

Senate Bill 454

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of State Treasurer Tobias Read for State Land Board)

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 administration of Uniform Disposition of Unclaimed Property Act, unclaimed estates and escheating funds from Department of State Lands to State Treasurer.

Eliminates additional requirements for recovering proceeds of unclaimed United States savings bonds.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to administering unclaimed properties; creating new provisions; amending ORS 60.674,
3 62.720, 63.674, 65.674, 87.691, 90.425, 97.170, 98.050, 98.302, 98.329, 98.348, 98.352, 98.353, 98.354,
4 98.356, 98.362, 98.366, 98.372, 98.376, 98.382, 98.384, 98.386, 98.388, 98.392, 98.396, 98.402, 98.412,
5 98.416, 98.422, 98.424, 98.991, 98.992, 112.055, 113.045, 113.075, 113.085, 113.105, 113.235, 113.238,
6 113.242, 114.325, 114.505, 114.520, 114.535, 116.193, 116.203, 116.243, 116.253, 146.125, 183.635,
7 273.125, 273.141, 273.183, 287A.474, 293.450, 293.455, 293.460, 293.701, 314.840, 327.405, 652.405,
8 657.665, 708A.430, 708A.655, 711.225, 711.230, 711.235, 711.590, 716.905, 716.910, 723.466 and
9 723.844 and section 2, chapter 91, Oregon Laws 2018, section 2, chapter 95, Oregon Laws 2018,
10 and sections 22 and 23, chapter 105, Oregon Laws 2018; and prescribing an effective date.

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

TRANSFER OF ADMINISTRATION

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13
14
15 **SECTION 1. The duties, functions and powers of the Department of State Lands are im-**
16 **posed upon, transferred to and vested in the State Treasurer as they relate to:**

17 **(1) The Uniform Disposition of Unclaimed Property Act in ORS 98.302 to 98.436 and 98.992.**

18 **(2) Administration of estates as provided in ORS 112.055, 113.085, 113.235, 113.238, 113.242**
19 **and 114.505 to 114.560 and the duties of an estate administrator as personal representative**
20 **of an estate under ORS chapters 111, 112, 113, 114, 115, 116 and 117; and**

21 **(3) Property escheated to the state and held under ORS 112.055, 113.085, 113.242, 114.555,**
22 **116.193, 116.203, 116.253, 652.405, 708A.430 and 723.466, or any other source of escheated**
23 **property or funds.**

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

25 **(a) Deliver to the State Treasurer all records and property within the jurisdiction of the**
26 **director that relate to the duties, functions and powers transferred by section 1 of this 2019**
27 **Act; and**

28 **(b) Transfer to the State Treasurer those employees engaged primarily in the exercise**

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 of the duties, functions and powers transferred by section 1 of this 2019 Act.

2 (2) The State Treasurer shall take possession of the records and property, and shall take
3 charge of the employees and employ them in the exercise of the duties, functions and powers
4 transferred by section 1 of this 2019 Act, without reduction of compensation but subject to
5 change or termination of employment or compensation as provided by law.

6 (3) The Governor shall resolve any dispute between the Department of State Lands and
7 the State Treasurer relating to transfers of records, property and employees under this
8 section. The Governor's determination is final.

9 **SECTION 3.** The transfer of duties, functions and powers to the State Treasurer by sec-
10 tion 1 of this 2019 Act does not affect any action, proceeding or prosecution with respect to
11 such duties, functions and powers begun before and pending at the time of the transfer, ex-
12 cept that the State Treasurer may be substituted for the Department of State Lands in the
13 action, proceeding or prosecution.

14 **SECTION 4.** (1) Nothing in sections 1 to 6 of this 2019 Act relieves a person of a liability,
15 duty or obligation accruing under or with respect to the duties, functions and powers
16 transferred by section 1 of this 2019 Act. The State Treasurer may undertake the collection
17 or enforcement of any such liability, duty or obligation.

18 (2) The rights and obligations of the Department of State Lands under contracts, leases
19 and business transactions executed, entered into or begun before the operative date of sec-
20 tion 1 of this 2019 Act with respect to the duties, functions and powers transferred by section
21 1 of this 2019 Act are transferred to the State Treasurer. For the purpose of succession to
22 these rights and obligations, the State Treasurer is a continuation of the Department of
23 State Lands and not a new authority.

24 **SECTION 5.** Notwithstanding the transfer of duties, functions and powers by section 1
25 of this 2019 Act, the rules of the Department of State Lands with respect to such duties,
26 functions or powers transferred under section 1 of this 2019 Act in effect on the operative
27 date of section 1 of this 2019 Act continue until superseded or repealed by rules of the State
28 Treasurer. References in such rules to the Department of State Lands or an officer or em-
29 ployee of the Department of State Lands are considered references to the State Treasurer
30 or an officer or employee of the State Treasurer.

31 **SECTION 6.** In any uncodified law or resolution of the Legislative Assembly or in any
32 rule, document, record or proceeding authorized by the Legislative Assembly, within the
33 context of the duties, functions and powers transferred by section 1 of this 2019 Act, wher-
34 ever reference is made to the Department of State Lands, or an officer or employee of the
35 Department of State Lands, whose duties, functions or powers are transferred by section 1
36 of this 2019 Act, the reference is considered to be a reference to the State Treasurer or an
37 officer or employee of the State Treasurer charged with carrying out such duties, functions
38 and powers.

40 UNIFORM DISPOSITION OF UNCLAIMED PROPERTY ACT

41 **SECTION 7.** ORS 98.302 is amended to read:

42 98.302. As used in ORS 98.302 to 98.436 and 98.992, unless the context otherwise requires:

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

44 [(2)] (1) "Apparent owner" means the person whose name appears on the records of the holder

1 as the person entitled to property held, issued or owing by the holder.

