

No. 2002-32

AN ACT

HB 1923

Amending the act of April 8, 1982 (P.L.310, No.87), entitled "An act establishing fees for services of recorders of deeds in counties of the second A, third, fourth, fifth, sixth, seventh and eighth classes," further providing for a fee for recording a document in counties of the second A, third, fourth, fifth, sixth, seventh and eighth classes and home rule charter counties of these classes.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The title of the act of April 8, 1982 (P.L.310, No.87), referred to as the Recorder of Deeds Fee Law, is amended to read:

AN ACT

Amending the act of April 8, 1982 (P.L.310, No.87), entitled "An act establishing fees for services of recorders of deeds in counties of the second A, third, fourth, fifth, sixth, seventh and eighth classes *and home rule charter counties of these classes.*"

Section 2. Section 2.1 of the act, added January 29, 1998 (P.L.34, No.8), is amended to read:

Section 2.1. (a) There is hereby created a County Records Improvement Fund in counties of the second A, third, fourth, fifth, sixth, seventh and eighth classes *and home rule charter counties of these classes.*

(b) In addition to the fee charged by a recorder of deeds or by an equivalent officer in a home rule charter county, a fee in the amount of [~~\$2~~] \$5 shall be charged and collected for each document recorded. The fee shall be distributed in the following manner:

(1) The amount of [~~\$1~~] \$3 shall be retained in a separate fund within the office of the recorder of deeds to be used, in accordance with regular county budgeting, contracting and procurement practices, to support development and improvement of office records management activities and systems in the office of the recorder of deeds or in its equivalent in a home rule charter county. Amounts in the separate fund shall not be used to substitute any allocations of general revenues for the operation of the recorder's office without the express consent of the recorder. The separate fund shall be audited by the appropriate auditing agency, and any unexpended balance, together with interest earned on the separate fund, shall be left in the separate fund to accumulate from year to year. Beginning with the close of the fiscal year four years after the effective date of this section and every four years thereafter, any unencumbered funds remaining in the separate fund shall be transferred to the County Records Improvement Fund.

(2) The amount of [~~\$1~~] \$2 shall be deposited in the County Records Improvement Fund for use as prescribed in subsection (c).

(c) Funds deposited in the County Records Improvement Fund shall be expended in accordance with a comprehensive records management plan based on the goal of standardizing and equalizing the capabilities of all county offices consistent with their need to receive, manage and provide information to the public as efficiently as possible. The plan shall be developed and administered in the following manner:

(1) Each county shall establish a County Records Improvement Committee made up of the county commissioners, sheriff, prothonotary, clerk of court, register of wills and treasurer or their equivalent in a home rule *charter* county. The County Records Improvement Committee shall assess the relative records management capabilities and records management needs of each office and develop recommendations to the county commissioners for a comprehensive records management plan consistent with the goal established in this subsection.

(2) The county commissioners or their equivalent in a home rule charter county shall adopt and provide for administration of a comprehensive records management plan that is based on the recommendations of the County Records Improvement Committee and is consistent with the goal established in this subsection. The plan may be amended from time to time in consultation with the County Records Improvement Committee.

(3) The County Records Improvement Fund shall be expended and administered consistent with regular county budgeting, contracting and procurement practices and administrative procedures. The County Records Improvement Fund shall be audited by the appropriate auditing agency, and any unexpended balance, together with interest earned on the County Records Improvement Fund, shall be left in the County Records Improvement Fund to accumulate from year to year.

Section 3. This act shall take effect in 60 days.

APPROVED—The 17th day of April, A.D. 2002.

MARK S. SCHWEIKER