

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Natural Resources, to which was referred Senate Bill No. 32, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 13-18-3-12 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 12. The water pollution
- 5 control board shall adopt rules providing that if:
- 6 (1) a person submits plans to a unit concerning the design or
- 7 construction of a sanitary sewer or public water main;
- 8 (2) a professional engineer who is registered under IC 25-31 **or a**
- 9 **land surveyor registered under IC 25-21.5** prepared the plans;
- 10 (3) the unit provided for review of the plans by a qualified
- 11 engineer **or registered land surveyor** and subsequently approved
- 12 the plans; and
- 13 (4) all other requirements specified in rules adopted by the water
- 14 pollution control board are met;
- 15 the plans are not required to be submitted to any state agency for a
- 16 permit, permission, or review, unless required by federal law.
- 17 SECTION 2. IC 36-2-7-10 IS AMENDED TO READ AS
- 18 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. (a) The county
- 19 recorder shall tax and collect the fees prescribed by this section for

1 recording, filing, copying, and other services the recorder renders, and
 2 shall pay them into the county treasury at the end of each calendar
 3 month. The fees prescribed and collected under this section supersede
 4 all other recording fees required by law to be charged for services
 5 rendered by the county recorder.

6 (b) The county recorder shall charge the following:

7 (1) Six dollars (\$6) for the first page and two dollars (\$2) for each
 8 additional page of any document the recorder records if the pages
 9 are not larger than eight and one-half (8 1/2) inches by fourteen
 10 (14) inches.

11 (2) Fifteen dollars (\$15) for the first page and five dollars (\$5) for
 12 each additional page of any document the recorder records, if the
 13 pages are larger than eight and one-half (8 1/2) inches by fourteen
 14 (14) inches.

15 (3) For attesting to the release, partial release, or assignment of
 16 any mortgage, judgment, lien, or oil and gas lease contained on a
 17 multiple transaction document, the fee for each transaction after
 18 the first is the amount provided in subdivision (1) plus the amount
 19 provided in subdivision (4) and one dollar (\$1) for marginal
 20 mortgage assignments or marginal mortgage releases.

21 (4) One dollar (\$1) for each cross-reference of a recorded
 22 document.

23 (5) Three dollars (\$3) per page for furnishing typewritten copies
 24 of records.

25 (6) One dollar (\$1) per page not larger than eight and one-half (8
 26 1/2) inches by fourteen (14) inches for furnishing copies of
 27 records produced by a photographic process, and two dollars (\$2)
 28 per page that is larger than eight and one-half (8 1/2) inches by
 29 fourteen (14) inches.

30 (7) Five dollars (\$5) for acknowledging or certifying to a
 31 document plus fifty cents (\$0.50) per page for proofreading any
 32 copy presented for certification.

33 (8) ~~One dollar (\$1)~~ **Five dollars (\$5)** for each deed the recorder
 34 records, in addition to other fees for deeds, for the county
 35 surveyor's corner perpetuation fund for use as provided in
 36 IC 32-1-1-10 or IC 36-2-12-11(e).

37 (9) A fee in an amount authorized under IC 5-14-3-8 for
 38 transmitting a copy of a document by facsimile machine.

1 (10) A fee in an amount authorized by an ordinance adopted by
 2 the county legislative body for duplicating a computer tape, a
 3 computer disk, an optical disk, microfilm, or similar media. This
 4 fee may not cover making a handwritten copy or a photocopy or
 5 using xerography or a duplicating machine.

6 (11) A supplemental fee for recording a document in an amount
 7 authorized by an ordinance adopted by the county legislative body
 8 that:

9 (A) is paid at the time of recording; and

10 (B) does not exceed three dollars (\$3) for recording a single
 11 document.

12 The fee under this subdivision is in addition to other fees
 13 provided by law for recording a document.

14 (c) The county treasurer shall establish a recorder's records
 15 perpetuation fund. All revenue received under subsection (b)(5), (b)(6),
 16 (b)(9), (b)(10), and (b)(11) shall be deposited in this fund. The county
 17 recorder may use any money in this fund without appropriation for the
 18 preservation of records and the improvement of record keeping systems
 19 and equipment.

20 (d) As used in this section, "record" or "recording" includes the
 21 functions of recording, filing, and filing for record.

22 (e) The county recorder shall post the fees set forth in subsection (b)
 23 in a prominent place within the county recorder's office where the fee
 24 schedule will be readily accessible to the public.

25 (f) The county recorder may not tax or collect any fee for:

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

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

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

30 (B) IC 8-23-7.

31 (C) IC 8-23-23.

32 (D) IC 10-5-4-3.

33 (E) IC 10-5-7-1(a).

34 (F) IC 12-14-13.

35 (G) IC 12-14-16.