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

5 [(4)] (3) "Domicile" means the state of incorporation of a corporation and the state of the prin-
6 cipal place of business of an unincorporated person.

7 [(5)] (4) "Financial institution" means a financial institution or a trust company, as those terms
8 are defined in ORS 706.008, a safe deposit company, a private banker, a savings and loan association,
9 a building and loan association or an investment company.

10 [(6)] (5) "Holder" means a person, wherever organized or domiciled, who is in possession of
11 property belonging to another, a trustee or indebted to another on an obligation.

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

17 [(8)] (7) "Intangible property" includes:

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

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

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

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

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

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

28 [(9)] (8) "Last-known address" means a description of the location of the apparent owner suffi-
29 cient for the purpose of delivery of mail.

30 [(10)] (9) "Lawful deduction" means a deduction related to the purpose of an account or deposit,
31 for example, to satisfy unpaid utility bills.

32 [(11)] (10) "Owner" means a depositor in case of a deposit, a beneficiary in case of a trust other
33 than a deposit in trust, a creditor, claimant, or payee in case of other intangible property, or a
34 person, or the person's legal representative, having a legal or equitable interest in property.

35 [(12)] (11) "Person" means an individual, business association, state or other government or
36 political subdivision or agency, public corporation, public authority, two or more persons having a
37 joint or common interest, or any other legal or commercial entity.

38 [(13)] (12) "Service charge" means fees or charges that are limited to a specific situation and
39 that meet basic contractual and notice requirements.

40 [(14)] (13) "State" means any state, district, commonwealth, territory, insular possession or any
41 other area subject to the legislative authority of the United States.

42 [(15)] (14) "Utility" means a person who owns or operates for public use, any plant, equipment,
43 property, franchise or license for the transmission of communications or the production, storage,
44 transmission, sale, delivery or furnishing of electricity, water, steam or gas.

45 **SECTION 8.** ORS 98.329 is amended to read:

1 98.329. A holder, with the written consent of the [*Department of State Lands*] **State Treasurer**,
 2 and in compliance with rules prescribed by the [*department*] **State Treasurer**, may report and de-
 3 liver property before the property is presumed abandoned.

4 **SECTION 9.** ORS 98.348 is amended to read:

5 98.348. (1) At any time after property has been paid or delivered to the [*Department of State*
 6 *Lands*] **State Treasurer** under ORS 98.352, another state may recover the property if one or more
 7 of the following is true:

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

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

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

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

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

27 (2) The claim of another state to recover escheated or unclaimed property must be presented in
 28 a form prescribed by the [*Department of State Lands*] **State Treasurer**. The [*department*] **State**
 29 **Treasurer** shall decide the claim within 90 days after it is presented.

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

33 **SECTION 10.** ORS 98.352 is amended to read:

34 98.352. (1) [*Every person holding funds or other property, tangible or intangible,*] **A holder of**
 35 **property** presumed abandoned under ORS 98.302 to 98.436 and 98.992 [*shall report and pay or deliver*
 36 *to the Department of State Lands all property presumed abandoned as provided in this section, except*
 37 *that*] **shall deliver to the State Treasurer the report described in subsection (2) of this section**
 38 **and shall pay or deliver to the State Treasurer all property presumed abandoned, except that**
 39 **for the following funds the holder is not required to deliver the funds presumed abandoned**
 40 **to the State Treasurer:**

41 (a) Funds transferred to the General Fund under ORS 293.455 (1)(a) [*shall only be reported to the*
 42 *department*].

43 (b) Funds in the possession of the Child Support Program described in ORS 180.345 [*shall only*
 44 *be reported to the department*].

45 (c) Funds **described in ORS 9.725 (3) or 98.386 (2) that are held** in lawyer trust accounts [*shall*

1 *only be reported to the department]* **or in the possession of the Oregon State Bar.**

2 (2) *[The report shall be verified as to the accuracy of the information contained and shall]* **A re-**
3 **port must** include:

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

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

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

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

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

16 (3) If the *[person holding]* **holder of** property presumed abandoned is a successor to other *[per-*
17 *sons who previously held the property for the owner,]* **holders** or *[if the holder]* has had a name
18 change while holding the property, the holder shall file with the report all prior known names and
19 addresses and effective dates of changes *[if known of each holder of the property]*.

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

28 (5) If the holder of property presumed abandoned under ORS 98.302 to 98.436 and 98.992 knows
29 the whereabouts of the owner and if the owner's claim *[has not been]* **is not** barred by the statute
30 of limitations, the holder shall, before filing the *[annual]* report, communicate with the owner and
31 take necessary steps to prevent abandonment from being presumed. The holder shall exercise due
32 diligence to ascertain the whereabouts of the owner.

33 (6) If the property presumed abandoned is a lawyer trust account established by an attorney or
34 law firm, the report required by this section must indicate that the account is a lawyer trust ac-
35 count *[in addition to providing the information required by subsection (2) of this section]*.

36 (7) **The holder shall verify the accuracy of the information contained in the report.**
37 Verification[,] **must be executed by a partner** if made by a partnership, *[shall be executed by a*
38 *partner;]* **by an officer** if made by an unincorporated association or private corporation[, *by an of-*
39 *ficer;]* and **by the chief fiscal officer** if made by a public corporation[, *by its chief fiscal officer]*.

40 **SECTION 11.** ORS 98.353 is amended to read:

41 98.353. (1) The *[Department of State Lands]* **State Treasurer** shall [, *on a regular basis,*] **regu-**
42 **larly** provide educational or informational materials to persons required to file a report under ORS
43 98.352. The educational or informational materials *[shall contain, but shall not be limited to,]* **must**
44 **include** information describing:

45 (a) The types of property, tangible and intangible, that are subject to reporting;

- 1 (b) Persons who typically hold, knowingly or unknowingly, unclaimed property;
- 2 (c) Record keeping requirements for persons holding unclaimed property; and
- 3 (d) Any penalties for failing to comply with the provisions of ORS 98.302 to 98.436.

