

New Legislation

Recorder Conference

April 2021

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HB 1002 Civil Immunity Related to COVID 19

- Specifies that a government entity or employee is not liable if a loss results from an act or omission arising from COVID-19 unless the act or omission constitutes gross negligence, willful or wanton misconduct or intentional misrepresentation.



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HB 1030 Removal of County Elected Officer

- Allows a county executive and county fiscal body to adopt identical resolutions to initiate an action in court to remove a county officer for failing to be physically present in the county officer's office.
- Applies to Auditor, Treasurer, Recorder, Surveyor and Assessor
 - Public hearing held by Commissioners
 - Public hearing held by Council
 - If adoption of resolution, filed with Clerk of the Circuit Court
- A county officer must be physically present in the county officer's office during regular office hours for a reasonable amount of time each month.



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HB 1056 Recording Requirements

- Amends IC 32-21-2 and is effective 2-18-21
- Adds new section IC 32-21-2-1.7 that defines proof with respect to a notarial act.
- Amends IC 32-21-2-3 that any instrument to be recorded must have one of the following notarial acts: (1) an acknowledgement (2) a proof.
- Specifies who can perform a notarial act
- To be recorded an instrument must meet the requirements of article 32-21; have acknowledgement or proof; and must be in compliance with IC 36-2-11.



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HB 1169 Cybersecurity Incidents

- Requires a political subdivision to report any cybersecurity incident to the State office of IOT without unreasonable delay and not later than two business days after discovery in a format prescribed by the chief information officer.



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HB 1231 Lien Removal Fees

- Amends IC 36-2-7-10 and is effective 7-1-2021
- Adds a subsection to section (c) on fees: a \$25 fee to release a lien regardless on the number of liens held by the political subdivision on the property for a property sold or transferred under IC 6-1.1-24-6.1 or IC 36-1-11
- If the county containing a consolidated city has established a housing trust fund and adopted an ordinance authorizing a \$10 fee. The \$10 fee per document may be charged.



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HB 1255 Probate and Property Matters

- Makes changes to IC 32-21-1 Conveyance - Writing Requirements
 - IC 32-21-1-11 on instruments executed in foreign country – repealed
 - IC 32-21-1-12 seal or ink scroll not required – repealed
 - IC 32-21-1-13 Conveyance of land – amended for electronic records and paper documents requirements for conveyance other than deed, mortgage, lease less than 3 years or land contract. Effective 4/8/21
 - IC 32-21-1-14 Conveyance by attorney in fact – amended for requirements Effective 4/8/21



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HB 1255 Probate and Property Matters

- Changes to IC 32-21-2 Recording Process Effective 4/8/21
 - IC 32-21-2-4 Acknowledgement in another country – repealed
 - IC 32-21-2-5 Acknowledgement in another state – repealed
 - IC 32-21-2-6 Proving deeds – changes wording to compliance with statute
 - IC 32-21-2-7 Acknowledgement of deed or mortgage; form is amended
 - IC 32-21-2-8 Duty of officer to explain deed to grantor – repealed
 - IC 32-21-2-9 Certificate of acknowledgement; attaching to instrument – amended
 - IC 32-21-2-11 Certificate of acknowledgement; recording with deed – amended
 - IC 32-21-2-12 Certificate of acknowledgement; conclusiveness - amended



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HB 1255 Probate and Property Matters

- Changes to IC 32-21-2.5 Uniform Real Property Electronic Recording
- IC 32-21-2.5-7 amended for requirements of electronic document and electronic signature
- IC 32-21-2.5-8 Amended for recording electronic documents and accepting fees electronically
- IC 32-21-2.5-12 – Added for recording a paper or tangible copy of an electronic record and the requirements that need to be met.
- IC 33-42-9-7 on performing notarial acts is amended to add County Recorders in their respective counties.



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HB 1255 Probate and Property Matters

- Effective 4/8/21 and adds a subsection to IC 36-2-11-3
- Subsection (b) if the office is closed 3 or more business days under executive order, the county executive and county recorder shall provide notice on the website.
- Notice may include information on how the public can submit documents to the Recorder's office in paper, electronic or digital formats and how payment must be provided.
- Failure to comply does not invalidate any instrument submitted to the Recorder under IC 29-7-23(d) or 32-21 or IC 36-2-11 or subject Recorder or county to civil liability



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HB 1255 Probate and Property Matters

- Effective 4/8/21 and amends IC 36-2-11-16
- Regarding signatures on documents this bill adds the phrase “or logically associated with the instrument” for the printed name of the person who executed the document, the witness, and the notarial officer
- Adds reference to proof as defined in IC 32-21-2
- Adds subsection “The execution of the instrument and the acknowledgement or proof (as defined in and permitted under IC 32-21-2) and complies with IC 33-42



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HB 1271 DLGF

- Department of Local Government Finance (DLGF)
- State Board of Accounts is accountable to the legislative council effective 4/8/21
- Referendum will require Auditor to determine estimated tax increase if referendum passes effective 7/1/21
- Increases the amount that a unit can transfer to the Rainy Day fund from 10% to 15% for 2021 through 2024. Effective 1/1/21



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HB 1437 Electronic Meetings and Signatures

- Allows a member of a governing body of a political subdivision to participate in a meeting electronically as long as:
 - A written policy is adopted establishing procedures
 - Technology allows simultaneous communication between members and public
 - 50% of members are physically present
 - Bill allows member attending electronically to be counted for quorum
 - Member attending electronically can participate in final action taken
- Provides that if a statute requires a manual signature for attesting an obligation, an electronic signature has the same forces and effect as a manual signature



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SB 28 Tax Sales

- Adds a new section to IC 6-1.1-24 for forfeiture of a tax sale under certain conditions. The Treasurer is responsible for the notification of the forfeiture and must file with the Recorder a certification identifying the forfeited sale that includes: the date of the sale; the name of buyer; the property identification number of the real property; the real property's legal description and a statement that the sale has been forfeited and is null and void because the buyer was not eligible to purchase the real property.
- Effective July 1, 2021



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