36 (g) The state and its agencies and instrumentalities are required to
 37 pay the recording fees and charges that this section prescribes.

38 SECTION 3. IC 36-5-1-3 IS AMENDED TO READ AS FOLLOWS

1 [EFFECTIVE JULY 1, 1999]: Sec. 3. A petition for incorporation must
 2 be accompanied by the following items, to be supplied at the expense
 3 of the petitioners:

4 (1) A survey, certified by a **surveyor** registered ~~engineer~~, **under**
 5 **IC 25-21.5**, showing the boundaries of and quantity of land
 6 contained in the territory sought to be incorporated.

7 (2) An enumeration of the territory's residents and landowners and
 8 their mailing addresses, completed not more than thirty (30) days
 9 before the time of filing of the petition and verified by the persons
 10 supplying it.

11 (3) A statement of the assessed valuation of all real property
 12 within the territory, certified by the assessors of the townships in
 13 which the territory is located.

14 (4) A statement of the services to be provided to the residents of
 15 the proposed town and the approximate times at which they are to
 16 be established.

17 (5) A statement of the estimated cost of the services to be
 18 provided and the proposed tax rate for the town.

19 (6) The name to be given to the proposed town."

20 Page 2, between lines 16 and 17, begin a new paragraph and insert:

21 "SECTION 5. IC 36-9-27-43 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 43. If in any year a
 23 maintenance fund established under section 44 of this chapter has an
 24 unencumbered balance equal to or greater than four (4) times the
 25 estimated annual cost of periodically maintaining the drain for which
 26 the fund was established, the annual assessment for the maintenance of
 27 that drain ~~shall~~ **may** be omitted for that year."

28 Page 3, line 11, delete " IC 25-21.5 or".

29 Page 3, line 17, reset in roman "structural and".

30 Page 3, line 19, strike "However, if the county surveyor is not
 31 registered under".

32 Page 3, line 19, delete "IC 25-21.5 or".

33 Page 3, strike lines 20 through 28.

34 Page 3, line 29, strike "under".

35 Page 3, line 29, delete "IC 25-21.5 or".

36 Page 3, line 29, strike "IC 25-31 is required before the work may
 37 take".

1 Page 3, strike line 30.

2 Page 3, after line 30, begin a new paragraph and insert:

3 **"(f) If the county surveyor is registered under IC 25-21.5, the**
 4 **county surveyor must review and approve or disapprove the plans**
 5 **and hydraulic data for an existing crossing that is to be altered,**
 6 **enlarged, repaired, or replaced or the construction of a new**
 7 **crossing for a public highway or the right-of-way of a railroad**
 8 **company. The county surveyor shall disapprove the plans and**
 9 **hydraulic data if they do not show that the structure will meet**
 10 **hydraulic requirements that will permit the drain to function**
 11 **properly.**

12 **(g) Approval of the plans and hydraulic data by a person who**
 13 **is registered under IC 25-21.5 or IC 25-31 is required before the**
 14 **work can take place. However, if the county surveyor is not**
 15 **registered under IC 25-21.5 or IC 25-31, a registered person who**
 16 **is selected under section 30 of this chapter shall:**

- 17 **(1) review and approve or disapprove the plans and**
 18 **specifications described in this subsection;**
 19 **(2) inform the county surveyor in writing of the approval or**
 20 **disapproval; and**
 21 **(3) submit all plans, specifications, and hydraulic data along**
 22 **with the approval or disapproval.**

23 SECTION 8. IC 36-9-27-79.1 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 79.1. Notwithstanding
 25 sections 77 and 78 of this chapter, the following provisions apply
 26 whenever the board estimates that the amount of the contracts to be let
 27 is not more than ~~twenty-five thousand dollars (\$25,000):~~ **seventy-five**
 28 **thousand dollars (\$75,000):**

29 (1) The board need not advertise in the manner provided by
 30 section 78 of this chapter. If the board does not advertise, it shall
 31 mail written invitations for bids to at least three (3) persons
 32 believed to be interested in bidding on the work. The invitations
 33 shall be mailed at least seven (7) days before the date the board
 34 will receive bids, and must state the nature of the contracts to be
 35 let and the date, time, and place bids will be received.

36 (2) The board may authorize the county surveyor to contract for
 37 the work in the name of the board.

38 (3) The contracts may be for a stated sum or may be for a variable

1 sum based on per unit prices or on the hiring of labor and the
2 purchase of material.

3 (4) The contracts shall be let in accordance with the statutes
4 governing public purchase, including IC 5-22.

5 (5) The board may for good cause waive any requirement for the
6 furnishing by the bidder of a bid bond or surety and the furnishing
7 by a successful bidder of a performance bond."

8 Renumber all SECTIONS consecutively.

(Reference is to SB 32 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 1.

Server

Chairperson