

House Bill 3077

Sponsored by Representative ROSENBAUM (at the request of Senate Majority Leader Kate Brown)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Revises fees charged for marriage license.

A BILL FOR AN ACT

Relating to marriage license fees; amending ORS 106.045, 107.615 and 205.320.

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

SECTION 1. ORS 106.045 is amended to read:

106.045. (1) In addition to any other fees provided by law, the county clerk shall collect a fee of [\$25] \$_____ upon the application for a marriage license.

(2) The county clerk shall regularly pay over to the Director of Human Services all moneys collected under subsection (1) of this section to be credited to the Domestic Violence Fund pursuant to ORS 108.660.

SECTION 2. ORS 107.615 is amended to read:

107.615. (1) The governing body of any county may impose a fee up to [\$10] \$_____ above that prescribed in ORS 205.320 (5) for a marriage license.

(2) In addition to any other funds used therefor, the governing body shall use the proceeds from the fee increase authorized by this section to pay the expenses of conciliation services under ORS 107.510 to 107.610 and mediation services under ORS 107.755 to 107.795. If there are none in the county, the governing body may provide such services through other county agencies or may contract with a public or private agency or person to provide such services.

(3) The governing body may establish rules of eligibility for conciliation services funded under this section so long as its rules do not conflict with rules of the court adopted under ORS 107.580.

(4) Fees collected under this section shall be collected and deposited in the same manner as other county funds are collected and deposited but shall be maintained in a separate account to be used as provided in this section.

SECTION 3. ORS 205.320 is amended to read:

205.320. In every county there shall be charged and collected in advance by the county clerk, for the benefit of the county, the following fees, and no more, for the following purposes and services:

(1) For filing and making entry when required by law of any instrument required or permitted by law to be filed, when it is not recorded, \$5 for each page.

(2) For filing and making entry of the assignment or satisfaction of any filed, but not recorded, instrument, \$5 for each page.

(3) For each official certificate, \$3.75.

(4)(a) For purposes of this subsection, "page" means one side of a sheet 14 inches, or less, long

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 and 8-1/2 inches, or less, wide.

2 (b) For recording any instrument required or permitted by law to be recorded, \$5 for each page,
3 but the minimum fee shall not be less than \$5.

4 (c) For supplying to private parties copies of records or files, not more than \$3.75 for locating
5 a record requested by the party and 25 cents for each page.

6 (d) For each official certificate, \$3.75.

7 (5) For taking affidavit for and making and issuing marriage license and registering the return
8 thereof, [\$25] \$_____.

9 (6) For solemnizing a marriage under ORS 106.120, \$25. This subsection does not require that
10 the county clerk charge a fee for solemnizing a marriage after normal working hours or on Satur-
11 days or legal holidays. This subsection does not prohibit a county clerk from charging and accepting
12 a personal payment for solemnizing a marriage if otherwise authorized by ORS 106.120.

13 (7) For taking and certifying acknowledgment or proof of execution of any instrument, the fee
14 established in the schedule adopted by the Secretary of State under ORS 194.164.

15 (8) For issuing any license required by law, other than a marriage or liquor license, and for
16 which no fee is otherwise provided by law, \$5.

17 (9) For any service the clerk may be required or authorized to perform and for which no fee is
18 provided by law, such fees as may favorably compare with those established by this section for
19 similar services and as may be established by order or rule of the county court or board of county
20 commissioners.

21 (10) For recording any instrument under ORS 205.130 (2), as required by ordinance pursuant to
22 ORS 203.148.

23 (11) In addition to and not in lieu of the fees charged under subsection (4) of this section, for
24 each additional municipal assessment lien recorded under ORS 93.643, \$5.

25 (12) In addition to and not in lieu of the fees charged under subsection (4) of this section, for
26 each additional assignment, release or satisfaction of any recorded instrument, \$5.

27 (13) In addition to and not in lieu of the fees charged under subsection (4) of this section, for
28 each additional transaction described under ORS 205.236, \$5.

29 (14) In addition to and not in lieu of the fees charged under subsection (4) of this section, for
30 each additional lien recorded under ORS 311.675, \$5.

31 (15) For preparing and recording the certificate under ORS 517.280, \$20 or such other fee that
32 is established by the county governing body.

33 (16) In addition to and not in lieu of the fees charged under subsection (4) of this section, for
34 each additional claim listed on an affidavit of annual compliance under ORS 517.210, \$5.

35 (17) In addition to and not in lieu of the fees charged under subsection (4) of this section, for
36 each additional name listed on a cooperative contract under ORS 62.360 (2) or for recording the
37 termination of a cooperative contract under ORS 62.360 (4), \$5.

38 (18) Notwithstanding any other law, five percent of any fee or tax that is not collected for the
39 benefit of the county clerk shall be deducted from the fee or tax. The moneys deducted shall be
40 expended for acquiring storage and retrieval systems, payment of expenses incurred in collecting the
41 fee or tax and maintaining and restoring records as authorized by the county clerk. Moneys col-
42 lected under this subsection shall be deposited in a county clerk records fund established by the
43 county governing body. No moneys shall be deducted under this subsection from:

44 (a) Fees collected for the Domestic Violence Fund under ORS 106.045.

45 (b) Fees collected for conciliation services under ORS 107.615.

- 1 (c) Real estate transfer taxes enacted prior to January 1, 1998.
 - 2 (d) Fees collected under ORS 205.323 for the Oregon Land Information System Fund.
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