

House Bill 2154

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for Department of State Lands)

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**.

Transfers responsibility for administering Uniform Disposition of Unclaimed Property Act from Department of State Lands to State Treasurer.

Requires State Treasurer to report annually to State Land Board on collection and return of unclaimed property.

Abolishes Unclaimed Property Revolving Fund. Establishes Unclaimed Property Account in Common School Fund. Continuously appropriates moneys in account to State Treasurer for specified purposes.

Becomes operative on July 1, 2011.

A BILL FOR AN ACT

1
2 Relating to unclaimed property; creating new provisions; amending ORS 60.674, 62.720, 98.050,
3 98.302, 98.329, 98.348, 98.352, 98.353, 98.354, 98.356, 98.362, 98.366, 98.372, 98.376, 98.382, 98.384,
4 98.386, 98.388, 98.392, 98.396, 98.402, 98.412, 98.416, 98.422, 98.424, 98.991, 98.992, 178.065, 183.635,
5 273.105, 287A.474, 293.450, 293.455, 293.460, 314.840, 327.405, 657.665, 711.225, 711.230, 711.235,
6 711.590, 716.905 and 716.910; and appropriating money.

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

8 **SECTION 1. The duties, functions and powers of the Department of State Lands relating**
9 **to the administration of the Uniform Disposition of Unclaimed Property Act, ORS 98.302 to**
10 **98.436, are imposed upon, transferred to and vested in the State Treasurer.**

11 **SECTION 2. (1) The Director of the Department of State Lands shall:**

12 **(a) Deliver to the State Treasurer all records and property within the jurisdiction of the**
13 **director that relate to the duties, functions and powers transferred by section 1 of this 2009**
14 **Act; and**

15 **(b) Transfer to the State Treasurer those employees engaged primarily in the exercise**
16 **of the duties, functions and powers transferred by section 1 of this 2009 Act.**

17 **(2) The State Treasurer shall take possession of the records and property, and shall take**
18 **charge of the employees and employ them in the exercise of the duties, functions and powers**
19 **transferred by section 1 of this 2009 Act, without reduction of compensation but subject to**
20 **change or termination of employment or compensation as provided by law.**

21 **(3) The Governor shall resolve any dispute between the Department of State Lands and**
22 **the State Treasurer relating to transfers of records, property and employees under this**
23 **section, and the Governor's decision is final.**

24 **SECTION 3. The transfer of duties, functions and powers to the State Treasurer by sec-**
25 **tion 1 of this 2009 Act does not affect any action, proceeding or prosecution involving or with**
26 **respect to such duties, functions and powers begun before and pending at the time of the**
27 **transfer, except that the State Treasurer is substituted for the Department of State Lands**

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 in the action, proceeding or prosecution.

2 **SECTION 4.** (1) Nothing in sections 1 to 6 of this 2009 Act relieves a person of a liability,
 3 duty or obligation accruing under or with respect to the duties, functions and powers
 4 transferred by section 1 of this 2009 Act. The State Treasurer may undertake the collection
 5 or enforcement of any such liability, duty or obligation.

6 (2) The rights and obligations of the Department of State Lands legally incurred under
 7 contracts, leases and business transactions executed, entered into or begun before the op-
 8 erative date specified in section 54 (1) of this 2009 Act accruing under or with respect to the
 9 duties, functions and powers transferred by section 1 of this 2009 Act are transferred to the
 10 State Treasurer. For the purpose of succession to these rights and obligations, the State
 11 Treasurer is a continuation of the Department of State Lands and not a new authority.

12 **SECTION 5.** Notwithstanding the transfer of duties, functions and powers by section 1
 13 of this 2009 Act, the rules of the Department of State Lands with respect to such duties,
 14 functions or powers that are in effect on the operative date specified in section 54 (1) of this
 15 2009 Act continue in effect until superseded or repealed by rules of the State Treasurer.
 16 References in such rules of the Department of State Lands to the Department of State Lands
 17 or an officer or employee of the Department of State Lands are considered to be references
 18 to the State Treasurer or an officer or employee of the State Treasurer.

19 **SECTION 6.** Whenever, in any uncodified law or resolution of the Legislative Assembly
 20 or in any rule, document, record or proceeding authorized by the Legislative Assembly, in
 21 the context of the duties, functions and powers transferred by section 1 of this 2009 Act,
 22 reference is made to the Department of State Lands, or an officer or employee of the De-
 23 partment of State Lands, whose duties, functions or powers are transferred by section 1 of
 24 this 2009 Act, the reference is considered to be a reference to the State Treasurer or an of-
 25 ficer or employee of the State Treasurer who is charged with carrying out such duties,
 26 functions and powers.

27 **SECTION 7.** Section 8 of this 2009 Act is added to and made a part of ORS 98.302 to 98.436.

28 **SECTION 8.** The State Treasurer shall report to the State Land Board, no later than
 29 June 30 of each year, on the activities of the State Treasurer relating to the collection and
 30 return of unclaimed property pursuant to ORS 98.302 to 98.436. The report shall include, but
 31 need not be limited to, the following information:

32 (1) The amount, in dollars, of the unclaimed property received by the State Treasurer in
 33 the previous year.

34 (2) The amount, in dollars, of the unclaimed property returned to the rightful owner in
 35 the previous year.

36 (3) The expenses of the State Treasurer in administering the collection and return of
 37 unclaimed property pursuant to ORS 98.302 to 98.436.

38 **SECTION 9.** ORS 98.302 is amended to read:

39 98.302. As used in ORS 98.302 to 98.436 and 98.992, unless the context otherwise requires:

40 [(1) "Administrator" means the Director of the Department of State Lands.]

41 [(2)] (1) "Apparent owner" means the person whose name appears on the records of the holder
 42 as the person entitled to property held, issued or owing by the holder.

43 [(3)] (2) "Business association" means a nonpublic corporation, joint stock company, business
 44 trust, partnership, investment company or an association for business purposes of two or more in-
 45 dividuals, whether or not for profit, including a financial institution, insurance company or utility.

1 [(4)] (3) "Domicile" means the state of incorporation of a corporation and the state of the prin-
 2 cipal place of business of an unincorporated person.

3 [(5)] (4) "Financial institution" means a financial institution or a trust company, as those terms
 4 are defined in ORS 706.008, a safe deposit company, a private banker, a savings and loan association,
 5 a building and loan association or an investment company.

6 [(6)] (5) "Holder" means a person, wherever organized or domiciled, who is in possession of
 7 property belonging to another, a trustee or indebted to another on an obligation.

8 [(7)] (6) "Insurance company" means an association, corporation, fraternal or mutual benefit
 9 organization, whether or not for profit, [which] that is engaged in providing insurance coverage,
 10 including accident, burial, casualty, workers' compensation, credit life, contract performance, dental,
 11 fidelity, fire, health, hospitalization, illness, life (including endowments and annuities), malpractice,
 12 marine, mortgage, surety and wage protection insurance.

13 [(8)] (7) "Intangible property" includes:

14 (a) Credit balances, customer overpayments, security deposits, refunds, credit memos, unpaid
 15 wages, unused airline tickets and unidentified remittances;

16 (b) Stocks and other intangible ownership interests in business associations;

17 (c) Moneys deposited to redeem stocks, bonds, coupons, and other securities, or to make dis-
 18 tributions;

19 (d) Amounts due and payable under the terms of insurance policies;

20 (e) Amounts distributed from a trust or custodial fund established under a plan to provide
 21 health, welfare, pension, vacation, severance, retirement, death, stock purchase, profit sharing, em-
 22 ployee savings, supplemental unemployment insurance or similar benefits; and

23 (f) Moneys, checks, drafts, deposits, interest, dividends and income.

24 [(9)] (8) "Last-known address" means a description of the location of the apparent owner suffi-
 25 cient for the purpose of delivery of mail.

26 [(10)] (9) "Lawful deduction" means a deduction related to the purpose of an account or deposit,
 27 for example, to satisfy unpaid utility bills.

28 [(11)] (10) "Owner" means a depositor in case of a deposit, a beneficiary in case of a trust other
 29 than a deposit in trust, a creditor, claimant, or payee in case of other intangible property, or a
 30 person, or the person's legal representative, having a legal or equitable interest in property.

31 [(12)] (11) "Person" means an individual, business association, state or other government or
 32 political subdivision or agency, public corporation, public authority, estate, trust, two or more per-
 33 sons having a joint or common interest, or any other legal or commercial entity.

34 [(13)] (12) "Service charge" means fees or charges that are limited to a specific situation and
 35 that meet basic contractual and notice requirements.

36 [(14)] (13) "State" means any state, district, commonwealth, territory, insular possession or any
 37 other area subject to the legislative authority of the United States.

38 [(15)] (14) "Utility" means a person who owns or operates for public use, any plant, equipment,
 39 property, franchise or license for the transmission of communications or the production, storage,
 40 transmission, sale, delivery or furnishing of electricity, water, steam or gas.

41 **SECTION 10.** ORS 98.329 is amended to read:

42 98.329. A holder, with the written consent of the [Department of State Lands] **State Treasurer**,
 43 and in compliance with rules prescribed by the [department] **State Treasurer**, may report and de-
 44 liver property before the property is presumed abandoned.

45 **SECTION 11.** ORS 98.348 is amended to read:

1 98.348. (1) At any time after property has been paid or delivered to the [*Department of State*
 2 *Lands*] **State Treasurer** under ORS 98.352, another state may recover the property if one or more
 3 of the following is true:

4 (a) The property was subjected to custody by this state because the records of the holder did
 5 not reflect the last-known address of the apparent owner when the property was presumed aban-
 6 doned under ORS 98.302 to 98.436 and 98.992; and the other state establishes that the last-known
 7 address of the apparent owner or other person entitled to the property was in that state and under
 8 the laws of that state the property escheated to or was subject to a claim of abandonment by that
 9 state.

10 (b) The last-known address of the apparent owner or other person entitled to the property, as
 11 reflected by the records of the holder, is in the other state and under the laws of that state the
 12 property has escheated to or become subject to a claim of abandonment by that state.

13 (c) The records of the holder were erroneous in that they did not accurately reflect the owner
 14 of the property and the last-known address of the owner is in the other state and under the laws
 15 of that state the property escheated to or was subject to a claim of abandonment by that state.

16 (d) The property was subjected to custody by this state and under the laws of the state of
 17 domicile of the holder the property has escheated to or become subject to a claim of abandonment
 18 by that state.

19 (e) The property is the sum payable on a traveler’s check, money order or other similar instru-
 20 ment that was subjected to custody by this state under ORS 98.309, and the instrument was pur-
 21 chased in the other state and under the laws of that state the property escheated to or became
 22 subject to a claim of abandonment by that state.

