



# New Legislation

2024 Annual Recordors Conference

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## SEA 18 - Probate Matters

- IC 32-21-2-16 effective 7-1-24



(a) A county recorder shall include a cross-reference concerning a previously recorded document if:

(1) the person presenting the document for recording has made a request to the county recorder for a cross-reference between the document being recorded and a previously recorded document; and

(2) the front page of the document to be recorded contains a cross-reference to a previously recorded document.

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## SEA 18 - Probate Matters

- IC 32-2-11-14 effective 7-1-24
- (a) may record a deed or instrument made under IC 32-17-14
- (b) County Auditor may not refuse to endorse a deed or instrument under IC 36-2-9-18 as required by the section because the deed or instrument is made under IC 32-17-14

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## HEA 1034 - Insurance and transfer of death deeds

- IC 32-17-14-26 effective 7-1-24
- (b)(20) A failure by the beneficiary to file the affidavit under this subdivision or a delay by the county recorder in recording the affidavit does not affect the validity of the transfer on death transfer to the beneficiary under this chapter.

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## HEA 1090 - Transportation Matters

- IC 6-1.1-5.5-2 effective 7-1-24
- (b)(6) Conveyances to the state are not included in what is considered a conveyance document.

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## HEA 1158 - County Contracts

- IC 36-2-2.8-2 effective 7-1-24
- “Contract” means a contract for the purchase of:
1. Real property
  2. tangible or intangible personal property; or
  3. services (as defined in IC 5-22-2-30)

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## HEA 1158 - County Contracts

- IC 36-2-2.8-4 effective 7-1-24



A contract entered into by the county must meet:

1. Be executed in the name of the county
2. Any property purchases for public use shall be titled to or documented as owned by the county

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## HEA 1158 - County Contracts

- IC 36-2-2.8-5 effective 7-1-24



The county executive may, by ordinance, require standard contractual language to be used in all contracts entered into by the county, including contracts executed by a county officer. The ordinance may include:

- (1) provisions for indemnification;
- (2) dispute resolution provisions;
- (3) venue requirements;
- (4) termination provisions; and
- (5) notification provisions.

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## HEA 1158 - County Contracts

- IC 36-2-2.8-6 effective 7-1-24



In addition to the county executive's authority under IC 36-2-2.9 to approve contracts, the county executive may adopt an ordinance to delegate additional authority to approve contracts to other county officers and employees

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## HEA 1158 - County Contracts

- IC 36-2-2.9-3 effective 7-1-24



As used in this chapter, "county officer" means the following:

- |               |                                 |
|---------------|---------------------------------|
| (1) Assessor. | (6) Surveyor.                   |
| (2) Auditor.  | (7) Treasurer.                  |
| (3) Coroner.  | (8) Clerk of the circuit court. |
| (4) Recorder. | (9) County fiscal body.         |
| (5) Sheriff.  |                                 |

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## HEA 1158 - County Contracts

- IC 36-2-2.9-4 effective 7-1-24



(a) If a county officer has a proposed contract:

(1) believes is necessary to carry out a constitutional or statutory duty of office; and

(2) for which funds have been appropriated by the county fiscal body to pay for the contract;

the county officer must have the county executive execute the contract or submit the contract for review under this chapter.

(b) The county executive may void a contract that a county officer executes without first complying with this chapter.

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## HEA 1158 - County Contracts

- IC 36-2-2.9-5 effective 7-1-24



To initiate a contract review, the county officer must submit to the county auditor the following:

(1) A request for review.

(2) A copy of the proposed contract. The contract must comply with IC 36-2-2.8, including using the standard terms required by ordinance under IC 36-2-2.8-5.

The county auditor shall date stamp the request and immediately forward copies of the request and contract to the president of the county executive and county attorney.