4 (2) Upon request by the [*Department of State Lands, the Department of Revenue and the Office*
 5 *of the Secretary of State shall*] **State Treasurer:**

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

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

10 (a) **The Department of Consumer and Business Services, the Department of Revenue and**
 11 **the office of the Secretary of State shall assist the State Treasurer in determining which**
 12 **persons are required to file a report under ORS 98.352 or who may make a claim under ORS**
 13 **98.392; and**

14 (b) **The Department of Consumer and Business Services, the Department of Revenue, the**
 15 **Employment Department and the office of the Secretary of State shall allow the State**
 16 **Treasurer to include information about unclaimed property reporting requirements and**
 17 **claims in the regular mailings of the departments and office and in electronic communi-**
 18 **cations and resources.**

19 **SECTION 12.** ORS 98.354 is amended to read:

20 98.354. (1) Every holder required to file a report under ORS 98.352 as to any property for which
 21 the holder has obtained an address of the owner, shall maintain a record of the name and last-known
 22 address of the owner and such signature cards and other evidence [*which*] **that** would assist in the
 23 identification of the owner for three years after the property has been remitted to the [*Department*
 24 *of State Lands*] **State Treasurer.**

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

30 **SECTION 13.** ORS 98.356 is amended to read:

31 98.356. (1) The [*Department of State Lands*] **State Treasurer** shall publish notice of owners'
 32 unclaimed accounts reported under ORS 98.352. The notice shall be published at least twice in a
 33 newspaper or other generally circulated periodical published in this state. The [*department*] **State**
 34 **Treasurer** may publish such notices at intervals to locate owners of accounts received under ORS
 35 98.352 (4) in an expedient manner, but shall complete publication of all such accounts within one
 36 year of remittance.

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

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

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

1 that may be deducted from a verified claim for unclaimed property.

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

4 **SECTION 14.** ORS 98.362 is amended to read:

5 98.362. (1) The holder of an intangible equity ownership interest presumed abandoned under ORS
6 98.322 shall deliver a certificate of ownership or other evidence of ownership to the [*Department of*
7 *State Lands*] **State Treasurer** as follows:

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

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

14 (2) After issuance of a duplicate certificate under subsection (1) of this section, the rights of a
15 protected purchaser of the original certificate [*shall be*] **are** governed by ORS 78.4050. In such event,
16 [*recovery by*] the protected purchaser [*shall be*] **may seek recovery** against the [*department*] **State**
17 **Treasurer** to the extent allowed under the Oregon Constitution.

18 **SECTION 15.** ORS 98.366 is amended to read:

19 98.366. (1) Upon the payment or delivery of unclaimed property to the [*Department of State*
20 *Lands*] **State Treasurer**, the state shall assume custody and [*shall be*] **is** responsible for [*the*] **its**
21 safekeeping [*thereof*]. Any person who pays or delivers unclaimed property to the [*department*] **State**
22 **Treasurer** under ORS 98.352 is relieved of all liability to the extent of the value of the property
23 [*so*] paid or delivered for any claim [*which*] **that** then exists or [*which thereafter*] may arise [*or be*
24 *made*] in respect to the property.

25 (2) A holder who has paid money to the [*department*] **State Treasurer** under ORS 98.352 may
26 make payment to any person appearing to the holder to be entitled to payment. The [*department*]
27 **State Treasurer** shall reimburse the holder within 60 days of receiving proof that payment was
28 made to a person who appeared to the holder to be entitled to payment[. *The department shall re-*
29 *imburse the holder for the payment*] without imposing any fee or other charge.

30 **SECTION 16.** ORS 98.372 is amended to read:

31 98.372. The owner is not entitled to receive income or other increments [*which*] **that** have ac-
32 cued on the property after the property is paid or delivered to the [*Department of State Lands*]
33 **State Treasurer** under ORS 98.352.

34 **SECTION 17.** ORS 98.376 is amended to read:

35 98.376. The expiration of any period of time specified by statute or court order, during which
36 an action, suit or proceeding may be commenced or enforced to obtain payment of a claim for money
37 or recovery of property, [*shall*] **does** not prevent the money or property from being presumed aban-
38 doned [, *nor*] **and does not** affect any duty to file a report required by ORS 98.352 or to pay or
39 deliver unclaimed property to the [*Department of State Lands, provided that*] **State Treasurer**. This
40 section [*shall*] **does** not affect any property interests [*which became*] **that** vested prior to August 20,
41 1957.

42 **SECTION 18.** ORS 98.382 is amended to read:

43 98.382. (1)(a) **The State Treasurer shall sell** all unclaimed property [*other than money and se-*
44 *curities*] delivered to the [*Department of State Lands*] **State Treasurer** under [*ORS 98.362 shall be*
45 *sold by the department*] **ORS 98.352, except money and securities**, to the highest bidder at public

1 sale by the method and at the location that the [department] **State Treasurer** determines are the
 2 most favorable for receiving the highest price for the property involved. The [department] **State**
 3 **Treasurer** may decline the highest bid and reoffer the property for sale if the [department] **State**
 4 **Treasurer** considers the price bid insufficient. The [department] **State Treasurer** need not offer
 5 any property for sale if, in the [department's] **State Treasurer's** opinion, the probable cost of sale
 6 exceeds the value of the property.

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

9 (A) A public oral auction;

10 (B) An electronic commerce forum; and

11 (C) Any other method for sale that ensures the highest returns and provides for open, public
 12 participation.

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

15 (A) The population of the location;

16 (B) The cost of conducting the sale in the location;

17 (C) The type of property being sold;

18 (D) The public access to the proposed sale location, including parking; and

19 (E) Any other indicator of market potential of the location.

