



P.L. 1997, CHAPTER 391, *approved January 19, 1998*  
Senate, No. 1961 (*First Reprint*)

1 AN ACT concerning the recording of certain records and amending  
2 R.S.46:19-1.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6

7 1. R.S.46:19-1 is amended to read as follows:

8 46:19-1. The county recording officer of each of the several  
9 counties of this State shall record, when delivered to him for that  
10 purpose, and duly acknowledged or proved or certified, when  
11 acknowledgment, proof or certification is required, in large,  
12 well-bound books of good paper or by some other method as  
13 authorized pursuant to R.S.47:1-5. [If a method authorized pursuant  
14 to R.S.47:1-5 is used, then a copy of the record shall also be kept on  
15 microfilm as prescribed in R.S.47:1-5.] <sup>1</sup>If a method authorized  
16 pursuant to R.S.47:1-5 is used, then the same shall be done in  
17 conformance with rules, standards and procedures promulgated by the  
18 Division of Archives and Records Management in the Department of  
19 State and approved by the State Records Committee pursuant to its  
20 authority under section 6 of P.L.1994, c.140 (C.47:1-12) and the  
21 "Destruction of Public Records Law," P.L.1953, c.410 (C.47:3-15 et  
22 seq.). The Division of Archives and Records Management and the  
23 State Records Committee shall consult with the Office of  
24 Telecommunications and Information Systems in the Department of  
25 the Treasury in the development of technical standards for record  
26 keeping. Notwithstanding the requirements of this section, the State  
27 Records Committee may adopt rules and regulations to authorize pilot  
28 programs for various individual counties in order to evaluate  
29 alternative technologies for the preservation of records.<sup>1</sup> If  
30 well-bound books are to be provided for that purpose, they shall be  
31 carefully preserved, and shall be called by and backed with the

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Assembly ALG committee amendments adopted December 11, 1997.

1 different names and intended to contain the different types of  
2 conveyances and instruments authorized by this Title or any other law  
3 to be recorded, which books shall include, among others, the  
4 following:

5 a. "Deeds" --for the various instruments set forth in section  
6 46:16-1 of this Title, and therein described as conveyances, releases,  
7 declarations of trust; letters of attorney for sales, conveyances,  
8 assurances, acquittances or releases; leases for life or any term not less  
9 than two years, or assignments thereof absolute, agreements for sales;  
10 consents to the execution of powers to sell, convey, acquit or release;  
11 writings to declare or direct uses or trusts, and also all other  
12 instruments heretofore or hereafter directed by law to be  
13 acknowledged or proved and recorded, and not by such law expressly  
14 directed to be recorded in some other class of books;

15 b. "Ancient deeds" --for all ancient deeds of the description set  
16 forth in section 46:16-7 of this Title;

17 c. "Releases" --for all releases or deeds in which the intention to  
18 operate as releases from the lien and effect of any mortgage or  
19 judgment is plainly manifested, and all deeds, releases or  
20 postponements in which the intention to operate as a postponement or  
21 waiver of priority of the lien of a judgment or judgments, mechanic's  
22 lien or liens or recorded mortgage or mortgages to the lien and  
23 operation of a mortgage or mortgages, recorded, or to be recorded,  
24 subsequent thereto, is plainly manifested;

25 d. "Mortgages" --for all mortgages, defeasible deeds or other  
26 conveyances in the nature of a mortgage and assignments of such  
27 leases by way of mortgage or security;

28 e. "Assignment of mortgages" --for all assignments of mortgages,  
29 whether absolute or by way of mortgage or security;

30 f. "Discharge of mortgages" --for all discharges or satisfaction  
31 pieces of mortgages;

32 g. Such other books, not herein enumerated, but which may be  
33 required by the provisions of this Title or by some other law for the  
34 recording of such deeds or other instruments as are not expressly  
35 directed by law to be recorded in some specifically named book.

36 In like books the county recording officer shall record such deeds  
37 or other instruments of or affecting goods and chattels and personal  
38 property, to be called and backed as follows:

39 a. "Chattel mortgages" --for all chattel mortgages, and  
40 assignments, releases and discharges thereof;

41 b. "Conditional sales contracts" --for the entries required by  
42 section 46:32-15 of this Title;

43 c. "Conditional sales contracts affecting goods attached to realty"  
44 --for the entries required by section 46:32-14 of this Title;

45 d. "Deeds of trust of personalty" --for all deeds of personal  
46 property to literary, benevolent, religious and charitable institutions;

1 e. "Letters or powers of attorney--conditional sale contracts" --for  
2 all letters or powers of attorney authorizing the execution and delivery  
3 of statements of satisfaction of conditional sale contracts and all  
4 revocations of such letters or powers of attorney;

5 f. "Aircraft liens" --for the entries required by N.J.S.2A:44-2.