23 (2) The claim of another state to recover [*escheated or unclaimed*] property **that escheated to**
 24 **or became subject to a claim of abandonment by that state** must be presented in a form pre-
 25 scribed by the [*Department of State Lands*] **State Treasurer**. The [*department*] **State Treasurer**
 26 shall decide the claim within 90 days after it is presented.

27 (3) The [*department*] **State Treasurer** shall require a state, before recovering property under
 28 this section, to agree to indemnify this state and its officers and employees against any liability on
 29 a claim for the property.

30 **SECTION 12.** ORS 98.352 is amended to read:

31 98.352. (1) Every person holding funds or other property, tangible or intangible, presumed
 32 abandoned under ORS 98.302 to 98.436 and 98.992 shall report and pay or deliver to the [*Department*
 33 *of State Lands*] **State Treasurer** all property presumed abandoned as provided in this section, ex-
 34 cept that:

35 (a) Funds transferred to the General Fund under ORS 293.455 (1)(a) [*shall*] **need** only be reported
 36 to the [*department*] **State Treasurer**.

37 (b) Funds in the possession of the Child Support Program described in ORS 180.345 [*shall*] **need**
 38 only be reported to the [*department*] **State Treasurer**.

39 (2) The report shall be verified as to the accuracy of the information contained and shall in-
 40 clude:

41 (a) Except with respect to traveler’s checks and money orders, the name, if known, and address,
 42 if known, of each person appearing from the records of the holder to be the owner of any property
 43 of value of \$50 or more presumed abandoned under ORS 98.302 to 98.436 and 98.992;

44 (b) In case of unclaimed funds of life insurance corporations, the full name of the insured or
 45 annuitant and last-known address according to the life insurance corporation’s records;

1 (c) The nature and identifying number, if any, or description of the property and the amount
 2 appearing from the records to be due, except that items of value under \$50 each may be reported
 3 in aggregate;

4 (d) The date when the property became payable, demandable, or returnable, and the date of the
 5 last transaction with the owner with respect to the property; and

6 (e) Other information that the [department] **State Treasurer** prescribes by rule as necessary for
 7 the administration of ORS 98.302 to 98.436 and 98.992.

8 (3) If the person holding property presumed abandoned is a successor to other persons who
 9 previously held the property for the owner, or if the holder has had a name change while holding
 10 the property, the holder shall file with the report all prior known names and addresses and effective
 11 dates of changes if known of each holder of the property.

12 (4) The report shall be filed after October 1, but no later than November 1 of each year for
 13 accounts dormant as of June 30. The [department] **State Treasurer** may postpone the reporting
 14 date upon written request by any person required to file a report. All records are exempt from
 15 public review for 12 months from the time the property is reportable and for 24 months after the
 16 property has been remitted to the [department] **State Treasurer**. All lists of records or property
 17 held by a government or public authority under ORS 98.336 shall be exempt from public review until
 18 24 months after the property is remitted to the [department] **State Treasurer**.

19 (5) If the holder of property presumed abandoned under ORS 98.302 to 98.436 and 98.992 knows
 20 the whereabouts of the owner and if the owner's claim has not been barred by the statute of limi-
 21 tations, the holder shall, before filing the annual report, communicate with the owner and take
 22 necessary steps to prevent abandonment from being presumed. The holder shall exercise due dili-
 23 gence to ascertain the whereabouts of the owner.

24 (6) Verification, if made by a partnership, shall be executed by a partner; if made by an
 25 unincorporated association or private corporation, by an officer; and if made by a public corpo-
 26 ration, by its chief fiscal officer.

27 **SECTION 13.** ORS 98.353 is amended to read:

28 98.353. (1) The [Department of State Lands] **State Treasurer** shall, on a regular basis, provide
 29 educational or informational materials to persons required to file a report under ORS 98.352. The
 30 educational or informational materials shall contain, but [shall] **need** not be limited to, information
 31 describing:

- 32 (a) The types of property, tangible and intangible, that are subject to reporting;
- 33 (b) Persons who typically hold, knowingly or unknowingly, unclaimed property;
- 34 (c) Record keeping requirements for persons holding unclaimed property; and
- 35 (d) Any penalties for failing to comply with the provisions of ORS 98.302 to 98.436.

36 [(2) Upon request by the Department of State Lands, the Department of Revenue and the Office of
 37 the Secretary of State shall:]

38 [(a) Assist the Department of State Lands in determining which persons are required to file a re-
 39 port under ORS 98.352; and]

40 [(b) Allow the Department of State Lands to include information about unclaimed property report-
 41 ing requirements in the regular mailings of the Department of Revenue.]

42 **(2) Upon request by the State Treasurer:**

43 **(a) The Department of Consumer and Business Services, the Department of Revenue and**
 44 **the office of the Secretary of State shall assist the State Treasurer in determining which**
 45 **persons are required to file a report under ORS 98.352 or who may make a claim under ORS**

1 **98.392; and**

2 **(b) The Department of Consumer and Business Services, the Department of Revenue, the**
 3 **Employment Department and the office of the Secretary of State shall allow the State**
 4 **Treasurer to include information about unclaimed property reporting requirements and**
 5 **claims in the regular mailings of the departments and office and in electronic form on their**
 6 **World Wide Web pages.**

7 **SECTION 14.** ORS 98.354 is amended to read:

8 98.354. (1) Every holder required to file a report under ORS 98.352 as to any property for which
 9 the holder has obtained an address of the owner, shall maintain a record of the name and last-known
 10 address of the owner and such signature cards and other evidence which would assist in the iden-
 11 tification of the owner for three years after the property has been remitted to the [*Department of*
 12 *State Lands*] **State Treasurer.**

13 (2) Any business association that sells in this state traveler’s checks, money orders or other
 14 similar written instruments, other than third party bank checks on which the business association
 15 is directly liable, or that provides such instruments to others for sale in this state, shall maintain
 16 a record of those instruments while they remain outstanding, indicating the state and date of issue,
 17 for five years after the date the property has been remitted to the [*department*] **State Treasurer.**

18 **SECTION 15.** ORS 98.356 is amended to read:

19 98.356. (1) The [*Department of State Lands*] **State Treasurer** shall publish notice of owners’
 20 unclaimed accounts reported under ORS 98.352. [*The notice shall be published at least twice in a*
 21 *newspaper or other generally circulated periodical published in this state.*] The [*department*] **State**
 22 **Treasurer** may publish such notices at intervals to locate owners of accounts received under ORS
 23 98.352 (4) in an expedient manner, but shall complete publication of all such accounts within one
 24 year of remittance.

25 (2) The [*department*] **State Treasurer** is not required to publish in such notice any item of less
 26 than \$100 unless the [*department*] **State Treasurer** deems such publication to be in the public in-
 27 terest.

28 (3) This section is not applicable to sums payable on traveler’s checks or money orders presumed
 29 abandoned under ORS 98.309.

30 (4) The [*department*] **State Treasurer** shall undertake reasonable efforts to locate owners of
 31 unclaimed property reported to the [*department*] **State Treasurer** under ORS 98.352. The costs of
 32 such efforts may be deducted from the proceeds that are paid to the owners when and if an owner
 33 is located. The [*department*] **State Treasurer** shall specify, by rule, a maximum percentage of costs
 34 that may be deducted from a verified claim for unclaimed property.

35 (5) The [*Department of State Lands*] **State Treasurer** may not disclose to the general public any
 36 confidential information provided by the Department of Revenue from taxpayer returns.

37 **SECTION 16.** ORS 98.362 is amended to read:

38 98.362. (1) The holder of an intangible equity ownership interest presumed abandoned under ORS
 39 98.322 shall deliver a certificate of ownership or other evidence of ownership to the [*Department of*
 40 *State Lands*] **State Treasurer** as follows:

41 (a) The original certificate shall be delivered to the [*department*] **State Treasurer** when it is
 42 held by the business association, transfer agent, registrar or other person acting on behalf of the
 43 business association.

44 (b) A duplicate certificate shall be issued to the [*department*] **State Treasurer** when the busi-
 45 ness association, transfer agent, registrar or other person acting on behalf of the holder does not

1 hold the original.

2 (2) After issuance of a duplicate certificate under subsection (1) of this section, the rights of a
 3 protected purchaser of the original certificate shall be governed by ORS 78.4050. In such event, re-
 4 covery by the protected purchaser shall be against the [department] **State Treasurer** to the extent
 5 allowed under the Oregon Constitution.

6 **SECTION 17.** ORS 98.366 is amended to read:

7 98.366. (1) Upon the payment or delivery of unclaimed property to the [Department of State
 8 Lands] **State Treasurer**, the state shall assume custody and shall be responsible for the safekeeping
 9 thereof. Any person who pays or delivers unclaimed property to the [department] **State Treasurer**
 10 under ORS 98.352 is relieved of all liability to the extent of the value of the property so paid or
 11 delivered for any claim which then exists or which thereafter may arise or be made in respect to
 12 the property.

13 (2) A holder who has paid money to the [department] **State Treasurer** under ORS 98.352 may
 14 make payment to any person appearing to the holder to be entitled to payment. The [department]
 15 **State Treasurer** shall reimburse the holder within 60 days of receiving proof that payment was
 16 made to a person who appeared to the holder to be entitled to payment. The [department] **State**
 17 **Treasurer** shall reimburse the holder for the payment without imposing any fee or other charge.

18 **SECTION 18.** ORS 98.372 is amended to read:

19 98.372. The owner is not entitled to receive income or other increments [which] **that** have ac-
 20 crued on the property after the property is paid or delivered to the [Department of State Lands]
 21 **State Treasurer** under ORS 98.352.

22 **SECTION 19.** ORS 98.376 is amended to read:

23 98.376. The expiration of any period of time specified by statute or court order, during which
 24 an action, suit or proceeding may be commenced or enforced to obtain payment of a claim for money
 25 or recovery of property, [shall] **does** not prevent the money or property from being presumed aban-
 26 doned, nor affect any duty to file a report required by ORS 98.352 or to pay or deliver unclaimed
 27 property to the [Department of State Lands] **State Treasurer**, provided that this section [shall] **does**
 28 not affect any property interests [which] **that** became vested prior to August 20, 1957.

