

HOUSE BILL No. 1171

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-2-7-10.

Synopsis: Recorder's record perpetuation fund. Provides that use of the county recorder's records perpetuation fund (fund) for the preservation of records includes the payment of administrative and personnel costs associated with the preservation of records. Restricts the county recorder's use of the fund without an appropriation for the payment of costs for records preservation and improvement of record systems and equipment that are within the control of the county recorder.

Effective: July 1, 2014.

Heuer

January 13, 2014, read first time and referred to Committee on Local Government.



Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE BILL No. 1171

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 36-2-7-10, AS AMENDED BY P.L.13-2013,
2 SECTION 151, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) The county recorder shall
4 tax and collect the fees prescribed by this section for recording, filing,
5 copying, and other services the recorder renders, and shall pay them
6 into the county treasury at the end of each calendar month. The fees
7 prescribed and collected under this section supersede all other
8 recording fees required by law to be charged for services rendered by
9 the county recorder.
10 (b) The county recorder shall charge the following:
11 (1) Six dollars (\$6) for the first page and two dollars (\$2) for each
12 additional page of any document the recorder records if the pages
13 are not larger than eight and one-half (8 1/2) inches by fourteen
14 (14) inches.
15 (2) Fifteen dollars (\$15) for the first page and five dollars (\$5) for
16 each additional page of any document the recorder records, if the



- 1 pages are larger than eight and one-half (8 1/2) inches by fourteen
2 (14) inches.
- 3 (3) For attesting to the release, partial release, or assignment of
4 any mortgage, judgment, lien, or oil and gas lease contained on a
5 multiple transaction document, the fee for each transaction after
6 the first is the amount provided in subdivision (1) plus the amount
7 provided in subdivision (4) and one dollar (\$1) for marginal
8 mortgage assignments or marginal mortgage releases.
- 9 (4) One dollar (\$1) for each cross-reference of a recorded
10 document.
- 11 (5) One dollar (\$1) per page not larger than eight and one-half (8
12 1/2) inches by fourteen (14) inches for furnishing copies of
13 records and two dollars (\$2) per page that is larger than eight and
14 one-half (8 1/2) inches by fourteen (14) inches.
- 15 (6) Five dollars (\$5) for acknowledging or certifying to a
16 document.
- 17 (7) Five dollars (\$5) for each deed the recorder records, in
18 addition to other fees for deeds, for the county surveyor's corner
19 perpetuation fund for use as provided in IC 21-47-3-3 or
20 IC 36-2-12-11(e).
- 21 (8) A fee in an amount authorized under IC 5-14-3-8 for
22 transmitting a copy of a document by facsimile machine.
- 23 (9) A fee in an amount authorized by an ordinance adopted by the
24 county legislative body for duplicating a computer tape, a
25 computer disk, an optical disk, microfilm, or similar media. This
26 fee may not cover making a handwritten copy or a photocopy or
27 using xerography or a duplicating machine.
- 28 (10) A supplemental fee of three dollars (\$3) for recording a
29 document that is paid at the time of recording. The fee under this
30 subdivision is in addition to other fees provided by law for
31 recording a document.
- 32 (11) Three dollars (\$3) for each mortgage on real estate recorded,
33 in addition to other fees required by this section, distributed as
34 follows:
- 35 (A) Fifty cents (\$0.50) is to be deposited in the recorder's
36 record perpetuation fund.
- 37 (B) Two dollars and fifty cents (\$2.50) is to be distributed to
38 the auditor of state on or before June 20 and December 20 of
39 each year as provided in IC 24-9-9-3.
- 40 (12) This subdivision applies in a county only if at least one (1)
41 unit in the county has established an affordable housing fund
42 under IC 5-20-5-15.5 and the county fiscal body adopts an



1 ordinance authorizing the fee described in this subdivision. An
 2 ordinance adopted under this subdivision may authorize the
 3 county recorder to charge a fee of:

4 (A) two dollars and fifty cents (\$2.50) for the first page; and

5 (B) one dollar (\$1) for each additional page;

6 of each document the recorder records.

