

STAFF MEASURE SUMMARY

House Committee On Rules

Fiscal: No Fiscal Impact

Revenue: No Revenue Impact

Action Date: 04/29/15

Action: Do Pass.

Meeting Dates: 04/29

Vote:

Yeas: 8 - Barnhart, Gilliam, Hoyle, Kennemer, Nosse, Rayfield, Smith Warner, Wilson

Nays: 1 - McLane

Prepared By: Erin Seiler, Committee Administrator

WHAT THE MEASURE DOES:

Resolves certain contradictory provisions applicable to duties of county clerk. Eliminates biannual duty of county to examine financial books and papers of county clerk, clerk of county court, treasurer and sheriff. Requires purchaser to record sheriff's certificate of execution sale in County Clerk Lien Record.

ISSUES DISCUSSED:

- Alignment of solemnization of marriage fee
- Process for recording and assigning certificates of sale issued by a Sheriff's Office at public auction
- Scope of responsibilities vested in county clerk
- County entity responsible for oversight of finance departments and audits duties
- Ability to track title and ownership of real property sold at public auction in connection with foreclosure

EFFECT OF COMMITTEE AMENDMENT:

No amendment.

BACKGROUND:

Each legislative session, the Association of County Clerks brings forward an omnibus housekeeping bill to resolve contradictions in statutes, align statutory timeframes, update statutes to reflect legislative intent, and repeal outdated statutes relating to the work of county clerks. Senate Bill 27 is the omnibus housekeeping measure for 2015.

Amongst the issues addressed in SB 27 are: aligning the fee amount in ORS 205.330 that the county clerk collects for solemnization of marriage with the same \$100 fee that was amended in ORS 106.120 in 2014 by House Bill 4066; and aligning the ten-day timeframe in ORS 106.170 for reporting a marriage to county clerk with the five-day timeframe in ORS 432.173 for mandatory submission and registration of reports of marriage and reports of domestic partnership. In 2013, House Bill 2093 reduced the reporting requirement to five calendar days in ORS 432.173 and SB 27 makes the same change in ORS 106.170. The measure repeals ORS 294.085, an outdated requirement for a county court or board of county commissioners to physically examine all books and papers and that the county clerk and clerk of the county court exhibit (the orders, vouchers, stubs of warrants, etc.) along with all the other books and papers related to the county's financial affairs, twice each year. The documents are, and will continue to be examined, but by the appropriate county entity such as the finance department or an independent auditor contracted with the county.

SB 27 is this session's housekeeping or statutory cleanup measure from the Association of County Clerks. It resolves contradictory provisions, aligns other provisions for consistency, and generally updates statutes affecting the work of county clerks.