



January 14, 2020

HOUSE BILL No. 1022

DIGEST OF HB 1022 (Updated January 13, 2020 1:18 pm - DI 135)

Citations Affected: IC 2-3.

Synopsis: Legislative notaries. Makes stylistic and technical changes to the statute that confers notarial powers on members of the general assembly, the principal clerk of the house of representatives, and the principal secretary of the senate. Provides that the power of a legislative notary expires: (1) on the date the current term of office of the individual expires, if the individual is a member of the general assembly; or (2) on the date the term of the current general assembly expires, if the individual is the principal clerk of the house of representatives or the principal secretary of the senate. (Current law does not state when the power of a legislative notary expires.) Provides that a legislative notary must indicate on a document that the legislative notary signs the date the legislative notary's power expires. (Under current law, a legislative notary who is a member of the general assembly must indicate on the document when the individual was elected to the general assembly. The law does not currently impose such a requirement on the principal clerk of the house of representatives or the principal secretary of the senate.)

Effective: July 1, 2020.

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January 6, 2020, read first time and referred to Committee on Judiciary.
January 13, 2020, reported — Do Pass.

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January 14, 2020

Second Regular Session of the 121st General Assembly (2020)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

HOUSE BILL No. 1022

A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 2-3-4-0.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2020]: **Sec. 0.5. As used in this chapter, "legislative notary"**
4 **refers to any of the following:**
5 (1) **A member of the general assembly.**
6 (2) **The principal clerk of the house of representatives.**
7 (3) **The principal secretary of the senate.**
8 SECTION 2. IC 2-3-4-1 IS AMENDED TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) ~~Any member of the general~~
10 ~~assembly, the principal clerk of the house of representatives, or the~~
11 ~~secretary of the senate~~ **A legislative notary may do any of the**
12 **following:**
13 (1) Take acknowledgment to ~~deeds a deed~~ or **any other**
14 **instruments instrument** in writing.
15 (2) Administer oaths, protest notes, and checks.
16 (3) Take the deposition of a witness.
17 (4) Take and certify ~~affidavits and depositions~~ **an affidavit or a**

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1 **deposition. and**

2 (5) Perform any other duty conferred upon a notary public by ~~the~~
3 **statutes of Indiana statutes.**

4 (b) ~~Acknowledgments~~ **An acknowledgment to deeds a deed** or
5 ~~other instruments instrument~~ taken by any such person shall entitle
6 ~~such deeds a legislative notary entitles the deed~~ or other ~~instruments~~
7 **instrument** to be recorded the same as though acknowledged before a
8 notary public.

9 SECTION 3. IC 2-3-4-2 IS AMENDED TO READ AS FOLLOWS
10 ~~[EFFECTIVE JULY 1, 2020]: Sec. 2. (a) No member of the general~~
11 ~~assembly shall be~~ **A legislative notary is not** authorized to perform
12 any of the ~~duties mentioned acts described~~ in section 1 of this chapter
13 until ~~he shall have procured such the individual procures~~ a seal as
14 **that** will stamp upon paper a distinct impression, in words or letters,
15 sufficiently indicating ~~his the individual's~~ official character **as a**
16 **legislative notary. The individual to which may be added such add**
17 **to the seal any other device as he may choose. All acts the individual**
18 **chooses.**

19 (b) ~~An act not attested by such a seal shall be described in~~
20 **subsection (a) is void.**

21 SECTION 4. IC 2-3-4-3, AS AMENDED BY P.L.136-2018,
22 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2020]: Sec. 3. (a) ~~It shall be the duty of every member of the~~
24 ~~general assembly When~~ performing any of the acts as set forth
25 **described in section 1 of this chapter, a legislative notary must show**
26 **the date that the legislative notary's power expires as provided in**
27 **subsection (c) on the document** at the time of signing any certificates
28 ~~of the legislative notary signs an acknowledgment, of a deed,~~
29 ~~mortgage or other instrument, or any a jurat, or any other official~~
30 ~~document. to append to such certificate the date of the member's~~
31 ~~election to the general assembly.~~

32 (b) ~~The jurisdiction power of any such member a legislative notary~~
33 ~~to perform the duties mentioned acts described in this section shall be~~
34 ~~coextensive with the state of section 1 of this chapter extends~~
35 **throughout** Indiana.

36 (c) **The power of a legislative notary expires as follows:**

37 (1) **If the individual is a member of the general assembly, the**
38 **date the individual's current term of office expires.**

39 (2) **If the legislative notary is not a member of the general**
40 **assembly, the date the term of the current general assembly**
41 **expires.**

42 SECTION 5. IC 2-3-4-4 IS AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) ~~Any such member A~~
2 ~~legislative notary~~ performing any of the acts ~~or duties hereunder shall~~
3 ~~be described in section 1 of this chapter is~~ entitled to the same fees
4 as those charged by ~~notaries a notary~~ public. ~~and where any~~
5 (b) ~~If an~~ act by a notary public would be a violation of the law, it
6 ~~shall likewise be the same act performed by a legislative notary is~~
7 a violation of the law. ~~if committed by a member of said general~~
8 ~~assembly in the performance of any of the duties or acts authorized~~
9 ~~hereunder. All laws and parts of laws in conflict herewith are hereby~~
10 ~~repeated.~~



COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1022, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1022 as introduced.)

TORR

Committee Vote: Yeas 13, Nays 0

