes county Registers of Deeds to collect a \$2 fee for access to the Vital Records Network, and to collect the costs of providing miscellaneous services. Currently, a North Carolina resident may, for a \$10 fee, obtain an official birth certificate duplicate by travelling to Vital Records in Raleigh or waiting 6-8 weeks for the duplicate to arrive via the mail request system. Of this \$10, \$5 is directed to the state general fund and \$5 to the State Automation Fund. A Vital Records Network that would allow residents to obtain an official birth certificate from any county in the state has been designed, and is being implemented. This system would allow North Carolina residents to obtain an official birth certificate from the Register of Deeds in their county of residence, without physically going to Vital Records in Raleigh or waiting 6-8 weeks for the mail request system. The test pilot for this Vital Records Network is scheduled for implementation in Harnett County in August of this year.

Under current legislation, Registers of Deeds are only authorized to collect \$8 for access to this Vital Records Network. Of this \$8, \$5 is directed to the State Automation Fund, and \$3 is directed to the state general fund. This situation creates a \$2 discrepancy between obtaining a birth certificate via the network, and obtaining a certificate by the conventional means of mail request or travelling to Raleigh. Upon the passing of this legislation, the fee for obtaining a birth certificate duplicate would be the same regardless of which method is used. There is currently no estimate of the number of North Carolinians who will utilize the Vital Records Network service or the number of counties that will participate, until the performance of the test pilot is evaluated. Therefore, no estimate of the fiscal impact of this portion of the bill is available at this time. Yet given the time and expense of travel to Raleigh from other cities, and the time involved in a mail request, the majority of Registers of Deeds in the state feel that a vast majority of residents will choose to utilize the service.

The second portion of this bill also allows the county Register of Deeds to collect the costs of providing miscellaneous services that vary across counties. This portion of the bill is permissive, and authorizes the Registers of Deeds to charge a fee for the actual expenses incurred from providing such services such as lamination, faxing, expedited delivery, etc.. This legislation merely allows county Registers of Deeds to recoup the costs of these services, and therefore has no fiscal impact.

**TECHNICAL CONSIDERATIONS:**

**FISCAL RESEARCH DIVISION 733-4910**

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**DATE:** June 21, 2000



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