29 **SECTION 20.** ORS 98.382 is amended to read:

30 98.382. (1)(a) All unclaimed property other than money and securities delivered to the [Depart-
 31 ment of State Lands] **State Treasurer** under ORS 98.362 shall be sold by the [department] **State**
 32 **Treasurer** to the highest bidder at public sale by the method and at the location that the [depart-
 33 ment] **State Treasurer** determines are the most favorable for receiving the highest price for the
 34 property involved. The [department] **State Treasurer** may decline the highest bid and reoffer the
 35 property for sale if the [department] **State Treasurer** considers the price bid insufficient. The [de-
 36 partment] **State Treasurer** need not offer any property for sale if, in the [department's] **State**
 37 **Treasurer's** opinion, the probable cost of sale exceeds the value of the property.

38 (b) In choosing the most favorable method for the sale of property under this subsection, the
 39 [department] **State Treasurer** may consider:

- 40 (A) A public oral auction;
- 41 (B) An electronic commerce forum; and
- 42 (C) Any other method for sale that ensures the highest returns and provides for open, public
 43 participation.

44 (c) In choosing the most favorable location for the sale of property under this subsection, the
 45 [department] **State Treasurer** may consider:

- 1 (A) The population of the location;
- 2 (B) The cost of conducting the sale in the location;
- 3 (C) The type of property being sold;
- 4 (D) The public access to the proposed sale location, including parking; and
- 5 (E) Any other indicator of market potential of the location.

6 (2) For a sale by public oral auction held under subsection (1) of this section, the *[department]*
 7 **State Treasurer** shall publish at least a single notice of the sale at least 10 days in advance of the
 8 sale in a newspaper of general circulation in the county where the property is to be sold. For a sale
 9 by a method other than public oral auction, the *[department]* **State Treasurer** shall publish at least
 10 a single notice in a newspaper of general circulation in Marion County.

11 (3) Securities listed on an established stock exchange shall be sold on the exchange at prices
 12 prevailing on the exchange at the time of sale. Other securities may be sold over the counter at
 13 prices prevailing at the time of sale or by any other method the *[administrator]* **State Treasurer**
 14 considers advisable.

15 (4) All securities and other intangible properties presumed abandoned under ORS 98.362 and
 16 delivered to the *[department]* **State Treasurer** shall be sold by the *[department]* **State Treasurer**
 17 at such time and place and in such manner as in the *[department's]* **State Treasurer's** judgment
 18 will bring the highest return.

19 (5) The *[department]* **State Treasurer** shall indemnify the holder of securities presumed aban-
 20 doned under ORS 98.322 to the extent allowed by the Oregon Constitution. The *[department]* **State**
 21 **Treasurer** shall establish procedures by administrative rule to pay the rightful owner proceeds re-
 22 ceived from securities that were sold before the owner filed a claim to recover such securities.

23 (6) The purchaser at a sale conducted by the *[department]* **State Treasurer** pursuant to this
 24 section shall receive title to the property purchased, free from all claims of the owner or prior
 25 holder of the property and of all persons claiming through or under them. The *[department]* **State**
 26 **Treasurer** shall execute all documents necessary to complete the transfer of title.

27 **SECTION 21.** ORS 98.384 is amended to read:

28 98.384. If the *[Department of State Lands]* **State Treasurer** determines after investigation that
 29 any property delivered under ORS 98.352 has insubstantial commercial value, the *[department]* **State**
 30 **Treasurer** may destroy or otherwise dispose of the property at any time. No action or proceeding
 31 may be maintained against the state or any officer or against the holder for or on account of any
 32 action taken by the *[department]* **State Treasurer** pursuant to this section.

33 **SECTION 22.** ORS 98.386 is amended to read:

34 98.386. (1) All funds received under ORS 98.302 to 98.436 and 98.992, including the proceeds from
 35 the sale of unclaimed property under ORS 98.382, shall be deposited *[by the Department of State*
 36 *Lands in the Common School Fund Account with]* **in the Unclaimed Property Account** by the State
 37 Treasurer. Before making the deposit the *[department]* **State Treasurer** shall record the name and
 38 last-known address of each person appearing from the holders' reports to be entitled to the un-
 39 claimed property and the name and last-known address of each insured person or annuitant, and
 40 with respect to each policy or contract listed in the report of a life insurance corporation, its
 41 number, the name of the corporation, and the amount due.

42 *[(2) Before making a deposit to the credit of the Common School Fund Account, the department*
 43 *may deduct:]*

44 *[(a) Any costs in connection with sale of unclaimed property;]*

45 *[(b) Any costs of mailing and publication in connection with efforts to locate owners of unclaimed*

1 *property as prescribed by rule; and]*

2 *[(c) Reasonable service charges.]*

3 **(2) Before making a deposit to the credit of the Unclaimed Property Account, the State**
 4 **Treasurer may deduct any costs in connection with the sale of unclaimed property.**

5 **SECTION 23.** ORS 98.388 is amended to read:

6 98.388. *[There is created from unclaimed property funds an Unclaimed Property Revolving Fund.*
 7 *The moneys in the fund are appropriated continuously to the Department of State Lands for the purpose*
 8 *of repaying claims as provided under ORS 98.396.]* **There is created in the Common School Fund**
 9 **from unclaimed property funds the Unclaimed Property Account. Interest and other income**
 10 **accruing to the account shall be retained in the account. The moneys in the account are**
 11 **continuously appropriated to the State Treasurer for the purposes of repaying claims as**
 12 **provided under ORS 98.396 and for paying the expenses of the State Treasurer associated**
 13 **with administering ORS 98.302 to 98.436.**

14 **SECTION 24.** ORS 98.392 is amended to read:

15 98.392. A person claiming an interest in unclaimed property reported to the *[Department of State*
 16 *Lands]* **State Treasurer** may file a claim to the property or to the proceeds from the sale of the
 17 property at any time after the person learns that the property has been reported to the
 18 *[department]* **State Treasurer**. Claims shall be filed on the form prescribed by the *[department]*
 19 **State Treasurer**. The *[department]* **State Treasurer** may require the person to provide a lost in-
 20 strument bond if the claim is for securities and the person does not surrender the original certificate
 21 to the *[department]* **State Treasurer**.

22 **SECTION 25.** ORS 98.396 is amended to read:

23 98.396. (1) The *[Department of State Lands]* **State Treasurer** shall consider any claim filed under
 24 ORS 98.392 and may hold a hearing and receive evidence concerning the claim. If a hearing is held,
 25 the *[department]* **State Treasurer** shall prepare findings and a decision in writing on each claim
 26 filed, stating the substance of any evidence heard by the *[department]* **State Treasurer** and the
 27 reasons for the decision. The decision shall be a public record.

28 (2) If the claim allowed is for property **or for funds** deposited in the *[Common School Fund]*
 29 **Unclaimed Property** Account, the *[department]* **State Treasurer** shall return the property or make
 30 payment of the proceeds of the sale of the property to the claimant.

31 (3) If the claim allowed is for funds deposited in the General Fund, the *[department]* **State**
 32 **Treasurer** shall pay the claim **out of the General Fund** *[and file a request for reimbursement with*
 33 *the State Treasurer. The State Treasurer shall reimburse the department within five working days from*
 34 *the fund against which the check or order represented in the claim was issued].*

35 **SECTION 26.** ORS 98.402 is amended to read:

36 98.402. (1) A person aggrieved by a decision of the *[administrator]* **State Treasurer made under**
 37 **ORS 98.396** may request a hearing regarding the decision. *[The Department of State Lands shall*
 38 *conduct the hearing as a contested case proceeding in accordance with ORS 183.413 to 183.470.]* **The**
 39 **hearing shall be conducted as a contested case proceeding in accordance with ORS chapter**
 40 **183.**

41 (2) If the *[administrator]* **State Treasurer** fails to act on a claim within 120 days after a person
 42 files the claim under ORS 98.392, the person may file a petition under ORS 183.484 to request a
 43 court to compel the *[department]* **State Treasurer** to act pursuant to ORS 183.490.

44 **SECTION 27.** ORS 98.412 is amended to read:

45 98.412. (1) The *[Department of State Lands]* **State Treasurer** may require a person who has not

1 filed a report to file a verified report stating whether or not the person is holding any unclaimed
 2 property reportable or deliverable under ORS 98.352.

3 (2) The *[department]* **State Treasurer** may at reasonable times and upon reasonable notice ex-
 4 amine the records of any person to determine whether the person has complied with the provisions
 5 of ORS 98.352. The *[department]* **State Treasurer** may conduct the examination even if the person
 6 believes it is not in possession of any property reportable or deliverable under this section.

7 (3) To the extent possible, the *[department]* **State Treasurer** shall enter into agreements with
 8 state and federal agencies that regularly examine the records of financial institutions, trust compa-
 9 nies, financial holding companies and bank holding companies, as defined in ORS 706.008, and of
 10 subsidiaries of such financial institutions, trust companies, financial holding companies and bank
 11 holding companies. Under the agreements, the state and federal agencies shall examine the records
 12 of the financial institution, trust company, financial holding company, bank holding company or
 13 subsidiary to determine compliance with ORS 98.352. If a state or federal agency does not enter into
 14 an agreement with the *[department]* **State Treasurer** under this subsection, the *[department]* **State**
 15 **Treasurer** shall conduct the examination of the records of financial institutions, trust companies,
 16 financial holding companies and bank holding companies to determine compliance with ORS 98.352.

17 (4) If a holder fails to maintain the records required by ORS 98.354 and the records of the holder
 18 available for the periods subject to ORS 98.302 to 98.436 and 98.992 are insufficient to permit the
 19 preparation of a report, the *[department]* **State Treasurer** may issue a finding that requires the
 20 holder to report and pay the amounts that the *[department]* **State Treasurer** reasonably estimates
 21 from the report and available records. The *[department]* **State Treasurer** shall include in its finding
 22 a notice substantially similar to that specified under ORS 183.415. Additionally, the notice shall
 23 include information about opportunities to resolve disputes through a collaborative dispute resolu-
 24 tion process.

25 (5) Any holder subject to examination under this section may request a hearing regarding the
 26 findings issued by the *[department]* **State Treasurer**. The *[department]* **State Treasurer** shall con-
 27 duct a hearing under this subsection as a contested case proceeding in accordance with ORS
 28 *[183.413 to 183.470]* **chapter 183**.

29 **SECTION 28.** ORS 98.416 is amended to read:

30 98.416. (1) If any person refuses to deliver property to the *[Department of State Lands]* **State**
 31 **Treasurer** as required under ORS 98.352, the *[department]* **State Treasurer** may bring a suit or
 32 action in a court of appropriate jurisdiction to enforce delivery of the property.

33 (2) The *[department]* **State Treasurer** may require a person who fails to pay or deliver property
 34 within the time prescribed by ORS 98.302 to 98.436 and 98.992 to pay interest from the date the
 35 *[department]* **State Treasurer** determines interest should have been paid. Interest shall be paid at
 36 the rate set by the Director of the Department of Revenue pursuant to ORS 305.220 (1) and (3).