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

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

29 (4) **The State Treasurer shall sell** all securities and other intangible properties presumed
 30 abandoned [under ORS 98.362 and delivered to the department shall be sold by the department] **and**
 31 **received under ORS 98.362** at such time and place and in such manner as [in the department's
 32 judgment will] **the State Treasurer determines will** bring the highest return.

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

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

41 **SECTION 19.** ORS 98.384 is amended to read:

42 98.384. If the [Department of State Lands] **State Treasurer** determines after investigation that
 43 any property delivered under ORS 98.352 has insubstantial commercial value, the [department] **State**
 44 **Treasurer** may destroy or otherwise dispose of the property at any time. No action or proceeding
 45 may be maintained against the state or any officer or against the holder for or on account of any

1 action taken by the *[department]* **State Treasurer** pursuant to this section.

2 **SECTION 20.** ORS 98.386 is amended to read:

3 98.386. (1) Except as provided in subsection (2) of this section, all funds received under ORS
4 98.302 to 98.436 and 98.992, including the proceeds from the sale of unclaimed property under ORS
5 98.382, shall be deposited by the *[Department of State Lands]* **State Treasurer** in the Common
6 School Fund Account *[with the State Treasurer]*. Before making the deposit, the *[department]* **State**
7 **Treasurer** shall record the name and last-known address of each person appearing from the holders'
8 reports to be entitled to the unclaimed property and the name and last-known address of each in-
9 sured person or annuitant, and with respect to each policy or contract listed in the report of a life
10 insurance corporation, its number, the name of the corporation, and the amount due.

11 (2) Any amounts identified as lawyer trust account funds in the report required by ORS 98.352
12 shall be paid or delivered by the *[person holding the amounts]* **holder** to the Oregon State Bar along
13 with a copy of the report. All amounts paid or delivered to the Oregon State Bar under this section
14 are continuously appropriated to the Oregon State Bar[,] and may be used only for the funding of
15 legal services provided through the Legal Services Program established under ORS 9.572, the pay-
16 ment of claims allowed under ORS 98.392 (2) and the payment of expenses incurred by the Oregon
17 State Bar in the administration of the Legal Services Program.

18 (3) Before making a deposit to the credit of the Common School Fund Account, the
19 *[department]* **State Treasurer** may deduct:

20 (a) Any costs in connection with sale of unclaimed property;

21 (b) Any costs of mailing and publication in connection with efforts to locate owners of unclaimed
22 property as prescribed by rule; and

23 (c) Reasonable service charges.

24 **SECTION 21.** ORS 98.388 is amended to read:

25 98.388. There is created from unclaimed property funds an Unclaimed Property Revolving Fund.
26 The moneys in the fund are appropriated continuously to the *[Department of State Lands]* **State**
27 **Treasurer** for the purpose of repaying claims *[as provided]* under ORS 98.396.

28 **SECTION 22.** ORS 98.392 is amended to read:

29 98.392. (1) A person claiming an interest in unclaimed property reported to the *[Department of*
30 *State Lands]* **State Treasurer** may file a claim to the property or to the proceeds from the sale of
31 the property at any time after the *[person learns that the]* property has been reported to the *[de-*
32 *partment]* **State Treasurer**. Claims shall be filed on the form prescribed by the *[department]* **State**
33 **Treasurer**. The *[department]* **State Treasurer** may require the person to provide a lost instrument
34 bond if the claim is for securities and the person does not surrender the original certificate to the
35 *[department]* **State Treasurer**.

36 (2) If a claim is filed under this section for amounts identified as lawyer trust account funds in
37 the report required by ORS 98.352, the *[department]* **State Treasurer** shall forward the claim to the
38 Oregon State Bar for review and for payment by the Oregon State Bar if the claim is allowed. The
39 *[department]* **State Treasurer** and the Oregon State Bar shall adopt rules for the administration of
40 claims subject to this subsection.

41 **SECTION 23.** ORS 98.396 is amended to read:

42 98.396. (1) The *[Department of State Lands]* **State Treasurer** shall consider any claim filed under
43 ORS 98.392 and may hold a hearing and receive evidence concerning the claim. If a hearing is held,
44 the *[department]* **State Treasurer** shall prepare findings and a decision in writing on each claim
45 filed, stating the substance of any evidence heard by the *[department]* **State Treasurer** and the

1 reasons for the decision. *[The]* **A** decision *[shall be]* **is** a public record.

2 (2) If the claim allowed is for property deposited in the Common School Fund Account, the *[de-*
3 *partment]* **State Treasurer** shall return the property or make payment of the proceeds of the sale
4 of the property to the claimant.

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

9 **SECTION 24.** ORS 98.402 is amended to read:

10 98.402. (1) A person aggrieved by a decision of the *[administrator]* **State Treasurer under ORS**
11 **98.302 to 98.436** may request a *[hearing regarding the decision. The Department of State Lands shall*
12 *conduct the hearing as a]* contested case *[proceeding]* **hearing** in accordance with ORS 183.413 to
13 183.470.

14 (2) If the *[administrator]* **State Treasurer** fails to act on a claim within 120 days after a person
15 files the claim under ORS 98.392, the *[person]* **claimant** may *[file a]* petition **a court** under ORS
16 183.484 *[to request a court]* to compel the *[department]* **State Treasurer** to act *[pursuant to ORS*
17 *183.490]*.

18 **SECTION 25.** ORS 98.412 is amended to read:

19 98.412. (1) The *[Department of State Lands]* **State Treasurer** may require a person who has not
20 filed a report **under ORS 98.352** to file a verified report stating whether *[or not]* the person *[is*
21 *holding]* **holds** any unclaimed property reportable or deliverable *[under ORS 98.352]*.

