



The Ohio Recorders' Association

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HB 429 Testimony

Danny Crank, Legislative Co-Chairman, Ohio Recorders' Association
House Civil Justice Committee
Chairman Steve Hambley
June 2, 2020

Chairman Hambley, Vice Chairman Patton, Ranking Member Brown, and members of the House Civil Justice Committee, my name is Danny Crank and I am the Butler County Recorder and Legislative Co-Chairman for the Ohio Recorders' Association. The ORA is supportive of the intent of the legislation to protect victims of domestic violence, human trafficking, rape or sexual battery, and appreciate sponsors Representative Jeff LaRe and Representative Cindy Abrams for discussing the legislation with us.

The job of the County Recorder is to make a complete, accurate and permanent record of every document pertaining to the conveyance and encumbrance of land within the county, and as such Recorders' take great care to ensure that every document received is accurately filed, recorded and indexed. The ORA wants to ensure that the important role the County Recorder performs and the documents needed for real estate transactions are usable while providing appropriate protections for individuals. We understand that HB 429 is scheduled for a vote today, and as such we are committed to continuing to work with the sponsors and the General Assembly to ensure any enacted legislation achieves these goals.

Additionally, there is a separate amendment that has been requested by the ORA to update several items on recorders law for your review. Briefly, the amendment will do the following:

- 317.32 (B)
 - certifying a copy or electronic record. This is to better reflect technology changes;
 - Keeps the fees for certifying records the same amount. The language simply adds or electronic record as many individuals prefer to receive documents electronically;
- 317.32 (C)
 - for entering or indexing any ~~marginal~~ reference. This is to better reflect technology changes;
 - When recording a document with references to other documents, these references had historically been handwritten in the margins. With technological changes entering or indexing references to other documents are still a part of the process, but are not often handwritten marginal references. Language changes are to update ORC for current practice to clarify allowing indexing any reference (delete marginal) while retaining the same fee for references as current law.

- 317.32 (l)
 - *Electronic Payment Issue* -- Clarification that electronic payments are permissible as it has been misinterpreted in some counties that EFT, ACH, etc. are not “paid upon the presentation of the instruments for record...”
 - The fees provided in this section *shall be paid upon the presentation of the instruments for record* or upon the application for any certified copy of the record, *except that... payment of fees for electronic recording may be made by electronic funds transfer, automated clearing house, or other electronic means after presentation.*
 - *Land Bank Issue* -- clarify that only land bank documents are exempt from recording fees;
 - Under current law, municipalities’ acting as a “subsidiary” of a land bank are exempt from recording fees for land bank-related transactions.
 - Recorders’ have experienced municipalities that are a subsidiary of a land bank recording documents under the land bank fee exemption even when documents do *not* pertain to the land bank.

- 5301.255
 - Fixing cross-references -- Technical corrections.

Once again, Chairman Hambley and members of the committee, thank you for allowing our testimony today. Please let us know if you have any questions.