37 **SECTION 29.** ORS 98.422 is amended to read:

38 98.422. The *[administrator]* **State Treasurer** is authorized to adopt necessary rules to carry out
 39 the provisions of ORS 98.302 to 98.436 and 98.992.

40 **SECTION 30.** ORS 98.424 is amended to read:

41 98.424. (1) The *[Department of State Lands]* **State Treasurer** may enter into agreements with
 42 other states to exchange information needed to enable this or another state to audit or otherwise
 43 determine unclaimed property that this state or another state may be entitled to subject to a claim
 44 of custody under ORS 98.348. The *[department]* **State Treasurer** may adopt rules requiring the other
 45 states to report information needed to enable compliance with agreements made pursuant to this

1 section and prescribing the form for making a claim of custody under ORS 98.348.

2 (2) To avoid conflicts between the [*department's*] **State Treasurer's** procedures and the proce-
 3 dures of administrators in other jurisdictions that enact an unclaimed property act, the
 4 [*department*] **State Treasurer**, [*so*] as far as is consistent with the purposes, policies and provisions
 5 of ORS 98.302 to 98.436 and 98.992, before adopting, amending or repealing rules, shall advise and
 6 consult with administrators in other jurisdictions that enact a substantially similar unclaimed
 7 property act and take into consideration the rules of administrators in other jurisdictions that enact
 8 an unclaimed property act.

9 (3) The [*department*] **State Treasurer** may join with other states to seek enforcement of ORS
 10 98.302 to 98.436 and 98.992 against any person who is or may be holding property reportable under
 11 ORS 98.352.

12 (4) At the request of another state, the Attorney General of this state may bring an action in
 13 the name of another state to enforce the unclaimed property laws of the other state against a holder
 14 in this state of property subject to escheat or a claim of abandonment by the other state, if the other
 15 state has agreed to pay expenses incurred by the attorney general in bringing the action, including
 16 attorney fees.

17 (5) The [*department*] **State Treasurer**, through the Attorney General of this state, may request
 18 the attorney general of another state or any other person to bring an action in the other state in
 19 the name of the [*department*] **State Treasurer** against the holder of property in the other state that
 20 is subject to escheat or a claim of abandonment by this state. This state shall pay all expenses in-
 21 cluding attorney fees in any action under this subsection **from the Unclaimed Property**
 22 **Account**. Any expenses paid pursuant to this subsection may not be deducted from the amount that
 23 is subject to the claim by the owner under ORS 98.302 to 98.436 and 98.992.

24 (6) The [*Department of State Lands shall*] **State Treasurer may** not disclose to any other state
 25 any confidential information provided by the Department of Revenue from taxpayer returns.

26 **SECTION 31.** ORS 98.991 is amended to read:

27 98.991. (1) Any person who willfully fails to render any report or perform other duties required
 28 under this Act is guilty of a misdemeanor.

29 (2) Any person who willfully refuses to pay or deliver unclaimed property to the [*Department*
 30 *of State Lands*] **State Treasurer** as required under this Act is guilty of a misdemeanor.

31 **SECTION 32.** ORS 98.992 is amended to read:

32 98.992. A person who willfully fails to render any report, to pay or deliver property or to per-
 33 form other duties required by ORS 98.302 to 98.436 and 98.992 may be required to forfeit and pay
 34 to the State Treasurer to be deposited in the [*Common School Fund Account*] **Unclaimed Property**
 35 **Account**, an amount determined by the [*Department of State Lands*] **State Treasurer** pursuant to
 36 ORS 183.745 of not more than \$1,000 for individuals and \$50,000 for corporations. This penalty shall
 37 be assessed only after at least one reporting cycle, and only after the [*department*] **State Treasurer**
 38 has provided the person with written instructions, including copies of applicable laws and policies.
 39 The [*department*] **State Treasurer** may waive any penalty due under this section with appropriate
 40 justification.

41 **SECTION 33.** ORS 60.674 is amended to read:

42 60.674. Assets of a dissolved corporation that should be distributed to a creditor, claimant or
 43 shareholder of the corporation who cannot be found shall be reduced to cash and, within one year
 44 after the final distribution in such liquidation or winding up is payable, deposited with the [*Depart-*
 45 *ment of State Lands*] **State Treasurer**. The receiver or other liquidating agent shall prepare in du-

1 plicate and under oath a statement containing the names and last-known addresses of the persons
 2 entitled to such funds. One of the statements shall be filed with the [*Department of State Lands*]
 3 **State Treasurer** with the cash and another shall be delivered to the office **of the Secretary of**
 4 **State** for filing. The owner, heirs or personal representatives of the owner, may file a claim with
 5 the [*Department of State Lands*] **State Treasurer** in the manner provided by ORS 98.392 and 98.396.

6 **SECTION 34.** ORS 62.720 is amended to read:

7 62.720. (1) All intangible personal property distributable in the course of a voluntary or invol-
 8 untary dissolution of a cooperative that is unclaimed by the owner within two years after the date
 9 for final distribution is presumed abandoned[. *Such property shall be*] **and is** subject to the provisions
 10 of ORS 98.302 to 98.436 and 98.992, except that with respect to agricultural cooperatives, the report
 11 of unclaimed property shall be filed with the [*Department of State Lands*] **State Treasurer** as set
 12 forth in ORS 98.352. A copy of the report shall also be filed with the State Board of Higher Educa-
 13 tion.

14 (2) All unclaimed property specified in the report required by ORS 98.352 shall be delivered
 15 [*within the time specified in ORS 98.362 to the Department of State Lands which*] **to the State**
 16 **Treasurer, who** shall assume custody and shall be responsible for the safekeeping [*thereof*] **of the**
 17 **property.** The [*department*] **State Treasurer** shall reconcile the report to the delivered funds, de-
 18 duct the costs as provided for in subsection (3) of this section, and forward the funds to the State
 19 Board of Higher Education within 14 working days of receipt of the funds. Any person who pays or
 20 delivers unclaimed property to the [*Department of State Lands*] **State Treasurer** under this section
 21 is relieved of all liability to the extent of the value of the property so paid or delivered for any claim
 22 which then exists or which thereafter may arise or be made in respect to the property.

23 (3) All funds received under this section shall be used for the benefit of Oregon State University
 24 in such programs related to agricultural research as the university may determine except for:

25 (a) The payment of claims which may be made pursuant to this section; and

26 (b) The payment of expenses of mailing and publication in connection with any unclaimed
 27 property, reasonable service charges and expenses of the [*Department of State Lands*] **State Treas-**
 28 **urer** in connection with claims made pursuant to ORS 98.392 to 98.402.

29 (4) The provisions of ORS 98.392 to 98.402 are applicable to claims against unclaimed property
 30 delivered to the State Board of Higher Education pursuant to this section. The State Board of
 31 Higher Education shall pay such claims from funds delivered to it pursuant to this section within
 32 30 days of receipt of a verified copy of a finding and decision of the [*Department of State Lands*]
 33 **State Treasurer** made pursuant to ORS 98.396 or a certified copy of a judgment made pursuant to
 34 ORS 98.402.

35 (5) As used in this section, an agricultural cooperative is any cooperative in which farmers act
 36 together in producing, processing, preparing for market, handling or marketing the agricultural
 37 products of such farmers, and any cooperative in which farmers act together in purchasing, testing,
 38 grading, processing, distributing and furnishing farm supplies or farm business services.

39 (6) The provisions of this section are applicable with respect to the voluntary or involuntary
 40 dissolution of any cooperative, which dissolution commenced on or after January 1, 1970.

41 **SECTION 35.** ORS 98.050 is amended to read:

42 98.050. (1) The [*administrator*] **State Treasurer** may compile information or data in the pos-
 43 session of the [*Department of State Lands*] **State Treasurer** into finder's reports at the request of
 44 any person to assist in finding the owners of abandoned or unclaimed property.

45 (2) The [*administrator*] **State Treasurer** shall adopt by rule a fee for copies of finder's reports.

1 The fee charged shall be commensurate with preparation costs including production, duplication and
 2 staff time involved.

3 (3) Any person requesting a copy of a finder’s report shall be charged the fee.

4 (4) As used in [subsections (1) to (3) of] this section:

5 (a) **“Finder’s report” means any report prepared by the State Treasurer for the benefit**
 6 **of any person to assist in finding the owners of abandoned or unclaimed property.**

7 [(a) “Administrator” has the same meaning as given by ORS 98.302.]

8 (b) “Person” includes any natural person, corporation, partnership, firm or association.

9 [(c) “Finder’s report” means any report prepared by the administrator for the benefit of any person
 10 to assist in finding the owners of abandoned or unclaimed property.]

11 **SECTION 36.** ORS 178.065 is amended to read:

12 178.065. For the purpose of requesting a state or nationwide criminal records check under ORS
 13 181.534, the State Treasurer may require the fingerprints of a person who:

14 (1) Is employed or applying for employment by the State Treasurer;

15 (2) **Is, or will be, working or providing services in a position in which the person has re-**
 16 **sponsibility for auditing unclaimed property;**

17 [(2)] (3) Provides services or seeks to provide services to the State Treasurer as a contractor,
 18 vendor or volunteer; or

19 [(3)] (4) Has been appointed or is being considered for appointment to a board or commission
 20 by the State Treasurer.

21 **SECTION 37.** ORS 183.635 is amended to read:

22 183.635. (1) Except as provided in this section, all agencies must use administrative law judges
 23 assigned from the Office of Administrative Hearings established under ORS 183.605 to conduct con-
 24 tested case hearings, without regard to whether those hearings are subject to the procedural re-
 25 quirements for contested case hearings.

26 (2) The following agencies need not use administrative law judges assigned from the office:

27 (a) Attorney General.

28 (b) Boards of stewards appointed by the Oregon Racing Commission.

29 (c) Bureau of Labor and Industries and the Commissioner of the Bureau of Labor and Industries.

30 (d) Department of Corrections.

31 (e) Department of Education, State Board of Education and Superintendent of Public Instruction.

32 (f) Department of Higher Education and institutions of higher education listed in ORS 352.002.

33 (g) Department of Human Services for vocational rehabilitation services cases under 29 U.S.C.
 34 722(c) and disability determination cases under 42 U.S.C. 405.

35 (h) Department of Revenue.

36 (i) Department of State Police.

37 (j) Employment Appeals Board.

38 (k) Employment Relations Board.

39 (L) Energy Facility Siting Council.

40 (m) Fair Dismissal Appeals Board.