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

26 (3) To the extent possible, the *[department]* **State Treasurer** shall enter into agreements with
27 state and federal agencies that regularly examine the records of financial institutions, trust compa-
28 nies, financial holding companies and bank holding companies, as defined in ORS 706.008, and of
29 subsidiaries of such financial institutions, trust companies, financial holding companies and bank
30 holding companies. Under the agreements, the state and federal agencies shall examine the records
31 of the financial institution, trust company, financial holding company, bank holding company or
32 subsidiary to determine compliance with ORS 98.352. If a state or federal agency does not enter into
33 an agreement with the *[department]* **State Treasurer** under this subsection, the *[department]* **State**
34 **Treasurer** shall conduct the examination of the records of financial institutions, trust companies,
35 financial holding companies and bank holding companies to determine compliance with ORS 98.352.

36 (4) If a holder fails to maintain the records required by ORS 98.354 and the records of the holder
37 available for the periods subject to ORS 98.302 to 98.436 and 98.992 are insufficient to permit the
38 preparation of a report, the *[department]* **State Treasurer** may issue a finding that requires the
39 holder to report and pay the amounts that the *[department]* **State Treasurer** reasonably estimates
40 from the report and available records. *[The department shall include in its finding a notice substan-*
41 *tially similar to that specified under ORS 183.415. Additionally, the notice shall include]*

42 (5) **In addition to the information required under ORS 183.413 and 183.415, the State**
43 **Treasurer shall provide a holder subject to findings under subsection (4) of this section with**
44 **information about opportunities to resolve disputes through a collaborative dispute resolution pro-**
45 **cess in lieu of a contested case hearing under ORS 183.413 to 183.470.**

1 [(5) Any holder subject to examination under this section may request a hearing regarding the
2 findings issued by the department. The department shall conduct a hearing under this subsection as
3 a contested case proceeding in accordance with ORS 183.413 to 183.470.]

4 **SECTION 26.** ORS 98.416 is amended to read:

5 98.416. (1) [If any person refuses to deliver property to the Department of State Lands as required
6 under ORS 98.352, the department] **The State Treasurer** may bring a suit or action in a court of
7 appropriate jurisdiction to enforce delivery of [the] property **not delivered by a holder as required**
8 **under ORS 98.352.**

9 (2) The [department] **State Treasurer** may require [a person] **a holder** who fails to pay or de-
10 liver property within the time prescribed by ORS 98.302 to 98.436 and 98.992 to pay interest from
11 the date the [department] **State Treasurer** determines interest should have been paid. Interest shall
12 be paid at the rate set by the Director of the Department of Revenue pursuant to ORS 305.220 (1)
13 and (3).

14 **SECTION 27.** ORS 98.422 is amended to read:

15 98.422. The [administrator] **State Treasurer** is authorized to adopt necessary rules to carry out
16 the provisions of ORS 98.302 to 98.436 and 98.992.

17 **SECTION 28.** ORS 98.424 is amended to read:

18 98.424. (1) The [Department of State Lands] **State Treasurer** may enter into agreements with
19 other states to exchange information needed to enable this or another state to audit or otherwise
20 determine unclaimed property that this state or another state may be entitled to subject to a claim
21 of custody under ORS 98.348. The [department] **State Treasurer** may adopt rules requiring the other
22 states to report information needed to enable compliance with agreements made pursuant to this
23 section and prescribing the form for making a claim of custody under ORS 98.348.

24 (2) **Before adopting, amending or repealing any rules under this section,** to avoid conflicts
25 between the [department's] **State Treasurer's** procedures and the procedures of administrators in
26 other jurisdictions that enact an unclaimed property act, [the department, so far as is] consistent
27 with the purposes, policies and provisions of ORS 98.302 to 98.436 and 98.992, [before adopting,
28 amending or repealing rules,] **the State Treasurer** shall advise and consult with administrators in
29 other jurisdictions that enact a substantially similar unclaimed property act and take into consid-
30 eration the rules of administrators in other jurisdictions that enact an unclaimed property act.

31 (3) The [department] **State Treasurer** may join with other states to seek enforcement of ORS
32 98.302 to 98.436 and 98.992 against any person who is or may be holding property reportable under
33 ORS 98.352.

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

39 (5) The [department] **State Treasurer**, through the Attorney General of this state, may request
40 the attorney general of another state or any other person to bring an action in the other state in
41 the name of the [department] **State Treasurer** against the holder of property in the other state that
42 is subject to escheat or a claim of abandonment by this state. This state shall pay all expenses in-
43 cluding attorney fees in any action under this subsection. Any expenses paid pursuant to this sub-
44 section may not be deducted from the amount that is subject to the claim by the owner under ORS
45 98.302 to 98.436 and 98.992.

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

3 **SECTION 29.** ORS 98.991 is amended to read:

4 98.991. (1) Any person who willfully fails to render any report or perform other duties required
5 under this Act is guilty of a misdemeanor.

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

8 **SECTION 30.** ORS 98.992 is amended to read:

9 98.992. A person who willfully fails to render any report, to pay or deliver property or to per-
10 form other duties required by ORS 98.302 to 98.436 and 98.992 may be required to forfeit and pay
11 to the State Treasurer to be deposited in the Common School Fund Account, an amount determined
12 by the *[Department of State Lands]* **State Treasurer** pursuant to ORS 183.745 of not more than
13 \$1,000 for individuals and \$50,000 for corporations. This penalty shall be assessed only after at least
14 one reporting cycle, and only after the *[department]* **State Treasurer** has provided the person with
15 written instructions, including copies of applicable laws and policies. The *[department]* **State**
16 **Treasurer** may waive any penalty due under this section with appropriate justification.

