

Senate Bill 252

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Provides that recording fee for County Assessment and Taxation Fund does not apply to recordation of certified copies of death records.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the recordation of certified copies of death records; creating new provisions; amending
3 ORS 205.323; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 205.323 is amended to read:

6 205.323. (1) In addition to and not in lieu of the fees charged and collected under ORS 205.320
7 and other fees, the county clerk shall charge and collect the following fees for the recording or fil-
8 ing of any instrument described in ORS 205.130:

9 (a) A fee of \$1, to be credited as provided in subsection (4)(a) of this section;

10 (b) A fee of \$10, to be credited as provided in subsection (4)(b) of this section; and

11 (c) A fee of \$60, to be credited as provided in subsection (4)(c) of this section.

12 (2) Subsection (1) of this section does not apply to the recording or filing of the following:

13 (a) Instruments that are otherwise exempt from recording or filing fees under any provision of
14 law;

15 (b) Any satisfaction of judgment or certificate of satisfaction of judgment; or

16 (c) Internal county government instruments not otherwise charged a recording or filing fee.

17 (3) Subsection (1)(c) of this section does not apply to the recording or filing of:

18 (a) Instruments required under ORS 517.210 to maintain mining claims;

19 (b) Warrants issued by the Employment Department pursuant to ORS 657.396, 657.642 and
20 657.646; *[or]*

21 (c) A certified copy of a judgment, a lien record abstract as described in ORS 18.170 or a sat-
22 isfaction of a judgment, including a judgment noticed by recordation of a lien record abstract $[.]$; **or**

23 **(d) A certified copy of a death record under ORS 205.130 (2)(c).**

24 (4) Of the amounts charged and collected under this section:

25 (a) The recording or filing fee charged and collected under subsection (1)(a) of this section
26 *[must]* **shall** be deposited and credited to the Oregon Land Information System Fund established
27 under ORS 306.132.

28 (b) The recording or filing fee charged and collected under subsection (1)(b) of this section shall
29 be credited as follows:

30 (A) Five percent of the fee *[must]* **shall** be credited for the benefit of the county;

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (B) Five percent of the fee [*must*] **shall** be credited for the benefit of the county clerk for the
2 purposes described in ORS 205.320 (2); and

3 (C) 90 percent of the fee [*must*] **shall** be credited to and deposited in the County Assessment and
4 Taxation Fund created under ORS 294.187.

5 (c) The recording or filing fee charged and collected under subsection (1)(c) of this section
6 [*must*] **shall** be credited to and deposited in the County Assessment and Taxation Fund created un-
7 der ORS 294.187.

8 (5) The Department of Revenue and county tax collectors are exempt from paying the fee under
9 subsection (1)(c) of this section.

10 **SECTION 2. The amendments to ORS 205.323 by section 1 of this 2021 Act apply to cer-**
11 **tified copies of death records recorded on or after the effective date of this 2021 Act.**

12 **SECTION 3. This 2021 Act being necessary for the immediate preservation of the public**
13 **peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect**
14 **on its passage.**

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