41 (n) Governor.

42 (o) Land Conservation and Development Commission.

43 (p) Land Use Board of Appeals.

44 (q) Local government boundary commissions created pursuant to ORS 199.430.

45 (r) Oregon Youth Authority.

- 1 (s) Psychiatric Security Review Board.
- 2 (t) Public Utility Commission.
- 3 (u) Secretary of State.
- 4 (v) State Accident Insurance Fund Corporation.
- 5 (w) State Apprenticeship and Training Council.
- 6 (x) State Board of Parole and Post-Prison Supervision.
- 7 (y) State Land Board.
- 8 (z) State Treasurer, **except for hearings held pursuant to ORS 98.402.**
- 9 (aa) Wage and Hour Commission.

10 (3) The Workers' Compensation Board is exempt from using administrative law judges assigned
 11 from the office for any hearing conducted by the board under ORS chapters 147, 654 and 656. Except
 12 as specifically provided in this subsection, the Department of Consumer and Business Services must
 13 use administrative law judges assigned from the office only for contested cases arising out of the
 14 department's powers and duties under:

- 15 (a) ORS chapter 59;
- 16 (b) ORS 200.005 to 200.075;
- 17 (c) ORS chapter 455;
- 18 (d) ORS chapter 674;
- 19 (e) ORS chapters 706 to 716;
- 20 (f) ORS chapter 717;
- 21 (g) ORS chapters 722, 723, 725 and 726; and
- 22 (h) ORS chapters 731, 732, 733, 734, 735, 737, 742, 743, 743A, 744, 746, 748 and 750.

23 (4) Notwithstanding any other provision of law, in any proceeding in which an agency is re-
 24 quired to use an administrative law judge assigned from the office, an officer or employee of the
 25 agency may not conduct the hearing on behalf of the agency.

26 (5) Notwithstanding any other provision of ORS 183.600 to 183.690, an agency is not required to
 27 use an administrative law judge assigned from the office if:

- 28 (a) Federal law requires that a different administrative law judge or hearing officer be used; or
- 29 (b) Use of an administrative law judge from the office could result in a loss of federal funds.

30 (6) Notwithstanding any other provision of this section, the Department of Environmental
 31 Quality must use administrative law judges assigned from the office only for contested case hearings
 32 conducted under the provisions of ORS 183.413 to 183.470.

33 **SECTION 38.** ORS 273.105 is amended to read:

34 273.105. (1) The Distributable Income Account is established within the Common School Fund.
 35 The Department of State Lands shall administer this account in accordance with section 4, Article
 36 VIII[,] of the Oregon Constitution, and applicable laws.

37 (2) The following moneys in the Common School Fund shall be credited to the Distributable In-
 38 come Account:

39 (a) Moneys received under ORS 390.715 and 390.725 after deducting the administrative costs of
 40 the State Parks and Recreation Department.

41 (b) So much of the income derived from the investment of the Common School Fund as the State
 42 Land Board deems appropriate after payment of the expenses of the State Land Board authorized
 43 to be paid under section 2 (2), Article VIII of the Oregon Constitution.

44 (c) The income, **less expenses**, derived from unclaimed property held by the [*Director of the*
 45 *Department of State Lands*] **State Treasurer** or deposited in the [*Common School Fund*] **Unclaimed**

1 **Property Account.**

2 (d) Other moneys received by the Department of State Lands that are required by law to be
3 credited to the Distributable Income Account.

4 (3) All other moneys received by the Department of State Lands shall be credited to the Com-
5 mon School Fund.

6 (4) The moneys in the Distributable Income Account are appropriated continuously for appor-
7 tionment according to ORS 327.410.

8 **SECTION 39.** ORS 287A.474 is amended to read:

9 287A.474. (1) The county fiscal officer shall prepare a report of all warrants and checks issued
10 more than two years prior to July 1 of that year [*which*] **that** have not been paid, pursuant to ORS
11 98.352.

12 (2) The lawful owner of any warrant or check included in any list referred to in subsection (1)
13 of this section, not presented to the county treasurer for payment and not paid, thereafter may file
14 a claim with the [*Department of State Lands*] **State Treasurer** in the manner provided by ORS
15 98.392 and 98.396.

16 **SECTION 40.** ORS 293.450 is amended to read:

17 293.450. (1) Before October 1 of each year, [*the*] **an** agency that maintains an account pursuant
18 to ORS 293.445 shall prepare a report pursuant to ORS 98.352 of all checks or orders drawn by it
19 that have been outstanding for a period of more than two years prior to July 1, and that have not
20 been paid by the State Treasurer.

21 (2) The report shall not include checks or orders that have already been paid pursuant to
22 indemnity bonds.

23 (3) The agency shall forward the report to the [*Department of State Lands*] **State Treasurer**
24 before November 1.

25 (4) The [*Department of State Lands shall*] **State Treasurer may** not require the Department of
26 Revenue to remit funds being held by the Department of Revenue prior to January 1, 1994.

27 **SECTION 41.** ORS 293.455 is amended to read:

28 293.455. (1) After October 1, the State Treasurer may refuse payment of the unrepresented checks
29 or orders included in the report referred to in ORS 293.450. [*In accordance with procedures developed*
30 *by the Department of State Lands and approved by the State Treasurer, the agency shall instruct the*
31 *State Treasurer to do the following*] **The State Treasurer shall:**

32 (a) Transfer and credit the amounts of the unrepresented checks or orders dedicated for general
33 funding to the General Fund.

34 (b) Transfer all other funds to the [*Department of State Lands for deposit in the*] Unclaimed
35 Property [*Revolving Fund*] **Account** within the Common School Fund [*Account*].

36 (c) Transfer and credit the amounts of the unrepresented checks issued under ORS chapters 316
37 and 317 to the [*Department of State Lands for deposit in the*] Unclaimed Property [*Revolving Fund*]
38 **Account** within the Common School Fund [*Account*].

39 (2) In each instance, the State Treasurer shall issue an official receipt for the amount [*so*]
40 transferred or credited **under subsection (1) of this section.**

41 [*(3) If the State Treasurer pays the owner of an unrepresented check or order included in the report*
42 *referred to in ORS 293.450 before the funds are transferred to the Department of State Lands, this in-*
43 *formation shall be reported to the Department of State Lands.*]

44 **SECTION 42.** ORS 293.460 is amended to read:

45 293.460. The lawful owner of any check or order included in the report referred to in ORS

1 293.450, not presented to the State Treasurer for payment and not paid, thereafter may file a claim
 2 with the [*Department of State Lands*] **State Treasurer** in the manner provided by ORS 98.392 and
 3 98.396.

4 **SECTION 43.** ORS 314.840 is amended to read:

5 314.840. (1) The Department of Revenue may:

6 (a) Furnish any taxpayer, representative authorized to represent the taxpayer under ORS 305.230
 7 or person designated by the taxpayer under ORS 305.193, upon request of the taxpayer, represen-
 8 tative or designee, with a copy of the taxpayer's income tax return filed with the department for
 9 any year, or with a copy of any report filed by the taxpayer in connection with the return, or with
 10 any other information the department considers necessary.

11 (b) Publish lists of taxpayers who are entitled to unclaimed tax refunds.

12 (c) Publish statistics so classified as to prevent the identification of income or any particulars
 13 contained in any report or return.

14 (d) Disclose a taxpayer's name, address, telephone number, refund amount, amount due, Social
 15 Security number, employer identification number or other taxpayer identification number to the ex-
 16 tent necessary in connection with collection activities or the processing and mailing of correspond-
 17 ence or of forms for any report, return or claim required in the administration of ORS 310.630 to
 18 310.706, any local tax under ORS 305.620, or any law imposing a tax upon or measured by net in-
 19 come.

20 (2) The department also may disclose and give access to information described in ORS 314.835
 21 to:

22 (a) The Governor of the State of Oregon or the authorized representative of the Governor:

23 (A) With respect to an individual who is designated as being under consideration for appoint-
 24 ment or reappointment to an office or for employment in the office of the Governor. The information
 25 disclosed shall be confined to whether the individual:

26 (i) Has filed returns with respect to the taxes imposed by ORS chapter 316 for those of not more
 27 than the three immediately preceding years for which the individual was required to file an Oregon
 28 individual income tax return.

29 (ii) Has failed to pay any tax within 30 days from the date of mailing of a deficiency notice or
 30 otherwise respond to a deficiency notice within 30 days of its mailing.

31 (iii) Has been assessed any penalty under the Oregon personal income tax laws and the nature
 32 of the penalty.

33 (iv) Has been or is under investigation for possible criminal offenses under the Oregon personal
 34 income tax laws. Information disclosed pursuant to this paragraph shall be used only for the purpose
 35 of making the appointment, reappointment or decision to employ or not to employ the individual in
 36 the office of the Governor.

37 (B) For use by an officer or employee of the Oregon Department of Administrative Services duly
 38 authorized or employed to prepare revenue estimates, or a person contracting with the Oregon De-
 39 partment of Administrative Services to prepare revenue estimates, in the preparation of revenue
 40 estimates required for the Governor's budget under ORS 291.201 to 291.226, or required for sub-
 41 mission to the Emergency Board, or if the Legislative Assembly is in session, to the Joint Committee
 42 on Ways and Means, and to the Legislative Revenue Officer under ORS 291.342, 291.348 and 291.445.
 43 The Department of Revenue shall disclose and give access to the information described in ORS
 44 314.835 for the purposes of this subparagraph only if:

45 (i) The request for information is made in writing, specifies the purposes for which the request

1 is made and is signed by an authorized representative of the Oregon Department of Administrative
2 Services. The form for request for information shall be prescribed by the Oregon Department of
3 Administrative Services and approved by the Director of the Department of Revenue.

4 (ii) The officer, employee or person receiving the information does not remove from the premises
5 of the Department of Revenue any materials that would reveal the identity of a personal or corpo-
6 rate taxpayer.

7 (b) The Commissioner of Internal Revenue or authorized representative, for tax administration
8 and compliance purposes only.

9 (c) For tax administration and compliance purposes, the proper officer or authorized represen-
10 tative of any of the following entities that has or is governed by a provision of law that meets the
11 requirements of any applicable provision of the Internal Revenue Code as to confidentiality:

12 (A) A state;

13 (B) A city, county or other political subdivision of a state;

14 (C) The District of Columbia; or

15 (D) An association established exclusively to provide services to federal, state or local taxing
16 authorities.

17 (d) The Multistate Tax Commission or its authorized representatives, for tax administration and
18 compliance purposes only. The Multistate Tax Commission may make the information available to
19 the Commissioner of Internal Revenue or the proper officer or authorized representative of any
20 governmental entity described in and meeting the qualifications of paragraph (c) of this subsection.