17 ESTATE ADMINISTRATION AND ESCHEATED PROPERTY

18
19
20 **SECTION 31.** ORS 112.055 is amended to read:

21 112.055. (1) If, after diligent search and inquiry that is appropriate to the circumstances, taking
22 into account the value of the decedent's estate, no person takes under ORS 112.025 to 112.045, the
23 net intestate estate escheats to the State of Oregon.

24 (2) If a devisee or a person entitled to take under ORS 112.025 to 112.045 is not identified or
25 found, the share of that person escheats to the State of Oregon.

26 (3) If a devisee or a person entitled to take under ORS 112.025 to 112.045 is not identified or
27 found:

28 (a) The *[Department of State Lands]* **State Treasurer** has the same preference as the missing
29 devisee or person for the purpose of appointment as personal representative under ORS 113.085;

30 (b) Title to property of the decedent that would vest in the missing devisee or person under ORS
31 114.215 vests in the *[Department of State Lands]* **State Treasurer**; and

32 (c) The *[Department of State Lands]* **State Treasurer** has all of the rights of the missing devisee
33 or person for the purposes of ORS chapters 111, 112, 113, 114, 115, 116 and 117, including but not
34 limited to the following:

35 (A) The right to contest any will of the decedent under ORS 113.075; and

36 (B) The right to information under ORS 113.145.

37 **SECTION 32.** ORS 113.045 is amended to read:

38 113.045. (1) Upon appointment, a personal representative shall deliver or mail to the *[Department*
39 *of State Lands]* **State Treasurer** a copy of the petition filed under ORS 113.035, and a copy of any
40 last will of the decedent, if the personal representative has not identified and found all heirs and
41 devisees of the decedent. The personal representative shall file proof of the delivery or mailing with
42 the court.

43 (2) If at any time after the appointment of a personal representative it appears that any heir
44 or devisee of the decedent cannot be identified and found, the personal representative shall promptly
45 deliver or mail to the *[Department of State Lands]* **State Treasurer** a notice indicating that an heir

1 or devisee cannot be identified and found. The personal representative shall file proof of the delivery
2 or mailing with the court.

3 (3) This section does not affect the requirements of ORS 113.085 (3).

4 **SECTION 33.** ORS 113.075 is amended to read:

5 113.075. (1) Any interested person may contest the probate of the will or the validity of the will
6 or assert an interest in the estate for the reason that:

7 (a) The will alleged in the petition for probate to be the will of the decedent is ineffective in
8 whole or part;

9 (b) There exists a will that has not been alleged in the petition to be the will of the decedent;
10 or

11 (c) The decedent agreed, promised or represented that the decedent would make or revoke a
12 will or devise, or not revoke a will or devise, or die intestate.

13 (2) An action described in subsection (1) of this section must be commenced by the filing of a
14 petition in the probate proceedings, except that an action described in subsection (1)(c) of this sec-
15 tion may be commenced by the filing of a separate action in any court of competent jurisdiction.

16 (3) An action described in subsection (1) of this section must be commenced before the later of:

17 (a) Four months after the date of delivery or mailing of the information described in ORS 113.145
18 if that information was required to be delivered or mailed to the person on whose behalf the action
19 under subsection (1) of this section is filed; or

20 (b) Four months after the first publication of notice to interested persons if the person on whose
21 behalf the action under subsection (1) of this section is filed was not required to be named in the
22 petition for probate as an interested person.

23 (4)(a) A person who commences an action under subsection (1) of this section shall give notice
24 of the action to heirs and devisees identified in the petition for probate or amended petition for
25 probate, and to the [*Department of State Lands*] **State Treasurer** if the personal representative has
26 delivered or mailed information to the [*department*] **State Treasurer** under ORS 113.045.

27 (b) If any devisee under the contested will is a charitable trust as described in ORS 130.170, a
28 public benefit corporation as defined in ORS 65.001 or a religious organization, a person who com-
29 mences an action under subsection (1) of this section shall give notice to the Attorney General of
30 the action.

31 (5) A cause of action described in subsection (1)(c) of this section may not be presented as a
32 claim under ORS chapter 115.

33 **SECTION 34.** ORS 113.085 is amended to read:

34 113.085. (1) Except as provided in subsection (3) of this section, upon the filing of the petition
35 under ORS 113.035, if there is no will or if there is a will and it has been proved, the court shall
36 appoint a qualified person the court finds suitable as personal representative, giving preference in
37 the following order:

38 (a) The personal representative named in the will.

39 (b) If the surviving spouse of the decedent is a distributee of the estate, the surviving spouse
40 of the decedent or the nominee of the surviving spouse of the decedent.

41 (c) If the person is a distributee of the estate, a person who would be entitled to property of the
42 decedent under intestate succession.

43 (d) Any other distributee of the estate.

44 (e) The Director of Human Services or the Director of the Oregon Health Authority, or an at-
45 torney approved under ORS 113.086, if the decedent received public assistance as defined in ORS

1 411.010, received medical assistance as defined in ORS 414.025 or received care at an institution
 2 described in ORS 179.321 (1) and it appears that the assistance or the cost of care may be recovered
 3 from the estate of the decedent.

4 (f) The Department of Veterans' Affairs, if the decedent was a protected person under ORS
 5 406.050 (10) and the department has joined in the petition for such appointment.

6 (g) Any other person.

7 (2) Before the court appoints a personal representative under subsection (1)(b) to (g) of this
 8 section, the court may require the petitioner to make a reasonable attempt to notify persons of
 9 higher priority than the proposed personal representative under subsection (1)(b) to (g) of this sec-
 10 tion.

11 (3) Except as provided in subsection (4) of this section, the court shall appoint the [*Department*
 12 *of State Lands*] **State Treasurer** as personal representative if it appears that the decedent died
 13 wholly intestate and without known heirs. The Attorney General shall represent the [*Department of*
 14 *State Lands*] **State Treasurer** in the administration of the estate. **The State Treasurer shall de-**
 15 **posit** any funds received by the [*Department of State Lands*] **State Treasurer** in the capacity of
 16 personal representative [*may be deposited*] in accounts, separate and distinct from the General Fund,
 17 established in the State Treasury. Interest earned by such account shall be credited to that account.

