

D R A F T

SUMMARY

Provides that recording fee for County Assessment and Taxation Fund does not apply to recordation of certified copies of death records.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to the recordation of certified copies of death records; creating new provisions; amending ORS 205.323; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 205.323 is amended to read:

205.323. (1) In addition to and not in lieu of the fees charged and collected under ORS 205.320 and other fees, the county clerk shall charge and collect the following fees for the recording or filing of any instrument described in ORS 205.130:

(a) A fee of \$1, to be credited as provided in subsection (4)(a) of this section;

(b) A fee of \$10, to be credited as provided in subsection (4)(b) of this section; and

(c) A fee of \$60, to be credited as provided in subsection (4)(c) of this section.

(2) Subsection (1) of this section does not apply to the recording or filing of the following:

(a) Instruments that are otherwise exempt from recording or filing fees under any provision of law;

(b) Any satisfaction of judgment or certificate of satisfaction of judgment;

or

(c) Internal county government instruments not otherwise charged a recording or filing fee.

(3) Subsection (1)(c) of this section does not apply to the recording or filing of:

(a) Instruments required under ORS 517.210 to maintain mining claims;

(b) Warrants issued by the Employment Department pursuant to ORS 657.396, 657.642 and 657.646; [or]

(c) A certified copy of a judgment, a lien record abstract as described in ORS 18.170 or a satisfaction of a judgment, including a judgment noticed by recordation of a lien record abstract[.]; **or**

(d) A certified copy of a death record under ORS 205.130 (2)(c).

(4) Of the amounts charged and collected under this section:

(a) The recording or filing fee charged and collected under subsection (1)(a) of this section [must] **shall** be deposited and credited to the Oregon Land Information System Fund established under ORS 306.132.

(b) The recording or filing fee charged and collected under subsection (1)(b) of this section shall be credited as follows:

(A) Five percent of the fee [must] **shall** be credited for the benefit of the county;

(B) Five percent of the fee [must] **shall** be credited for the benefit of the county clerk for the purposes described in ORS 205.320 (2); and

(C) 90 percent of the fee [must] **shall** be credited to and deposited in the County Assessment and Taxation Fund created under ORS 294.187.

(c) The recording or filing fee charged and collected under subsection (1)(c) of this section [must] **shall** be credited to and deposited in the County Assessment and Taxation Fund created under ORS 294.187.

(5) The Department of Revenue and county tax collectors are exempt from paying the fee under subsection (1)(c) of this section.

SECTION 2. The amendments to ORS 205.323 by section 1 of this 2023 Act apply to certified copies of death records recorded on or after

1 the effective date of this 2023 Act.

2 SECTION 3. This 2023 Act being necessary for the immediate pres-
3 ervation of the public peace, health and safety, an emergency is de-
4 clared to exist, and this 2023 Act takes effect on its passage.

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