21 (e) The Attorney General, assistants and employees in the Department of Justice, or other legal
22 representative of the State of Oregon, to the extent the department deems disclosure or access
23 necessary for the performance of the duties of advising or representing the department pursuant to
24 ORS 180.010 to 180.240 and the tax laws of this state.

25 (f) Employees of the State of Oregon, other than of the Department of Revenue or Department
26 of Justice, to the extent the department deems disclosure or access necessary for such employees
27 to perform their duties under contracts or agreements between the department and any other de-
28 partment, agency or subdivision of the State of Oregon, in the department's administration of the
29 tax laws.

30 (g) Other persons, partnerships, corporations and other legal entities, and their employees, to
31 the extent the department deems disclosure or access necessary for the performance of such others'
32 duties under contracts or agreements between the department and such legal entities, in the de-
33 partment's administration of the tax laws.

34 (h) The Legislative Revenue Officer or authorized representatives upon compliance with ORS
35 173.850. Such officer or representative shall not remove from the premises of the department any
36 materials that would reveal the identity of any taxpayer or any other person.

37 (i) The Department of Consumer and Business Services, to the extent the department requires
38 such information to determine whether it is appropriate to adjust those workers' compensation
39 benefits the amount of which is based pursuant to ORS chapter 656 on the amount of wages or
40 earned income received by an individual.

41 (j) Any agency of the State of Oregon, or any person, or any officer or employee of such agency
42 or person to whom disclosure or access is given by state law and not otherwise referred to in this
43 section, including but not limited to the Secretary of State as Auditor of Public Accounts under
44 section 2, Article VI of the Oregon Constitution; the Department of Human Services pursuant to
45 ORS 314.860 and 412.094; the Division of Child Support of the Department of Justice and district

1 attorney regarding cases for which they are providing support enforcement services under ORS
 2 25.080; the State Board of Tax Practitioners, pursuant to ORS 673.710; and the Oregon Board of
 3 Accountancy, pursuant to ORS 673.415.

4 (k) The Director of the Department of Consumer and Business Services to determine that a
 5 person complies with ORS chapter 656 and the Director of the Employment Department to determine
 6 that a person complies with ORS chapter 657, the following employer information:

- 7 (A) Identification numbers.
- 8 (B) Names and addresses.
- 9 (C) Inception date as employer.
- 10 (D) Nature of business.
- 11 (E) Entity changes.
- 12 (F) Date of last payroll.

13 (L) The Director of Human Services to determine that a person has the ability to pay for care
 14 that includes services provided by the state institutions as described in ORS 179.321 or the Depart-
 15 ment of Human Services or to collect any unpaid cost of care as provided by ORS chapter 179.

16 (m) Employees of the Employment Department to the extent the Department of Revenue deems
 17 disclosure or access to information on a combined tax report filed under ORS 316.168 is necessary
 18 to performance of their duties in administering the tax imposed by ORS chapter 657.

19 (n) The State Fire Marshal to assist the State Fire Marshal in carrying out duties, functions and
 20 powers under ORS 453.307 to 453.414, the employer or agent name, address, telephone number and
 21 standard industrial classification, if available.

22 (o) Employees of the [*Department of State Lands*] **office of the State Treasurer** for the purposes
 23 of identifying, locating and publishing lists of taxpayers entitled to unclaimed refunds as required
 24 by the provisions of [*chapter 694, Oregon Laws 1993*] **ORS 98.302 to 98.436**. The information shall
 25 be limited to the taxpayer's name, address and the refund amount.

26 (p) In addition to the disclosure allowed under ORS 305.225, state or local law enforcement
 27 agencies to assist in the investigation or prosecution of the following criminal activities:

28 (A) Mail theft of a check, in which case the information that may be disclosed shall be limited
 29 to the stolen document, the name, address and taxpayer identification number of the payee, the
 30 amount of the check and the date printed on the check.

31 (B) The counterfeiting, forging or altering of a check submitted by a taxpayer to the Department
 32 of Revenue or issued by the Department of Revenue to a taxpayer, in which case the information
 33 that may be disclosed shall be limited to the counterfeit, forged or altered document, the name, ad-
 34 dress and taxpayer identification number of the payee, the amount of the check, the date printed
 35 on the check and the altered name and address.

36 (q) The United States Postal Inspection Service or a federal law enforcement agency, including
 37 but not limited to the United States Department of Justice, to assist in the investigation of the fol-
 38 lowing criminal activities:

39 (A) Mail theft of a check, in which case the information that may be disclosed shall be limited
 40 to the stolen document, the name, address and taxpayer identification number of the payee, the
 41 amount of the check and the date printed on the check.

42 (B) The counterfeiting, forging or altering of a check submitted by a taxpayer to the Department
 43 of Revenue or issued by the Department of Revenue to a taxpayer, in which case the information
 44 that may be disclosed shall be limited to the counterfeit, forged or altered document, the name, ad-
 45 dress and taxpayer identification number of the payee, the amount of the check, the date printed

1 on the check and the altered name and address.

2 (r) The United States Financial Management Service, for purposes of facilitating the reciprocal
3 offsets described in ORS 305.612.

4 (s) A municipal corporation of this state for purposes of assisting the municipal corporation in
5 the administration of a tax of the municipal corporation that is imposed on or measured by income,
6 wages or net earnings from self-employment. Any disclosure under this paragraph may be made only
7 pursuant to a written agreement between the Department of Revenue and the municipal corporation
8 that ensures the confidentiality of the information disclosed.

9 (3)(a) Each officer or employee of the department and each person described or referred to in
10 subsection (2)(a), (e) to (k) or (m) to (p) of this section to whom disclosure or access to the tax in-
11 formation is given under subsection (2) of this section or any other provision of state law, prior to
12 beginning employment or the performance of duties involving such disclosure or access, shall be
13 advised in writing of the provisions of ORS 314.835 and 314.991, relating to penalties for the vio-
14 lation of ORS 314.835, and shall as a condition of employment or performance of duties execute a
15 certificate for the department, in a form prescribed by the department, stating in substance that the
16 person has read these provisions of law, that the person has had them explained and that the person
17 is aware of the penalties for the violation of ORS 314.835.

18 (b) The disclosure authorized in subsection (2)(q) of this section shall be made only after a
19 written agreement has been entered into between the Department of Revenue and the person de-
20 scribed in subsection (2)(q) of this section to whom disclosure or access to the tax information is
21 given, providing that:

22 (A) Any information described in ORS 314.835 that is received by the person pursuant to sub-
23 section (2)(q) of this section is confidential information that may not be disclosed, except to the ex-
24 tent necessary to investigate or prosecute the criminal activities described in subsection (2)(q) of
25 this section;

26 (B) The information shall be protected as confidential under applicable federal and state laws;
27 and

28 (C) The United States Postal Inspection Service or the federal law enforcement agency shall
29 give notice to the Department of Revenue of any request received under the federal Freedom of In-
30 formation Act, 5 U.S.C. 552, or other federal law relating to the disclosure of information.

31 (4) The Department of Revenue may recover the costs of furnishing the information described
32 in subsection (2)(k), (L) and (n) to (p) of this section from the respective agencies.

33 **SECTION 44.** ORS 327.405 is amended to read:

34 327.405. The Common School Fund shall be composed of the proceeds from the sales of the 16th
35 and 36th sections of every township or of any lands selected in lieu thereof, all the moneys and clear
36 proceeds of all property that may accrue to the state by escheat or forfeiture, the proceeds of all
37 gifts, devises and bequests made by any person to the state for common school purposes, the pro-
38 ceeds of all property granted to the state when the purpose of such grant is not stated, all proceeds
39 of the sale of submerged and submersible lands as described in ORS 274.005, all proceeds of the sale
40 of the South Slough National Estuarine Research Reserve as described in ORS 273.553 in the event
41 such property is sold, and all proceeds of the sale of the 500,000 acres of land to which this state
42 is entitled by an Act of Congress approved September 4, 1841, and of all lands selected for capitol
43 building purposes under Act of Congress approved February 14, 1859. All such proceeds shall be-
44 come a part of the Common School Fund. Except as otherwise provided by law, the income from the
45 Common School Fund shall be applied exclusively to the support and maintenance of common

1 schools in each school district. All lawful claims for repayment of moneys under *[the provisions of*
 2 *ORS 98.302 to 98.436 and 98.992, or out of escheated estates and for attorney fees and all other ex-*
 3 *penditures in any suit or proceeding relating to escheated estates shall be audited by the Department of*
 4 *State Lands and paid from the Common School Fund Account.]* **ORS 98.302 to 98.436 and 98.992 and**
 5 **for attorney fees related to the claims shall be reviewed by the State Treasurer and paid**
 6 **from the Unclaimed Property Account. All lawful claims for repayment of moneys out of**
 7 **escheated estates and for attorney fees and all other expenses in any suit or proceeding re-**
 8 **lated to escheated estates shall be reviewed by the Department of State Lands and paid from**
 9 **the Common School Fund.**

10 **SECTION 45.** ORS 657.665 is amended to read:

11 657.665. (1) Except as provided in subsections (2) to (4) of this section, all information in the
 12 records of the Employment Department pertaining to the administration of the unemployment in-
 13 surance, employment service and labor market information programs:

14 (a) Is confidential and for the exclusive use and information of the Director of the Employment
 15 Department in administering the unemployment insurance, employment service and labor market
 16 information programs in Oregon.

17 (b) May not be used in any court action or in any proceeding pending in the court unless the
 18 director or the state is a party to the action or proceeding or unless the proceeding concerns the
 19 establishment, enforcement or modification of a support obligation and support services are being
 20 provided by the Division of Child Support or the district attorney pursuant to ORS 25.080.

21 (c) Is exempt from disclosure under ORS 192.410 to 192.505.

22 (2) The Employment Department shall disclose information:

23 (a) To any claimant or legal representative, at a hearing before an administrative law judge, to
 24 the extent necessary for the proper presentation of an unemployment insurance claim.

25 (b) Upon request to the United States Secretary of Labor. The Employment Department shall
 26 disclose the information in a form and containing the information that the United States Secretary
 27 of Labor may require. The information disclosed is confidential and may not be used for any other
 28 purpose.

29 (c) Pursuant to section 303(a)(7) of the Social Security Act, upon request to any agency of the
 30 United States charged with the administration of public works or assistance through public em-
 31 ployment. Under this paragraph, the Employment Department shall disclose the name, address, or-
 32 dinary occupation and employment status of each recipient of unemployment insurance benefits and
 33 a statement of the recipient's right to further benefits under this chapter. The information disclosed
 34 is confidential and may not be used for any other purpose.

