
SENATE BILL No. 387

DIGEST OF INTRODUCED BILL

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

Synopsis: Recorder fees deposited in affordable housing fund. Requires (in a county other than Marion County) a county that has authorized an additional recording fee to distribute the fees to each city and town within the county that has established an affordable housing fund and, if the county has established an affordable housing fund, to the county. (Current law provides that in these counties, 60% of the money is distributed to units that have established affordable housing funds and 40% of the money is transferred to the state for deposit in the affordable housing and community development fund.)

Effective: July 1, 2009.

Deig, Becker

January 8, 2009, read first time and referred to Committee on Local Government.

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First Regular Session 116th General Assembly (2009)

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 2008 Regular Session of the General Assembly.

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SENATE BILL No. 387



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.3-2008,
- 2 SECTION 256, IS AMENDED TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 2009]: 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
- 17 pages are larger than eight and one-half (8 1/2) inches by fourteen



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

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1 ordinance adopted under this subdivision may authorize the
2 county recorder to charge a fee of:

- 3 (A) two dollars and fifty cents (\$2.50) for the first page; and
 - 4 (B) one dollar (\$1) for each additional page;
- 5 of each document the recorder records.

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

- 12 (A) two dollars and fifty cents (\$2.50) for the first page; and
 - 13 (B) one dollar (\$1) for each additional page;
- 14 of each document the recorder records.

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

18 (d) The county treasurer shall establish a recorder's records
19 perpetuation fund. All revenue received under section 10.1 of this
20 chapter and subsection (b)(5), (b)(8), (b)(9), and (b)(10), and fifty cents
21 (\$0.50) from revenue received under subsection (b)(11), shall be
22 deposited in this fund. The county recorder may use any money in this
23 fund without appropriation for the preservation of records and the
24 improvement of record keeping systems and equipment. Money from
25 the fund may not be deposited or transferred into the county general
26 fund and does not revert to the county general fund at the end of a
27 fiscal year.

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

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

- 33 (g) The county recorder may not tax or collect any fee for:
 - 34 (1) recording an official bond of a public officer, a deputy, an
35 appointee, or an employee; or
 - 36 (2) performing any service under any of the following:
 - 37 (A) IC 6-1.1-22-2(c).
 - 38 (B) IC 8-23-7.
 - 39 (C) IC 8-23-23.
 - 40 (D) IC 10-17-2-3.
 - 41 (E) IC 10-17-3-2.
 - 42 (F) IC 12-14-13.

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(G) IC 12-14-16.

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

(i) This subsection applies to a county other than a county containing a consolidated city. The county treasurer shall distribute the money collected by the county recorder under subsection (b)(12) as follows: ~~(1) Sixty percent (60%) of the money collected by the county recorder under subsection (b)(12) shall be distributed~~ to the units in the county that have established an affordable housing fund under IC 5-20-5-15.5 for deposit in the fund. The amount to be distributed to a unit is the amount available for distribution multiplied by a fraction. The numerator of the fraction is the population of the unit. The denominator of the fraction is the population of all units in the county that have established an affordable housing fund. The population to be used for a county that establishes an affordable housing fund is the population of the county outside any city or town that has established an affordable housing fund.

~~(2) Forty percent (40%) of the money collected by the county recorder under subsection (b)(12) shall be distributed to the treasurer of state for deposit in the affordable housing and community development fund established under IC 5-20-4-7 for the purposes of the fund.~~

Money shall be distributed under this subsection before the sixteenth day of the month following the month in which the money is collected from the county recorder.

(j) This subsection applies to a county described in subsection (b)(13). The county treasurer shall distribute money collected by the county recorder under subsection (b)(13) as follows:

(1) Sixty percent (60%) of the money collected by the county recorder under subsection (b)(13) shall be deposited in the housing trust fund established under IC 36-7-15.1-35.5(e) for the purposes of the fund.

(2) Forty percent (40%) of the money collected by the county recorder under subsection (b)(13) shall be distributed to the treasurer of state for deposit in the affordable housing and community development fund established under IC 5-20-4-7 for the purposes of the fund.

Money shall be distributed under this subsection before the sixteenth day of the month following the month in which the money is collected from the county recorder.

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