18 (4) The court may appoint a person other than the [*Department of State Lands*] **State Treasurer**
 19 to administer the estate of a decedent who died wholly intestate and without known heirs if the
 20 person filing a petition under ORS 113.035 attaches written authorization from the [*Department of*
 21 *State Lands*] **State Treasurer** approving the filing of the petition by the person. Except as provided
 22 by rule adopted by the [*Director of the Department of State Lands*] **State Treasurer**, the
 23 [*department*] **State Treasurer** may consent to the appointment of another person to act as personal
 24 representative only if it appears after investigation that the estate is insolvent.

25 **SECTION 35.** ORS 113.105 is amended to read:

26 113.105. (1)(a) Except as provided in subsections (2) to (4) of this section, the personal repre-
 27 sentative may not act, and letters may not be issued to the personal representative, until the per-
 28 sonal representative provides a bond to the clerk of the court. The bond must be for the security
 29 and benefit of all interested persons and must be conditioned upon the personal representative
 30 faithfully performing the duties of the position. The bond must be executed by a surety qualified
 31 under ORCP 82 D to G.

32 (b) The amount of the bond set by the court under this subsection must be adequate to protect
 33 interested persons. In setting the amount of the bond, the court shall consider:

34 (A) The nature, liquidity and apparent value of the assets of the estate.

35 (B) The anticipated income during administration.

36 (C) The probable indebtedness and taxes.

37 (2) Subsection (1) of this section does not apply if:

38 (a) The will provides that no bond is required, but the court may, for good cause, require a bond
 39 notwithstanding any provision in a will that no bond is required;

40 (b) The personal representative is the sole heir or devisee, but the court may, for good cause,
 41 require a bond notwithstanding the fact that the personal representative is the sole heir or devisee;
 42 or

43 (c) The personal representative is the [*Department of State Lands*] **State Treasurer**, the De-
 44 partment of Veterans' Affairs, the Director of Human Services, the Director of the Oregon Health
 45 Authority or [*an attorney*] **a person** approved under ORS **113.085 or** 113.086.

1 (3) Upon a request by the personal representative, the court may waive the requirement of a
2 bond if:

3 (a) The request states the reasons why the waiver is requested; and

4 (b) The request describes the known creditors of the estate.

5 (4) The court may waive or reduce the requirement of a bond to the extent that:

6 (a) The personal representative provides written confirmation from a financial institution that
7 property of the estate is held by the financial institution subject to withdrawal only on order of the
8 court; or

9 (b) The court restricts the sale, encumbrance or other disposition of property of the estate
10 without prior court approval.

11 (5) Nothing in this section affects the provisions of ORS 709.240, relating to a trust company
12 acting as personal representative.

13 **SECTION 36.** ORS 113.235 is amended to read:

14 113.235. The [*Director of the Department of State Lands*] **State Treasurer** shall appoint one or
15 more estate administrators to [*act for the Department of State Lands in administration of*] **administer**
16 any estate in which the [*Department of State Lands*] **State Treasurer** is appointed personal repre-
17 sentative. An estate administrator appointed under this section is an employee of the [*Department*
18 *of State Lands*] **State Treasurer**.

19 **SECTION 37.** ORS 113.238 is amended to read:

20 113.238. (1) A person who has knowledge that a decedent died wholly intestate, that the
21 decedent owned property subject to probate in Oregon and that the decedent died without a known
22 heir shall give notice of the death within 48 hours after acquiring that knowledge to the [*Department*
23 *of State Lands*] **State Treasurer**.

24 (2) Except as provided by ORS 708A.430 and 723.466, a person may not dispose of or diminish
25 any assets of the estate of a decedent who has died wholly intestate, who owned property subject
26 to probate in Oregon and who died without a known heir unless the person has prior written ap-
27 proval of the [*Department of State Lands*] **State Treasurer**. The prohibition of this subsection:

28 (a) Applies to a guardian or conservator for the decedent; and

29 (b) Does not apply to a personal representative appointed under ORS 113.085 (4) or to an affiant
30 authorized under ORS 114.520 to file an affidavit under ORS 114.515.

31 (3) For purposes of this section, a known heir is an heir who has been identified and found.

32 **SECTION 38.** ORS 113.242 is amended to read:

33 113.242. (1) An estate administrator of the [*Department of State Lands*] **State Treasurer** ap-
34 pointed under ORS 113.235 may take custody of the property of a decedent who died owning prop-
35 erty subject to probate in Oregon upon the [*department*] **State Treasurer** receiving notice that:

36 (a) The decedent died wholly intestate and without a known heir as described in ORS 113.238
37 (3); or

38 (b) The decedent left a valid will, but no devisee has been identified and found.

39 (2) For any estate described in subsection (1) of this section, an estate administrator of the
40 [*Department of State Lands*] **State Treasurer** appointed under ORS 113.235 may:

41 (a) Incur expenses for the funeral of the decedent in a manner suitable to the condition in life
42 of the decedent;

43 (b) Incur expenses for the protection of the property of the estate;

44 (c) Incur expenses searching for a will or for heirs or devisees of the decedent;

45 (d) Have access to the property and records of the decedent other than records that are made

1 confidential or privileged by statute;

2 (e) With proof of the death of the decedent, have access to all financial records of accounts or
3 safe deposit boxes of the decedent at banks or other financial institutions; and

4 (f) Sell perishable property of the estate.

