



Oregon Association of County Clerks

oacclerks.org

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Written Testimony before the House Rules Committee regarding House Bill 3294

Dear Chair Kropf, Vice-Chairs Andersen and Wallan, and
Representatives Bynum, Chaichi, Conrad, Lewis, Morgan, Reynolds, and Tran

The Oregon Association of County Clerks (OACC) asks for a thoughtful approach to legislation that excludes anything from the recorded public record. OACC has a number of technical and practical concerns regarding how this bill has been crafted. In addition, OACC would like to offer a couple thoughts for your consideration:

1. Please keep in mind that removing a recorded land title record removes history. It is a fundamental principle of real estate in Oregon that the county clerk maintains the land title records without alteration to ensure stability of land titles. Even when a recorded document contains discriminatory or otherwise unlawful language that cannot legally be enforced, the recorded document itself is not removed from the record. Instead, a new document is recorded to clarify the status of the prior recorded document, if necessary or desired. The accumulation of these documents creates a chain of title that provides the foundation for property ownership and rights. Without an unalterable chain of title, buying, selling, and collateralizing real property becomes more difficult and expensive.

2. There are costs associated with implementing this type of bill, costs which county clerks are not in a position to absorb, especially in light of the ongoing county budget crisis being felt around the state due to the high levels of inflation that exceed growth of property tax revenues capped by our Constitution, leading to budget cuts and layoffs, including those being presently experienced by many county clerk offices. As a result, please keep in mind that the costs of implementing this bill need to be fully funded.

Thank you again for the opportunity to comment on House Bill 3294. As always, the County Clerks stand ready to assist as needed.