



The Ohio Recorders' Association

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**HB 93 Proponent Testimony
Bryan Long, Legislative Chairman, Ohio Recorders' Association
House Civil Justice Committee
Chairman Brett Hillyer
February 23, 2021**

Chairman Hillyer, Vice Chair Grendell, Ranking Member Galonski, and members of the House Civil Justice Committee, my name is Bryan Long and I am the Licking County Recorder and Legislative Chairman for the Ohio Recorders' Association. The ORA is supportive of HB 93 and its objective to protect victims of domestic violence, human trafficking, rape or sexual battery. We appreciate bill sponsors Representative Cindy Abrams and Representative Jeff LaRe, as well as the Secretary of State's Office for working with us on this legislation.

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 to conduct real estate transactions remain usable while simultaneously providing appropriate protections for individuals enrolled in the Safe at Home program.

Additionally, there are provisions included within HB 93 that have been incorporated by the Sponsors to update several items on Recorders law for your review. Briefly, those provisions 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 to clarify for current practice by 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.

In closing, thank you for your consideration of HB 93. Should the General Assembly enact this legislation we look forward to working with the Secretary of State’s office on the implementation to protect Safe at Home program participants as well as ensure these important records remain usable for real estate transactions.

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