

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 321 be amended to read as follows:

- 1 Page 4, strike lines 10 through 11.
- 2 Page 4, line 12, strike "(6)" and insert "(5)".
- 3 Page 4, line 17, strike "(7)" and insert "(6)".
- 4 Page 4, line 18, after "document" insert "."
- 5 Page 4, line 18, strike "plus fifty cents (\$0.50) per page for
- 6 proofreading any".
- 7 Page 4, strike line 19.
- 8 Page 4, line 20, strike "(8)" and insert "(7)".
- 9 Page 4, line 24, strike "(9)" and insert "(8)".
- 10 Page 4, line 26, strike "(10)" and insert "(9)".
- 11 Page 4, line 31, strike "(11)" and insert "(10)".
- 12 Page 4, line 40, strike "b(6)".
- 13 Page 4, line 41, strike "b(9), b(10), and b(11)" and insert "**b(8), b(9),**
- 14 **and b(10)**".
- 15 Page 5, after line 20, begin a new paragraph and insert:
- 16 "SECTION 3. IC 36-2-7-10.1 IS ADDED TO THE INDIANA
- 17 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 18 [EFFECTIVE JANUARY 1, 2000]: **Sec. 10.1. (a) As used in this**
- 19 **section, "bulk form" means:**
- 20 (1) a copy of all recorded documents received by the county
- 21 recorder for recording in a calendar day, week, month, or
- 22 year;
- 23 (2) the indices for finding, retrieving, and viewing all recorded
- 24 documents received by the county recorder for recording in

1 a calendar day, week, month, or year; or

2 (3) both subdivisions (1) and (2).

3 (b) As used in this section, "bulk user" means an individual, a
4 corporation, a partnership, a limited liability company, or an
5 unincorporated association that purchases bulk form copies.
6 However, "bulk user" does not include an individual, a
7 corporation, a partnership, a limited liability company, or an
8 unincorporated association whose primary purpose is to resell
9 public records.

10 (c) As used in this section, "copy" means:

11 (1) duplicating electronically stored data onto a disk, tape,
12 drum, or any other medium of electronic data storage; or

13 (2) reproducing on microfilm.

14 (d) As used in this section, "indices" means all of the indexing
15 information used by the county recorder for finding, retrieving,
16 and viewing a recorded document.

17 (e) As used in this section, "recorded document" means a
18 writing, a paper, a document, a plat, a map, a survey, or anything
19 else received at any time for recording or filing in the public
20 records maintained by the county recorder.

21 (f) The county recorder shall collect the fees prescribed by this
22 section for the sale of recorded documents in bulk form copies to
23 bulk users of public records. The county recorder shall pay the fees
24 into the county treasury at the end of each calendar month. The
25 fees prescribed and collected under this section supersede all other
26 fees for bulk form copies required by law to be charged for services
27 rendered by the county recorder to bulk users.

28 (g) Except as provided by subsection (h), the county recorder
29 shall charge bulk users the following for bulk form copies:

30 (1) Five cents (\$0.05) per page for a recorded document,
31 including the index of the instrument number or book and
32 page, or both, for retrieving the recorded document.

33 (2) Five cents (\$0.05) per recorded document for a copy of the
34 other indices used by the county recorder for finding,
35 retrieving, and viewing a recorded document.

36 (h) As used in this subsection, "actual cost" does not include
37 labor costs or overhead costs. The county recorder may charge a
38 fee that exceeds the amount established by subsection (g) if the
39 actual cost of providing the bulk form copies exceeds the amount
40 established by subsection (g). However, the total amount charged
41 for the bulk form copies may not exceed the actual cost plus one
42 cent (\$0.01) of providing the bulk form copies.

43 (i) The county recorder shall provide bulk users with bulk form
44 copies in the format or medium in which the county recorder
45 maintains the recorded documents and indices. If the county
46 recorder maintains the recorded documents and indices in more

1 than one (1) format or medium, the bulk user may select the
2 format or medium in which the bulk user shall receive the bulk
3 form copies. If the county recorder maintains the recorded
4 documents and indices for finding, retrieving, and viewing the
5 recorded documents in an electronic or a digitized format, a
6 reasonable effort shall be made to provide the bulk user with bulk
7 form copies in a standard, generally acceptable, readable format.
8 Upon request of the bulk user, the county recorder shall provide
9 the bulk form copies to the bulk user within a reasonable time after
10 the recorder's archival process is completed and bulk form copies
11 become available in the office of the county recorder.

12 (j) Bulk form copies under this section may be used:

- 13 (1) in the ordinary course of the business of the bulk user; and
14 (2) by customers of the bulk user.

15 The bulk user may charge its customers a fee for using the bulk
16 form copies obtained by the bulk user. However, bulk form copies
17 obtained by a bulk user under this section may not be resold.

18 (k) All revenue generated by the county recorder under this
19 section shall be deposited in the recorder's record perpetuation
20 fund and used by the recorder in accordance with IC 36-2-7-10(c).

21 (l) This section does not apply to enhanced access under
22 IC 5-14-3-3."

(Reference is to ESB 321 as printed April 5, 1999.)

Representative Foley