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## HEA 1158 - County Contracts

- IC 36-2-2.9-6 effective 7-1-24



Not later than twenty (20) days after the request is filed with the county auditor:

- (1) the county executive and county attorney shall review the proposed contract; and
- (2) the county executive shall notify the county officer of the results of the review

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## HEA 1158 - County Contracts

- IC 36-2-2.9-7 effective 7-1-24



(a) If the county attorney advises the county executive that the contract does not comply with:

- (1) state law; or
  - (2) any applicable public purchasing or bidding laws;
- the county executive may disapprove the contract and the contract may not be executed by the county officer.

(b) The county attorney shall notify the county executive of the results of the review

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## HEA 1158 - County Contracts

- IC 36-2-2.9-8 effective 7-1-24



If the contract:

- (1) is not disapproved under section 7 of this chapter; and
- (2) the county executive finds the contract:

- (A) complies with IC 36-2-2.8; and
- (B) is otherwise acceptable;

the county executive may approve and authorize execution of the contract by the county officer or the county executive.

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## HEA 1158 - County Contracts

- IC 36-2-2.9-9 effective 7-1-24



(a) If the county executive finds the contract:

- (1) does not comply with IC 36-2-2.8; or
  - (2) is otherwise not acceptable for reasons other than those determined under section 7 of this chapter;
- the county executive must provide the county officer with a written statement described in subsection (b).

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## HEA 1158 - County Contracts

- IC 36-2-2.9-9 effective 7-1-24



(b) The county executive must provide a written statement as part of the notification of the review results under section 11 of this chapter that:

- (1) explains why the contract is not acceptable; and
- (2) provides recommendations, if any, for making the contract acceptable to the county executive.

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## HEA 1158 - County Contracts

- IC 36-2-2.9-10 effective 7-1-24



The county executive has the responsibility of notifying the county officer of the results of the review conducted by the county attorney and the county executive.

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## HEA 1158 - County Contracts

- IC 36-2-2.9-11 effective 7-1-24



If:

- (1) the review; and
- (2) the notification of the review results, including the written statement under section 9(b) of this chapter, if applicable; are not made within the time required under section 6 of this chapter, the contract shall be considered acceptable and the county officer may execute the contract.

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## HEA 1158 - County Contracts

- IC 36-2-2.9-12 effective 7-1-24



- (a) This section only applies to a contract that:
  - (1) the county executive does not disapprove under section 7 of this chapter; and
  - (2) is found to be unacceptable by the county executive under section 9 of this chapter.

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## HEA 1158 - County Contracts

- IC 36-2-2.9-12 effective 7-1-24
- (b) The county officer may do the following:
- (1) Revise the contract and file a new request for review under this chapter.
  - (2) Execute the contract, if the county officer determines the contract complies with IC 36-2-2.8

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## HEA 1158 - County Contracts

- IC 36-2-2.9-13 effective 7-1-24
- (a) A county officer must submit the contract to the county auditor not more than ten (10) days after the contract is executed.
- (b) A contract that is executed by a county officer:
- (1) under section 12(b)(2); and
  - (2) submitted to the county auditor more than ten (10) days after execution;
- is voidable by the county executive.

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## HEA 1183 - Foreign ownership of land

- IC 32-22-3-6.5 effective 7-1-24



(b)(3) Upon commencement of an action under this section, the attorney general shall promptly file a notice of lis pendens with the clerk of court. Upon the entry of an order for the sale of the property under this section, the attorney general shall promptly record a copy of the order in the office of the recorder of the county where the property is located.

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## HEA 1328 - DLFG

- IC 36-2-11-17 effective 7-1-24



(a) An owner of a farm may have the name of the owner's farm and a description of the land to which the name applies recorded in a register kept for that purpose by the recorder of the county in which the farm is located. The recorder, under the seal of the recorder's office, shall provide to the owner: a proper certificate setting forth the name and description of the farm.

(1) a copy of the recorded document that contains the name of the owner's farm; and

(2) documentation of a description of the land to which the name of the farm applies

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