

AN ACT
RELATING TO RECORDING FEES; CHANGING THE AMOUNT OF THE
EQUIPMENT RECORDING FEE THAT A COUNTY CLERK MAY CHARGE.

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 instrument.

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

C. Amounts collected from the equipment recording fee shall be deposited into a county clerk recording and filing fund, which shall be established by the county. Money in the county clerk recording and filing fund shall be expended only to rent, purchase, lease or lease-purchase

equipment associated with recording, filing, maintaining or reproducing documents in the county clerk's office and for staff training on office procedures and equipment.

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

Section 2. Section 14-8-16 NMSA 1978 (being Laws 1973, Chapter 258, Section 150, as amended) is amended to read:

"14-8-16. FILINGS OF LEGAL DESCRIPTIONS AND PLATS OF REAL PROPERTY AUTHORIZED--RECORDING--FEES.--

A. Any person owning real property that is subject to property taxation under the Property Tax Code may file for record in the office of the county clerk of the county where the real property is located a legal description or a plat of the real property. To be eligible for recording, the legal description or plat shall be certified by a professional surveyor licensed in the state.

B. The United States, the state or its political subdivisions and any agency, department or instrumentality of the United States, the state or its political subdivisions may file for record in the office of the county clerk of the county where the real property is located a legal description or a plat of real property. To be eligible for recording, the legal description or plat shall

be certified by a professional surveyor licensed in the state and shall show the governmental agency, department or political subdivision under whose supervision and direction the description or plat was prepared.

C. The county clerk shall number descriptions filed under this section consecutively and shall number plats filed under this section consecutively. Immediately upon receiving a description or plat for filing, the county clerk shall note on the instrument the filing number and the time of filing and shall make proper entries in his reception book and in his index to general real estate records.

D. The county clerk shall record descriptions and plats filed under this section in the same manner as other similar instruments affecting real property are recorded. The county clerk shall charge a fee of two dollars fifty cents (\$2.50) for filing and recording each description or plat. If the county clerk uses a post binder with transparent protective pages for the protection of the plats, he shall charge a fee of five dollars (\$5.00) for filing and recording each unit of a plat that is eighteen inches by twenty-four inches or part thereof.

E. For filing legal descriptions or plats of real property, the county clerk may charge, in addition to any other fees authorized by law, including the fee provided for

in Subsection D of this section, an equipment recording fee. The equipment recording fee shall not exceed four dollars (\$4.00) for each instrument or plat recorded.

F. Amounts collected from the equipment recording fee shall be deposited into a county clerk recording and filing fund, which shall be established by the county. Money in the county clerk recording and filing fund shall be expended only to rent, purchase, lease or lease-purchase equipment associated with recording, filing, maintaining or reproducing documents in the county clerk's office and for staff training on office procedures and equipment.

G. The equipment recording fee and expenditures from the county clerk recording and filing fund shall be determined annually by the county clerk and approved by the board of county commissioners.

H. All plats to be recorded pursuant to the provisions of this section shall be filed in duplicate with the county clerk. One copy shall be recorded by the county clerk, and one copy shall be delivered by the county clerk to the county assessor. "

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