

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 6799
BILL NUMBER: SB 321

DATE PREPARED: Feb 24, 1999
BILL AMENDED:

SUBJECT: Public records copying fees and uses.

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FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: This bill provides that a public agency may not prohibit a person from using a public record that is obtained on disk or tape in connection with the preparation of a real estate transaction or financing. It provides that the actual cost that public agencies, other than state agencies, may charge for the certification, copying, or facsimile machine transmission of documents may not include labor costs, overhead costs, and profit. (The introduced version of this bill was prepared by the Interim Study Committee on State Government Issues.)

Effective Date: July 1, 1999.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: This bill will decrease county costs associated with the copying of paper documents, such as paper, staff time, and any equipment maintenance required as a result of high volume copying.

Explanation of Local Revenues: (Revised) This bill will decrease revenue to the Recorder's Perpetuation Fund in counties with the capacity to provide information on disk or tape. The revenue in this fund is derived from copying fees of \$1 per page. The fund is used to maintain or upgrade record keeping systems for county recorders. Currently, information received on disk or tape may not be used for commercial purposes. This bill exempts information received on disk or tape in connection with the preparation of real estate transaction or financing from this prohibition. This provision will decrease the demand for the \$1 per page paper copies and increase the demand for information on disk or tape. County recorders with the capacity to provide information on disk charge approximately five cents per image, and six cents per image for microfilm. One image is equivalent to a one page paper copy.

Based on survey information from both large and small counties collected by the Association of Indiana Counties, county recorders estimate that copy fee revenue associated with real estate transactions accounts for 40-85% of all revenue in the Recorders Perpetuation Funds. The recorders report 1998 copy fee revenue will exceed 1997 figures, due to the large number of mortgage refinancing requests.

County	1997 Recorders Perpetuation Fund Revenue	Land Title Portion (%)
Allen	\$65,000	\$26,000 (40%)
Clay	\$10,214	\$7,661 (75%)
DeKalb	\$23,545	\$17,659 (75%)
Elkhart	\$29,517	\$25,089 (85%)
Marion	\$218,724	\$164,043 (75%)
Putnam	\$11,492	\$8,619 (75%)
White	\$12,241	\$9,181 (75%)

This bill will also impact those local entities which include costs for labor, overhead and profit in charges for certification, copying, or facsimile machine transmission of documents. For those entities, revenue will decrease. The fiscal impact of this bill is indeterminate because neither the number of entities including these costs, nor the amount of revenue raised via these costs is known.

This bill will not impact county clerks or sheriffs because the copying costs for these entities are already fixed by statute.

State Agencies Affected:

Local Agencies Affected: County recorders; local entities which include profit, labor and overhead in the charge assessed for certification, copying or faxing of documents.

Information Sources: IC 33-19-6-1 (county clerk copying fees); IC 36-2-7-10 (county recorder copying fees); IC 9-29-11-1 (county sheriff's copying fees); Ann Hornick and Matt Brooks, Association of Indiana Counties, (317) 684-3710; Virginia Young, Allen County Recorder, (219) 449-7165; Joan Romeril, Marion County Recorder, (317) 327-4020; Susan Guipe, Elkhart County Recorder, (219) 535-6757; Dave Bane, Manager of Operations, Stallard & Schuh, Inc., (765) 423-1642.