35 (d) Pursuant to section 303(c)(1) of the Social Security Act, to the Railroad Retirement Board.
 36 Under this paragraph, the Employment Department shall disclose unemployment insurance records.
 37 The information disclosed is confidential and may not be used for any other purpose. The costs of
 38 disclosing information under this paragraph shall be paid by the board.

39 (e) Pursuant to section 303(d) of the Social Security Act, upon request to officers and employees
 40 of the United States Department of Agriculture and to officers or employees of any state food stamp
 41 agency for the purpose of determining an individual's eligibility for or the amount of food stamps.
 42 The information disclosed is confidential and may not be used for any other purpose. The costs of
 43 disclosing information under this paragraph shall be paid by the United States Department of Agri-
 44 culture.

45 (f) Pursuant to section 303(e)(1) and (2)(A)(ii) of the Social Security Act, to state or local child

1 support enforcement agencies enforcing child support obligations under Title IV-D of the Social Se-
2 curity Act for the purposes of establishing child support obligations, locating individuals owing child
3 support obligations and collecting child support obligations from those individuals. The information
4 disclosed is confidential and may not be used for any other purpose. The costs of disclosing infor-
5 mation under this paragraph shall be paid by the child support enforcement agency.

6 (g) Pursuant to sections 303(f) and 1137 of the Social Security Act, to agencies participating in
7 the income and eligibility verification system for the purpose of verifying an individual's eligibility
8 for benefits, or the amount of benefits, under unemployment insurance, Temporary Assistance for
9 Needy Families, Medicaid, food stamps, Supplemental Security Income, child support enforcement
10 or Social Security programs. The information disclosed is confidential and may not be used for any
11 other purpose. The costs of disclosing information under this paragraph shall be paid by the re-
12 questing agency.

13 (h) Pursuant to section 303(h) of the Social Security Act and section 3304(a)(16)(B) of the Federal
14 Unemployment Tax Act, to the United States Department of Health and Human Services National
15 Directory of New Hires. The information disclosed is confidential and may not be used for any other
16 purpose. The costs of disclosing information under this paragraph shall be paid by the United States
17 Department of Health and Human Services.

18 (i) Pursuant to section 303(i) of the Social Security Act, to officers and employees of the United
19 States Department of Housing and Urban Development and to representatives of a public housing
20 agency for the purpose of determining an individual's eligibility for benefits, or the amount of ben-
21 efits, under a housing assistance program of the United States Department of Housing and Urban
22 Development. The information disclosed is confidential and may not be used for any other purpose.
23 The costs of disclosing information under this paragraph shall be paid by the United States De-
24 partment of Housing and Urban Development or the public housing agency.

25 (j) Pursuant to regulations of the United States Secretary of Health and Human Services issued
26 under section 3304(a)(16)(A) of the Federal Unemployment Tax Act, and except as required by sec-
27 tion 303 of the Social Security Act, to the state, a political subdivision or a federally recognized
28 Indian tribe that has signed an agreement with the Department of Human Services to administer
29 Part A of Title IV of the Social Security Act for the purpose of determining an individual's eligibility
30 for assistance, or the amount of assistance, under a program funded under Part A of Title IV of the
31 Social Security Act. The information disclosed is confidential and may not be used for any other
32 purpose.

33 (k) Upon request, to the United States Attorney's Office. Under this paragraph, the Employment
34 Department may disclose an individual's employment and wage information in response to a federal
35 grand jury subpoena or for the purpose of collecting civil and criminal judgments, including
36 restitution and special assessment fees. The information disclosed is confidential and may not be
37 used for any other purpose. The costs of disclosing information under this paragraph shall be paid
38 by the United States Attorney's Office.

39 (3) The Employment Department may disclose information secured from employing units:

40 (a) To agencies of this state, federal agencies and local government agencies to the extent nec-
41 essary to properly carry out governmental planning, performance measurement, program analysis,
42 socioeconomic analysis and policy analysis functions performed under applicable law. The informa-
43 tion disclosed is confidential and may not be disclosed by the agencies in any manner that would
44 identify individuals, claimants, employees or employing units. If the information disclosed under this
45 paragraph is not prepared for the use of the Employment Department, the costs of disclosing the

1 information shall be paid by the agency requesting the information.

2 (b) As part of a geographic information system. Points on a map may be used to represent eco-
3 nomic data, including the location, employment size class and industrial classification of businesses
4 in Oregon. Information presented as part of a geographic information system may not give specific
5 details regarding a business's address, actual employment or proprietary information. If the infor-
6 mation disclosed under this paragraph is not prepared for the use of the Employment Department,
7 the costs of disclosing the information shall be paid by the party requesting the information.

8 (c) In accordance with ORS 657.673.

9 (4) The Employment Department may:

10 (a) Disclose information to public employees in the performance of their duties under state or
11 federal laws relating to the payment of unemployment insurance benefits, the provision of employ-
12 ment services and the provision of labor market information.

13 (b) At the discretion of the Director of the Employment Department and subject to an intera-
14 gency agreement, disclose information to public officials in the performance of their official duties
15 administering or enforcing laws within their authority and to the agents or contractors of public
16 officials. The public official shall agree to assume responsibility for misuse of the information by
17 the official's agent or contractor.

18 (c) Disclose information pursuant to an informed consent, received from an employer or claim-
19 ant, to disclose the information.

20 (d) Disclose information to partners under the federal Workforce Investment Act of 1998 for the
21 purpose of administering state workforce programs under the Act. The information disclosed is
22 confidential and may not be used for any other purpose. The costs of disclosing information under
23 this paragraph shall be paid by the requesting partner.

24 (e) Disclose the names and addresses of employing units to the Bureau of Labor and Industries
25 for the purpose of disseminating information to employing units. The names and addresses disclosed
26 are confidential and may not be used for any other purpose. If the information disclosed under this
27 paragraph is not prepared for the use of the Employment Department, the costs of disclosing the
28 information shall be paid by the bureau.

29 (f) Disclose information to the Commissioner of the Bureau of Labor and Industries for the
30 purpose of performing duties under ORS 279C.800 to 279C.870, 658.005 to 658.245 or 658.405 to
31 658.503 or ORS chapter 652, 653 or 659A. The information disclosed may include the names and ad-
32 dresses of employers and employees and payroll data of employers and employees. The information
33 disclosed is confidential and may not be used for any other purpose. If the information disclosed
34 under this paragraph is not prepared for the use of the Employment Department, the costs of dis-
35 closing the information shall be paid by the bureau.

36 (g) Disclose information required under ORS 657.660 (3) and (4) to the Public Employees Re-
37 tirement System for the purpose of determining the eligibility of members of the retirement system
38 for disability retirement allowances under ORS chapter 238. The information disclosed is confiden-
39 tial and may not be used for any other purpose. The costs of disclosing information under this par-
40 agraph shall be paid by the Public Employees Retirement System.

41 (h) Disclose to the Oregon Economic and Community Development Commission information re-
42 quired by the commission in performing its duty under ORS 285A.050 to verify changes in employ-
43 ment levels following direct employer participation in Economic and Community Development
44 Department programs or indirect participation through municipalities under ORS 285B.410 to
45 285B.482 and regional boards and partnerships under ORS 285B.230 to 285B.269. The information

1 disclosed to the commission may include an employer's employment level, total subject wages payroll
2 and whole hours worked. The information disclosed is confidential and may not be used for any
3 other purpose. The commission may not disclose the information in any manner that would identify
4 an employing unit or employee except to the extent necessary to carry out the commission's duty
5 under ORS 285A.050. If the information disclosed under this paragraph is not prepared for the use
6 of the Employment Department, the costs of disclosing the information shall be paid by the com-
7 mission.

8 (i) Disclose information to the Department of Revenue for the purpose of performing its duties
9 under ORS 293.250 or under the revenue and tax laws of this state. The information disclosed may
10 include the names and addresses of employers and employees and payroll data of employers and
11 employees. The information disclosed is confidential and may not be disclosed by the Department
12 of Revenue in any manner that would identify an employing unit or employee except to the extent
13 necessary to carry out the department's duties under ORS 293.250 or in auditing or reviewing any
14 report or return required or permitted to be filed under the revenue and tax laws administered by
15 the department. The Department of Revenue may not disclose any information received to any pri-
16 vate collection agency or for any other purpose. If the information disclosed under this paragraph
17 is not prepared for the use of the Employment Department, the costs of disclosing the information
18 shall be paid by the Department of Revenue.

19 (j) Disclose information to the Department of Consumer and Business Services for the purpose
20 of performing its duties under ORS chapters 654 and 656. The information disclosed may include the
21 name, address, number of employees and industrial classification code of an employer and payroll
22 data of employers and employees. The information disclosed is confidential and may not be disclosed
23 by the Department of Consumer and Business Services in any manner that would identify an em-
24 ploying unit or employee except to the extent necessary to carry out the department's duties under
25 ORS chapters 654 and 656, including administrative hearings and court proceedings in which the
26 Department of Consumer and Business Services is a party. If the information disclosed under this
27 paragraph is not prepared for the use of the Employment Department, the costs of disclosing the
28 information shall be paid by the Department of Consumer and Business Services.

29 (k) Disclose information to the Construction Contractors Board for the purpose of performing
30 its duties under ORS chapter 701. The information disclosed to the board may include the names and
31 addresses of employers and status of their compliance with this chapter. If the information disclosed
32 under this paragraph is not prepared for the use of the Employment Department, the costs of dis-
33 closing the information shall be paid by the board.

34 (L) Disclose information to the State Fire Marshal to assist the State Fire Marshal in carrying
35 out duties under ORS 453.307 to 453.414. The information disclosed may include the name, address,
36 telephone number and industrial classification code of an employer. The information disclosed is
37 confidential and may not be disclosed by the State Fire Marshal in any manner that would identify
38 an employing unit except to the extent necessary to carry out duties under ORS 453.307 to 453.414.
39 If the information disclosed under this paragraph is not prepared for the use of the Employment
40 Department, the costs of disclosing the information shall be paid by the office of the State Fire
41 Marshal.

42 (m) Disclose information to the Oregon Student Assistance Commission for the purpose of per-
43 forming the commission's duties under ORS chapter 348 and Title IV of the Higher Education Act
44 of 1965. The information disclosed may include the names and addresses of employers and employees
45 and payroll data of employers and employees. The information disclosed is confidential and may not

1 be disclosed by the commission in any manner that would identify an employing unit or employee
2 except to the extent necessary to carry out the commission's duties under ORS chapter 348 or Title
3 IV of the Higher Education Act of 1965. If the information disclosed under this paragraph is not
4 prepared for the use of the Employment Department, the costs of disclosing the information shall
5 be paid by the commission.

