



Oregon Association of County Clerks

oacclerks.org

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Written Testimony before the House Rules Committee in Support of House Bill 2033

Dear Chair Fahey, Vice-Chairs Breese-Iverson and Kropf, and
Representatives Nosse, Scharf, Valderrama, and Wallan,

The Oregon Association of County Clerks (OACC) urges you to support House Bill 2033.

HB 2033 would clarify the process for recording an instrument that transfers title to property to certain public entities.

The current statute is written in an awkward manner that leaves ambiguities. Unlike other statutes, this sometimes confuses those engaging in such transactions. HB 2033 would fix that by adding clarity.

However, in further review of the way this bill was crafted, OACC would like to request an amendment to make another aspect of the statute clear - specifically to ensure that the obligation to ensure compliance with the legal requirements is placed on the person seeking to record the document, rather than the County Clerk, who is generally a ministerial officer and not a lawyer.

Here is how OACC suggests the additional amendment to HB 2033 should render subsection (2) of the statute, ORS 311.411 (additional changes are underlined):

(2)(a) Notwithstanding ORS 205.130, a county clerk may *[not]* record or cause to be recorded an instrument conveying or contracting to convey fee title to real property to an entity whose property is exempt from taxation under ORS 307.040 or 307.090. **The party submitting [unless] the instrument for recording shall ensure the conveyance instrument** is accompanied by a certificate issued by the assessor of the county in which the real property is located attesting that all charges against the real property as of the date of the recording have been paid.

(b) If an instrument is recorded without a certificate as required under paragraph (a) of this subsection, any charges against the real property as of the date of the recording that have not been paid shall be collected in the manner provided under subsection (6) of this section. The transfer of ownership within the Assessment Tax Rolls for the subject real property, will only be complete after all charges have been paid.

Please join OACC in supporting HB 2033 - with the above additional amendments - to help keep our recording statutes clear and unambiguous.