

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WITHDRAWN	Noes _____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

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1261 be amended to read as follows:

- 1 Page 1, delete lines 1 through 15.
- 2 Delete pages 2 through 9.
- 3 Page 10, delete lines 1 through 14, begin a new paragraph and
- 4 insert:
- 5 "SECTION 1. IC 36-2-7-10, AS AMENDED BY P.L.45-2010,
- 6 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 7 JULY 1, 2012]: Sec. 10. (a) The county recorder shall tax and collect
- 8 the fees prescribed by this section for recording, filing, copying, and
- 9 other services the recorder renders, and shall pay them into the county
- 10 treasury at the end of each calendar month. The fees prescribed and
- 11 collected under this section supersede all other recording fees required
- 12 by law to be charged for services rendered by the county recorder.
- 13 (b) The county recorder shall charge the following:
- 14 (1) Six dollars (\$6) for the first page and two dollars (\$2) for each
- 15 additional page of any document the recorder records if the pages
- 16 are not larger than eight and one-half (8 1/2) inches by fourteen
- 17 (14) inches.
- 18 (2) Fifteen dollars (\$15) for the first page and five dollars (\$5) for
- 19 each additional page of any document the recorder records, if the
- 20 pages are larger than eight and one-half (8 1/2) inches by fourteen
- 21 (14) inches.
- 22 (3) For attesting to the release, partial release, or assignment of
- 23 any mortgage, judgment, lien, or oil and gas lease contained on a
- 24 multiple transaction document, the fee for each transaction after

- 1 the first is the amount provided in subdivision (1) plus the amount
 2 provided in subdivision (4) and one dollar (\$1) for marginal
 3 mortgage assignments or marginal mortgage releases.
- 4 (4) One dollar (\$1) for each cross-reference of a recorded
 5 document.
- 6 (5) One dollar (\$1) per page not larger than eight and one-half (8
 7 1/2) inches by fourteen (14) inches for furnishing copies of
 8 records and two dollars (\$2) per page that is larger than eight and
 9 one-half (8 1/2) inches by fourteen (14) inches.
- 10 (6) Five dollars (\$5) for acknowledging or certifying to a
 11 document.
- 12 (7) Five dollars (\$5) for each deed the recorder records, in
 13 addition to other fees for deeds, for the county surveyor's corner
 14 perpetuation fund for use as provided in IC 21-47-3-3 or
 15 IC 36-2-12-11(e).
- 16 (8) A fee in an amount authorized under IC 5-14-3-8 for
 17 transmitting a copy of a document by facsimile machine.
- 18 (9) A fee in an amount authorized by an ordinance adopted by the
 19 county legislative body for duplicating a computer tape, a
 20 computer disk, an optical disk, microfilm, or similar media. This
 21 fee may not cover making a handwritten copy or a photocopy or
 22 using xerography or a duplicating machine.
- 23 (10) A supplemental fee of three dollars (\$3) for recording a
 24 document that is paid at the time of recording. The fee under this
 25 subdivision is in addition to other fees provided by law for
 26 recording a document.
- 27 (11) Three dollars (\$3) for each mortgage on real estate recorded,
 28 in addition to other fees required by this section, distributed as
 29 follows:
- 30 (A) Fifty cents (\$0.50) is to be deposited in the recorder's
 31 record perpetuation fund.
- 32 (B) Two dollars and fifty cents (\$2.50) is to be distributed to
 33 the auditor of state on or before June 20 and December 20 of
 34 each year as provided in IC 24-9-9-3.
- 35 (12) This subdivision applies in a county only if at least one (1)
 36 unit in the county has established an affordable housing fund
 37 under IC 5-20-5-15.5 and the county fiscal body adopts an
 38 ordinance authorizing the fee described in this subdivision. An
 39 ordinance adopted under this subdivision may authorize the
 40 county recorder to charge a fee of:
- 41 (A) two dollars and fifty cents (\$2.50) for the first page; and
 42 (B) one dollar (\$1) for each additional page;
 43 of each document the recorder records.
- 44 (13) This subdivision applies in a county containing a
 45 consolidated city that has established a housing trust fund under
 46 IC 36-7-15.1-35.5(e). The county fiscal body may adopt 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 (c) The county recorder shall charge a two dollar (\$2) county
 8 identification security protection fee for recording or filing a document.
 9 This fee shall be deposited under IC 36-2-7.5-6.
- 10 (d) The county treasurer shall establish a recorder's records
 11 perpetuation fund. All revenue received under section 10.1 of this
 12 chapter, subsection (b)(5), (b)(8), (b)(9), and (b)(10), and
 13 IC 36-2-7.5-6(c)(1) (after June 30, 2011), and fifty cents (\$0.50) from
 14 revenue received under subsection (b)(11), shall be deposited in this
 15 fund. The county recorder ~~may~~ **shall** use any money in this fund
 16 without appropriation for the preservation of records and the
 17 improvement of record keeping systems and equipment. Money from
 18 the fund may not be deposited or transferred into the county general
 19 fund and does not revert to the county general fund at the end of a
 20 fiscal year.
- 21 (e) As used in this section, "record" or "recording" includes the
 22 functions of recording, filing, and filing for record.
- 23 (f) The county recorder shall post the fees set forth in subsection (b)
 24 in a prominent place within the county recorder's office where the fee
 25 schedule will be readily accessible to the public.
- 26 (g) The county recorder may not tax or collect any fee for:
- 27 (1) recording an official bond of a public officer, a deputy, an
 28 appointee, or an employee; or
 - 29 (2) performing any service under any of the following:
 - 30 (A) IC 6-1.1-22-2(c).
 - 31 (B) IC 8-23-7.
 - 32 (C) IC 8-23-23.
 - 33 (D) IC 10-17-2-3.
 - 34 (E) IC 10-17-3-2.
 - 35 (F) IC 12-14-13.
 - 36 (G) IC 12-14-16.
- 37 (h) The state and its agencies and instrumentalities are required to
 38 pay the recording fees and charges that this section prescribes.
- 39 (i) This subsection applies to a county other than a county
 40 containing a consolidated city. The county treasurer shall distribute
 41 money collected by the county recorder under subsection (b)(12) as
 42 follows:
- 43 (1) Sixty percent (60%) of the money collected by the county
 44 recorder under subsection (b)(12) shall be distributed to the units
 45 in the county that have established an affordable housing fund
 46 under IC 5-20-5-15.5 for deposit in the fund. The amount to be

1 distributed to a unit is the amount available for distribution
 2 multiplied by a fraction. The numerator of the fraction is the
 3 population of the unit. The denominator of the fraction is the
 4 population of all units in the county that have established an
 5 affordable housing fund. The population to be used for a county
 6 that establishes an affordable housing fund is the population of
 7 the county outside any city or town that has established an
 8 affordable housing fund.

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

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

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

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

24 (2) Forty percent (40%) of the money collected by the county
 25 recorder under subsection (b)(13) 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 Renumber all SECTIONS consecutively.

(Reference is to HB 1261 as reprinted January 27, 2012.)

Representative Clere