6 (n) Disclose information to the Department of Transportation to assist the Department of
7 Transportation in carrying out the duties of the Department of Transportation relating to collection
8 of delinquent and liquidated debts, including taxes, under ORS 184.610 to 184.666, 184.670 to 184.733
9 and 805.263, ORS chapter 319 and the Oregon Vehicle Code. The information disclosed may include
10 the names and addresses of employers and employees and payroll data of employers and employees.
11 The information disclosed is confidential and may not be disclosed by the Department of Transpor-
12 tation in any manner that would identify an employing unit or employee except to the extent nec-
13 essary to carry out the Department of Transportation's duties relating to collection of delinquent
14 and liquidated debts or in auditing or reviewing any report or return required or permitted to be
15 filed under the revenue and tax laws administered by the Department of Transportation. The De-
16 partment of Transportation may not disclose any information received to any private collection
17 agency or for any other purpose. If the information disclosed under this paragraph is not prepared
18 for the use of the Employment Department, the costs of disclosing the information shall be paid by
19 the Department of Transportation.

20 (o) Disclose to any person establishment level information secured pursuant to this chapter from
21 federal, state and local government employing units. If the information disclosed under this para-
22 graph is not prepared for the use of the Employment Department, the costs of disclosing the infor-
23 mation shall be paid by the party requesting the information.

24 (p) Disclose to any person the industrial classification code assigned to an employing unit. If the
25 information disclosed under this paragraph is not prepared for the use of the Employment Depart-
26 ment, the costs of disclosing the information shall be paid by the party requesting the information.

27 **(q) Disclose to the State Treasurer the information required by the State Treasurer for**
28 **the purpose of performing the duties of the State Treasurer under ORS 98.302 to 98.436. The**
29 **information disclosed may include the name, address and number of employees of an em-**
30 **ploying unit and the name and address of individuals identified in the records of the Em-**
31 **ployment Department. The information disclosed is confidential and may not be disclosed by**
32 **the State Treasurer for any other purpose. If the information disclosed under this paragraph**
33 **is not prepared for the use of the Employment Department, the costs of disclosing the in-**
34 **formation shall be paid by the State Treasurer.**

35 (5) Any officer appointed by or any employee of the Director of the Employment Department
36 who discloses confidential information, except with the authority of the director, pursuant to rules
37 or as otherwise required by law, may be disqualified from holding any appointment or employment
38 with the Employment Department.

39 (6) Any person or any officer or employee of an entity to whom information is disclosed by the
40 Employment Department under this section who divulges or uses the information for any purpose
41 other than that specified in the provision of law or agreement authorizing the use or disclosure may
42 be disqualified from performing any service under contract or disqualified from holding any ap-
43 pointment or employment with the state agency that engaged or employed that person, officer or
44 employee. The Employment Department may immediately cancel or modify any information sharing
45 agreement with an entity when a person or an officer or employee of that entity discloses confi-

1 dential information, other than as specified in law or agreement.

2 **SECTION 46.** ORS 711.225 is amended to read:

3 711.225. (1) All deposits that remain unclaimed after six months from the date of the written
4 notice [mentioned] **described** in ORS 711.220 (3)[,] shall be reported and transferred by the Oregon
5 stock bank to the [Department of State Lands] **State Treasurer** as unclaimed property under ORS
6 98.302 to 98.436 and 98.992.

7 (2) A copy of the report of unclaimed deposits filed with the [Department of State Lands] **State**
8 **Treasurer** shall be filed with the Director of the Department of Consumer and Business Services.

9 **SECTION 47.** ORS 711.230 is amended to read:

10 711.230. (1) Claims of all persons, other than depositors, against the institution shall be pre-
11 sented in writing to the institution within one year after the date of first publication provided for
12 in ORS 711.220, unless barred by an earlier period of limitation. Claims arising out of the expense
13 of liquidation may be filed at any time prior to the closing of the liquidation.

14 (2) The board of directors shall, within 30 days after the presentment of a claim, allow or reject
15 the claim, in whole or in part, noting the same in their minutes. The board shall notify the claimants
16 in writing of its action, either by personal service or by mail. Any claim rejected or disallowed is
17 barred unless action to adjudicate the claim is commenced within 60 days after the date of service
18 or mailing of notice of disallowance or rejection.

19 (3) The board of directors may extend the time within which to receive claims and continue the
20 liquidation after the expiration of the time allowed in this section for the filing of claims. Any new
21 claims filed after the time shall be allowed and paid or rejected in the same manner as provided for
22 other claims. If the liquidation is continued, the transfer of unclaimed deposits to the [Department
23 of State Lands] **State Treasurer** may be delayed to such time as designated by the Director of the
24 Department of Consumer and Business Services.

25 **SECTION 48.** ORS 711.235 is amended to read:

26 711.235. (1) After the expiration of the time provided in ORS 711.230 for the filing of claims or
27 if the board of directors has extended the time of liquidation then after the time set by them and
28 after payment of unclaimed deposits to the [Department of State Lands] **State Treasurer**, the board
29 of directors shall make a complete report of the liquidation to the Director of the Department of
30 Consumer and Business Services and shall certify to the director that all claims have been paid or
31 finally determined.

32 (2) Any claims received and approved after the report has been filed with the director shall be
33 paid if the remaining assets are sufficient.

34 (3) When the report has been approved by the director the board of directors may proceed to
35 liquidate the remaining assets and distribute them to the stockholders or other persons entitled to
36 receive them according to their respective rights and interests without further report to the direc-
37 tor.

38 **SECTION 49.** ORS 711.590 is amended to read:

39 711.590. (1) Two years after the date of the final order closing the liquidation of an institution,
40 the Director of the Department of Consumer and Business Services may withdraw any unclaimed
41 deposits or balances remaining to the credit of dividend accounts, representing the aggregate of
42 undelivered checks or unpaid dividend funds in the possession of the Department of Consumer and
43 Business Services, and pay the funds to the [Department of State Lands] **State Treasurer** as un-
44 claimed property to be disposed of as provided in ORS 98.302 to 98.436 and 98.992.

45 (2) The interest earned on the dividend accounts while they remain in the possession of the di-

1 rector shall be paid to the State Treasurer to be credited to the Consumer and Business Services
2 Fund and the owner, the heirs or personal representative of the owner have no claim to the interest.

3 **SECTION 50.** ORS 716.905 is amended to read:

4 716.905. (1) Acting under ORS 716.900 the directors shall direct the mailing of a written notice
5 of their intention to close the Oregon nonstock bank to the last-known address of all depositors and
6 other creditors.

7 (2) All deposits and amounts reserved for creditors that remain unclaimed after six months from
8 the date of the written notice required under subsection (1) of this section shall be reported and
9 transferred by the directors to the [*Department of State Lands*] **State Treasurer** as unclaimed
10 property under ORS 98.302 to 98.436 and 98.992.

11 (3) A copy of the report of unclaimed deposits and amounts reserved for creditors filed with the
12 [*Department of State Lands*] **State Treasurer** shall be filed with the Director of the Department of
13 Consumer and Business Services.

14 **SECTION 51.** ORS 716.910 is amended to read:

15 716.910. After the directors of an Oregon nonstock bank have filed their report and deposited
16 the unclaimed funds with the [*Department of State Lands*] **State Treasurer** as required under ORS
17 716.905, the directors shall report their proceedings to the Director of the Department of Consumer
18 and Business Services. Upon filing the report and the petition of the directors with the Director of
19 the Department of Consumer and Business Services, the director shall order the charter surren-
20 dered, the directors discharged from liability accruing after the order, and the existence of the
21 Oregon nonstock bank terminated.

22 **SECTION 52.** On July 1, 2011, the State Treasurer shall transfer all moneys in the Un-
23 claimed Property Revolving Fund to the Unclaimed Property Account established within the
24 Common School Fund by ORS 98.388, as amended by section 23 of this 2009 Act.

25 **SECTION 53.** (1) Sections 1 to 8 of this 2009 Act and the amendments to ORS 60.674,
26 62.720, 98.050, 98.302, 98.329, 98.348, 98.352, 98.353, 98.354, 98.356, 98.362, 98.366, 98.372, 98.376,
27 98.382, 98.384, 98.386, 98.388, 98.392, 98.396, 98.402, 98.412, 98.416, 98.422, 98.424, 98.991, 98.992,
28 178.065, 183.635, 273.105, 287A.474, 293.450, 293.455, 293.460, 314.840, 327.405, 657.665, 711.225,
29 711.230, 711.235, 711.590, 716.905 and 716.910 by sections 9 to 51 of this 2009 Act are intended
30 to transfer the responsibility for administering the Uniform Disposition of Unclaimed Prop-
31 erty Act from the Department of State Lands to the State Treasurer.

32 (2) For the purpose of harmonizing and clarifying statute sections published in Oregon
33 Revised Statutes, the Legislative Counsel may substitute for words designating the “De-
34 partment of State Lands” or the “Director of the Department of State Lands,” wherever they
35 occur in Oregon Revised Statutes in relation to the Uniform Disposition of Unclaimed Prop-
36 erty Act, other words designating the “State Treasurer.”

37 **SECTION 54.** (1) Sections 1 to 8 of this 2009 Act and the amendments to ORS 60.674,
38 62.720, 98.050, 98.302, 98.329, 98.348, 98.352, 98.353, 98.354, 98.356, 98.362, 98.366, 98.372, 98.376,
39 98.382, 98.384, 98.386, 98.388, 98.392, 98.396, 98.402, 98.412, 98.416, 98.422, 98.424, 98.991, 98.992,
40 178.065, 183.635, 273.105, 287A.474, 293.450, 293.455, 293.460, 314.840, 327.405, 657.665, 711.225,
41 711.230, 711.235, 711.590, 716.905 and 716.910 by sections 9 to 51 of this 2009 Act become oper-
42 ative on July 1, 2011.

43 (2) Notwithstanding subsection (1) of this section, the State Treasurer and the Depart-
44 ment of State Lands may take any action necessary after the effective date of this 2009 Act
45 to exercise, on and after July 1, 2011, the duties, functions and powers transferred to the

1 **State Treasurer by section 1 of this 2009 Act.**

2 **(3) The Department of State Lands may reimburse the State Treasurer for expenses in-**
3 **curring between the effective date of this 2009 Act and July 1, 2011, related to the transfer**
4 **of duties, functions and powers under this 2009 Act.**

5
