

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass
Vote:	9 - 0 - 0
Yeas:	Barnhart, Berger, Harker, Hicks, Holvey, Jenson, Kennemer, Smith Warner, Hoyle
Nays:	0
Exc.:	0
Prepared By:	Erin Seiler, Administrator
Meeting Dates:	2/3

WHAT THE MEASURE DOES: Prohibits county clerk or county recording officer from recording document that records death filed in conjunction with owning or having interest in land if document originated in this state and includes medical information related to cause of death. Declares emergency, effective upon passage.

ISSUES DISCUSSED:

- House Bill 2093, 2013
- Inability to record out-of-state death certificates in conjunction with owning or having interest in land
- Specificity of statutory change
- Process to remove deceased individual as title holder on property

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: The Oregon Legislature passed House Bill 2093 in 2013 to update Oregon's vital statistics statutes to reflect the 2011 Revisions to the Model State Vital Statistics Act.

According to the Oregon Health Authority (OHA), vital records impact both national and state interests in security and public health. Record of death certificates are often used to settle affairs, such as removing someone as title holder to a property.

ORS 432.124 prohibits a document recording a death filed in conjunction with owning or having a claim or interest in land from including medical information related to the cause of death. Oregon has a short form that does not contain medical information related to cause of death that can be used for document recording. As currently written, county legal counsels believe that a county clerk may not record an out-of state document that contains medical information because of the prohibition against recording a document that contains medical information. However, there may not be an alternative form without medical information.

House Bill 4056 prohibits a county clerk or county recording officer from recording a document that records death, filed in conjunction with owning or having interest in land, only if the document originated in Oregon and includes medical information related to the cause of death. It would allow a county clerk or county recording officer to record an out-of-state document that may include medical information.

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This summary has not been adopted or officially endorsed by action of the committee.