6 To the various books herein enumerated every person shall have  
7 access, at proper seasons, and be entitled to transcripts therefrom on  
8 paying the fees allowed by law.

9 (cf: P.L.1994, c.140, s.1)

10

11 2. This act shall take effect immediately.

12

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15

16 Eliminates requirement that copies of certain records be kept on  
17 microfilm.

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2 postponements in which the intention to operate as a postponement or  
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#### STATEMENT

43

44 R.S.46:19-1 requires county recording officers to maintain copies  
45 of certain records on microfilm if a record was recorded or copied by  
46 means of photography, data processing or image processing, such as

1 a CD-ROM, in accordance with R.S.47:1-5. This bill eliminates the  
2 requirement that copies of these records be maintained on microfilm.

3 Counties which maintain copies of certain records on these other  
4 media have reported that maintaining the additional copy on microfilm  
5 has resulted in wasteful duplication and storage problems. This is  
6 especially inefficient since other forms of electronic media are often  
7 more reliable and durable than microfilm. This bill does not affect  
8 those counties which record certain records in large well-bound books  
9 of good paper.

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14 Eliminates requirement that copies of certain records be kept on  
15 microfilm.

[Passed Both Houses]

[First Reprint]

SENATE, No. 1961

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# STATE OF NEW JERSEY

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INTRODUCED MARCH 24, 1997

By Senator LYNCH

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15 **microfilm as prescribed in R.S.47:1-5.]** <sup>1</sup>If a method authorized  
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# ASSEMBLY LOCAL GOVERNMENT COMMITTEE

## STATEMENT TO

### **SENATE, No. 1961**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: DECEMBER 11, 1997

The Assembly Local Government Committee reports favorably and with committee amendments Senate Bill No. 1961.

As introduced by the sponsor, Senate Bill No. 1961 eliminates the requirement that copies of certain records be maintained on microfilm when another method of preservation is employed pursuant to R.S.47:1-5. As amended by the committee, the bill authorizes the Division of Archives and Records Management in the Department of State to promulgate rules, standards and procedures to govern preservation methods pursuant to R.S.47:1-5. The rules, standards and procedures promulgated by the division are required to be approved by the State Records Committee. Both the division and the State Records Committee would be required to consult with the Office of Telecommunications and Information Systems in the Department of the Treasury on the development of technical standards for record keeping. The committee amendments also permit the State Records Committee to adopt rules and regulations to authorize pilot programs for various individual counties in order to evaluate alternative technologies for the preservation of records.

The purpose of these amendments is that the committee has observed that laws previously have been enacted that create dedicated trust funds for the express purpose of modernizing and automating the operations of County Clerks and Registers of Deeds and Mortgages and that other laws have been enacted that permit the use of alternate forms of record retention and retrieval by counties and that direct the Department of State to promulgate regulations regarding the use of electronic forms of retaining records. With the dramatic increase in use of the "Internet" and the "World Wide Web" in the past several years by the public, consumers are being provided with the ability to access enormous amounts of information through home and public library computers. The use of optical imaging by governmental entities also has increased dramatically over the past several years to make available to the public over the Internet information such as the United Nations' database for all of its treaties and addenda to treaties. Therefore, the committee feels that it is in the interests of the State

and a public purpose to promote the availability of information on the Internet and the World Wide Web through legislation, such as this bill, while providing appropriate oversight to ensure that public records are not lost, altered or damaged in the conversion to and storage in electronic media. The committee also recognizes the importance of ensuring that in the event of a natural disaster or other unforeseen calamity, back-up copies of public records in this State can be utilized within a short period of time by the public. It is especially in the financial interest of the property taxpayers in the State to promote the most efficient use of current technology, such as the use of optical imaging and "write one, read many" times (WORM) technologies, by county governments since county officials are responsible for the storage of such records as deeds, mortgages and liens. To these ends the committee amended the bill to authorize the adoption of rules, standards and procedures to govern record preservation methods employed pursuant to R.S.47:1-5 and to permit the State Records Committee to adopt rules and regulations to authorize pilot programs for various individual counties in order to evaluate other alternative technologies for the preservation of records.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

**SENATE, No. 1961**

**STATE OF NEW JERSEY**

DATED: MAY 8, 1997

The Senate Judiciary Committee reports favorably Senate Bill No. 1961.

R.S.46:19-1 requires county recording officers to maintain copies of certain records on microfilm if a record was recorded or copied by means of photography, data processing or image processing, such as a CD-ROM, in accordance with R.S.47:1-5. The bill eliminates the requirement that copies of these records be maintained on microfilm.