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HOUSE BILL 327

**48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008**

INTRODUCED BY

James Roger Madalena

AN ACT

RELATING TO COUNTY CLERK FEES; CHANGING FEES FOR RECORDING INSTRUMENTS WITH THE COUNTY CLERK; AUTHORIZING EXPENDITURES FROM THE COUNTY CLERK RECORDING AND FILING FUND; MAKING AN APPROPRIATION; AMENDING AND REPEALING SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 14-8-12.2 NMSA 1978 (being Laws 1985, Chapter 122, Section 2, as amended) is amended to read:

"14-8-12.2. RECORDING FEES [~~WHEN INSTRUMENT IS PHOTOCOPIED~~].--

A. For each instrument recorded [~~that is photocopied~~], the county clerk shall charge a recording fee of five dollars (\$5.00) for the first page and two dollars (\$2.00) for each additional page or portion thereof of the same

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1 instrument.

2 B. For each instrument recorded [~~that is~~  
3 ~~photocopied~~], the county clerk may charge, in addition to any  
4 other fees authorized by law, including the fee provided in  
5 Subsection A of this section, an equipment recording fee. The  
6 equipment recording fee shall not exceed four dollars (\$4.00)  
7 for each instrument recorded.

8 C. Amounts collected from the equipment recording  
9 fee shall be deposited into a county clerk recording and filing  
10 fund, which shall be established by the county. [~~Money in the~~  
11 ~~county clerk recording and filing fund shall be expended only~~  
12 ~~to rent, purchase, lease or lease-purchase equipment associated~~  
13 ~~with recording, filing, maintaining or reproducing documents in~~  
14 ~~the county clerk's office and for staff training on office~~  
15 ~~procedures and equipment.]~~

16 D. The equipment recording fee and expenditures  
17 from the county clerk recording and filing fund shall be  
18 determined annually by the county clerk and approved by the  
19 board of county commissioners.

20 E. Expenditures from the county clerk recording and  
21 filing fund may be expended only:

22 (1) to rent, purchase, lease or lease-purchase  
23 recording equipment and for supplies, training and maintenance  
24 for such equipment;

25 (2) to rent, purchase, lease or lease-purchase

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1 equipment associated with all regular duties in the county  
2 clerk's office and for supplies, training and maintenance for  
3 such equipment;

4 (3) to rent, purchase, lease or lease-purchase  
5 vehicles associated with all regular duties in the county  
6 clerk's office and for supplies, training and maintenance for  
7 such vehicles, provided that the county clerk shall report  
8 annually to the board of county commissioners the usage,  
9 mileage and necessity of any vehicle acquired pursuant to this  
10 paragraph; or

11 (4) for technical assistance, staff travel and  
12 training associated with all regular duties of the county  
13 clerk's office."

14 Section 2. Section 14-8-12.3 NMSA 1978 (being Laws 1985,  
15 Chapter 122, Section 3, as amended) is amended to read:

16 "14-8-12.3. RECORDING FEE--ASSIGNMENTS OR RELEASES OF  
17 INTEREST IN PROPERTY.--If an assignment or release assigns or  
18 releases an interest in property by reference to [~~A.~~] more than  
19 one grantor, grantee, deed, mortgage, lease or other instrument  
20 [~~which~~] that created the interest or [~~B.~~] an instrument [~~which~~]  
21 that describes more than one deed, mortgage, lease or other  
22 instrument as creating the interests in property, there shall  
23 be an additional recording fee of five dollars (\$5.00) for each  
24 such reference."

25 Section 3. REPEAL.--Section 14-8-12 NMSA 1978 (being Laws  
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1 1939, Chapter 179, Section 2, as amended) is repealed.

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