

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	10 - 0 - 0
Yeas:	Garrett, Hicks, Nolan, Olson, Schaufler, Tomei, Wand, Whisnant, Barker, Krieger
Nays:	0
Exc.:	0
Prepared By:	Aaron Knott, Counsel
Meeting Dates:	4/7, 4/14

WHAT THE MEASURE DOES: Requires that a notice of lien for nonpossessory chattel shall be a statement in writing verified by the attestation under penalty of perjury of the lien claimant.

ISSUES DISCUSSED:

- Nature and purpose of agricultural liens
- Definition of nonpossessory chattel
- Purpose of certification of acts of public officials

EFFECT OF COMMITTEE AMENDMENT: Allows creditors to file a written claim verified by written attestation under penalty of perjury, eliminating the requirement that this claim be notarized under oath, when filing an agricultural services lien.

BACKGROUND: Section 1 of House Bill 2253 A pertains to the filing of liens. ORS 87.242 governs the filing of a written notice of claim of lien in the case of nonpossessory chattel liens. Currently, this filing requires a statement to be made and notarized under oath and containing a statutorily described set of descriptive requirements as to the statement of demand and identity of relevant parties. Nonpossessory chattel liens generally pertain to liens imposed due to the nonpayment of an account for materials, labor or services. House Bill 2253 A allows a lien claimant to file the notice of claim in writing, verified by an attestation under penalty of perjury rather than by oath, eliminating the notary requirement. Section 2-5 of House Bill 2253 A allows agricultural lien claimants to make a similar attestation under ORS 87.705 and ORS 87.710.

Section 6 of HB 2253 A allows the Secretary of State to register any person who is serving the State of Oregon or any of its subdivisions or any other public body as an elected official, appointed official, employee or agent and attest to the authenticity of the official acts of public officials in the State of Oregon.

Section 7 of HB 2253 A forbids the Secretary of State from certifying the signature of a notary public on a document pertaining to government allegiance, the renunciation of citizenship or claims of immunity from the laws of the state or nation.