7 (13) This subdivision applies in a county containing a
 8 consolidated city that has established a housing trust fund under
 9 IC 36-7-15.1-35.5(e). The county fiscal body may adopt an
 10 ordinance authorizing the fee described in this subdivision. An
 11 ordinance adopted under this subdivision may authorize the
 12 county recorder to charge a fee of:

13 (A) two dollars and fifty cents (\$2.50) for the first page; and

14 (B) one dollar (\$1) for each additional page;

15 of each document the recorder records.

16 (c) The county recorder shall charge a two dollar (\$2) county
 17 identification security protection fee for recording or filing a document.
 18 This fee shall be deposited under IC 36-2-7.5-6.

19 (d) The county treasurer shall establish a recorder's records
 20 perpetuation fund. All revenue received under section 10.1 of this
 21 chapter, subsection (b)(5), (b)(8), (b)(9), and (b)(10), and
 22 IC 36-2-7.5-6(b)(1), and fifty cents (\$0.50) from revenue received
 23 under subsection (b)(11), shall be deposited in this fund. The county
 24 recorder may use any money in this fund without appropriation for:

25 **(1) the preservation of records, including administrative and**
 26 **personnel costs associated with the preservation of records;**
 27 and

28 **(2) the improvement of record keeping systems and equipment;**
 29 **within the control of the county recorder.** Money from the fund may
 30 not be deposited or transferred into the county general fund and does
 31 not revert to the county general fund at the end of a fiscal year.

32 (e) As used in this section, "record" or "recording" includes the
 33 functions of recording, filing, and filing for record.

34 (f) The county recorder shall post the fees set forth in subsection (b)
 35 in a prominent place within the county recorder's office where the fee
 36 schedule will be readily accessible to the public.

37 (g) The county recorder may not tax or collect any fee for:

38 (1) recording an official bond of a public officer, a deputy, an
 39 appointee, or an employee; or

40 (2) performing any service under any of the following:

41 (A) IC 6-1.1-22-2(c).

42 (B) IC 8-23-7.



- 1 (C) IC 8-23-23.
 2 (D) IC 10-17-2-3.
 3 (E) IC 10-17-3-2.
 4 (F) IC 12-14-13.
 5 (G) IC 12-14-16.
- 6 (h) The state and its agencies and instrumentalities are required to
 7 pay the recording fees and charges that this section prescribes.
- 8 (i) This subsection applies to a county other than a county
 9 containing a consolidated city. The county treasurer shall distribute
 10 money collected by the county recorder under subsection (b)(12) as
 11 follows:
- 12 (1) Sixty percent (60%) of the money collected by the county
 13 recorder under subsection (b)(12) shall be distributed to the units
 14 in the county that have established an affordable housing fund
 15 under IC 5-20-5-15.5 for deposit in the fund. The amount to be
 16 distributed to a unit is the amount available for distribution
 17 multiplied by a fraction. The numerator of the fraction is the
 18 population of the unit. The denominator of the fraction is the
 19 population of all units in the county that have established an
 20 affordable housing fund. The population to be used for a county
 21 that establishes an affordable housing fund is the population of
 22 the county outside any city or town that has established an
 23 affordable housing fund.
- 24 (2) Forty percent (40%) of the money collected by the county
 25 recorder under subsection (b)(12) shall be distributed to the
 26 treasurer of state for deposit in the affordable housing and
 27 community development fund established under IC 5-20-4-7 for
 28 the purposes of the fund.
- 29 Money shall be distributed under this subsection before the sixteenth
 30 day of the month following the month in which the money is collected
 31 from the county recorder.
- 32 (j) This subsection applies to a county described in subsection
 33 (b)(13). The county treasurer shall distribute money collected by the
 34 county recorder under subsection (b)(13) as follows:
- 35 (1) Sixty percent (60%) of the money collected by the county
 36 recorder under subsection (b)(13) shall be deposited in the
 37 housing trust fund established under IC 36-7-15.1-35.5(e) for the
 38 purposes of the fund.
- 39 (2) Forty percent (40%) of the money collected by the county
 40 recorder under subsection (b)(13) shall be distributed to the
 41 treasurer of state for deposit in the affordable housing and
 42 community development fund established under IC 5-20-4-7 for



1 the purposes of the fund.
2 Money shall be distributed under this subsection before the sixteenth
3 day of the month following the month in which the money is collected
4 from the county recorder.