5 (3) The reasonable funeral and administrative expenses of the [*Department of State Lands*] **State**
6 **Treasurer** incurred under this section, including a reasonable attorney fee, shall be paid from the
7 assets of the estate with the same priority as funeral and administration expenses under ORS
8 115.125.

9 **SECTION 39.** ORS 114.325 is amended to read:

10 114.325. (1) Except as provided in subsection (2) of this section, and subject to ORS 113.105, a
11 personal representative has power to sell, mortgage, lease or otherwise deal with property of the
12 estate without notice, hearing or court order.

13 (2) Exercise of the power of sale by the personal representative is improper, except after notice,
14 hearing and order of the court, if:

15 (a) The sale is in contravention of the provisions of the will; or

16 (b) The property is specifically devised and the will does not authorize its sale.

17 (3) **Notwithstanding ORS chapters 270, 273 and 274, an estate administrator of the State**
18 **Treasurer appointed under ORS 113.235 or the Director of Human Services or Director of the**
19 **Oregon Health Authority serving as a personal representative may deal with property of the**
20 **estate as a personal representative under this section.**

21 **SECTION 40.** ORS 114.505 is amended to read:

22 114.505. As used in ORS 114.505 to 114.560:

23 (1) "Affiant" means the person or persons signing an affidavit filed under ORS 114.515.

24 (2) "Claiming successors" means:

25 (a) If the decedent died intestate, the heir or heirs of the decedent, or if there is no heir, an
26 estate administrator of the [*Department of State Lands*] **State Treasurer** appointed under ORS
27 113.235;

28 (b) If the decedent died testate, the devisee or devisees of the decedent; and

29 (c) Any creditor of the estate entitled to payment or reimbursement from the estate under ORS
30 114.545 (1)(d) who has not been paid or reimbursed the full amount owed such creditor within 60
31 days after the date of the decedent's death.

32 (3) "Estate" means decedent's property subject to administration in Oregon.

33 **SECTION 41.** ORS 114.520 is amended to read:

34 114.520. (1) If a decedent dies intestate and without heirs, a creditor of an estate who is a
35 claiming successor may not file an affidavit under ORS 114.515 unless the creditor has received
36 written authorization from an estate administrator of the [*Department of State Lands*] **State Treas-**
37 **urer** appointed under ORS 113.235. Except as provided by rule adopted by the [*Director of the De-*
38 *partment of State Lands*] **State Treasurer**, an estate administrator [*shall*] **may not** consent to the
39 filing of an affidavit under ORS 114.515 by a creditor [*only if*] **unless** it appears after investigation
40 that the estate is insolvent.

41 (2) A creditor of an estate who is subject to subsection (1) of this section may give written no-
42 tice to an estate administrator of the [*Department of State Lands*] **State Treasurer** informing the
43 estate administrator that the creditor intends to file an affidavit under ORS 114.515. Upon receiving
44 the notice permitted by this subsection, the estate administrator shall investigate the assets and li-
45 abilities of the estate. Within 30 days after receiving the notice required by this subsection, the es-

1 tate administrator shall either:

2 (a) Give written authorization to the creditor for the filing of an affidavit by the creditor under
3 ORS 114.515; or

4 (b) Inform the creditor that the [*Department of State Lands*] **State Treasurer** will file an affi-
5 davit as claiming successor under ORS 114.515.

6 (3) If a decedent dies intestate and without heirs, a creditor of an estate who is a claiming
7 successor and who files an affidavit under ORS 114.515 must notate at the top of the affidavit that
8 the affidavit is being filed by a creditor of the estate. If the affidavit contains the notation required
9 by this subsection, the clerk of the probate court may not accept the affidavit for filing unless there
10 is attached to the affidavit written authorization for the filing of the affidavit by the creditor from
11 an estate administrator of the [*Department of State Lands*] **State Treasurer**. The written authori-
12 zation may be a copy of a memorandum of an interagency agreement between the [*Department of*
13 *State Lands*] **State Treasurer** and another state agency.

14 **SECTION 42.** ORS 114.535 is amended to read:

15 114.535. (1) Not sooner than 10 days after the filing of an affidavit under ORS 114.515, the affiant
16 may deliver a certified copy of the affidavit to any person who was indebted to the decedent or who
17 has possession of personal property belonging to the estate. Except as provided in this section, upon
18 receipt of the copy, the person shall pay, transfer, deliver, provide access to and allow possession
19 of the personal property to the affiant.

20 (2) Subject to ORS 114.537, if a copy of an affidavit is delivered under subsection (1) of this
21 section to a person that controls access to personal property belonging to the estate of the decedent,
22 including personal property held in a safe deposit box for which the decedent was the sole lessee
23 or the last surviving lessee, the person shall:

24 (a) Provide the affiant with access to the decedent's personal property; and

25 (b) Allow the affiant to take possession of the personal property.

26 (3) Subject to ORS 114.537, if a copy of an affidavit is delivered under subsection (1) of this
27 section to a person who has received property of the decedent under ORS 446.616, 708A.430, 723.466
28 or 803.094, or a similar statute providing for the transfer of property of an estate that is not being
29 probated, the person shall pay, transfer, deliver, provide access to or allow possession of the prop-
30 erty to the affiant if the person would be required to pay, transfer, deliver, provide access to or al-
31 low possession of the property to a personal representative of the estate.

32 (4) Any person that pays, transfers, delivers, provides access to or allows possession of property
33 of a decedent in the manner provided by this section is discharged and released from any liability
34 or responsibility for the property in the same manner and with the same effect as if the property
35 had been transferred, delivered or paid to a personal representative of the estate of the decedent.

36 (5) A transfer agent of any corporate security registered in the name of the decedent shall
37 change the registered ownership on the books of the corporation to the person entitled thereto on
38 presentation of a certified copy of the affidavit filed under ORS 114.515.

39 (6) If a person to whom an affidavit is delivered refuses to pay, deliver, transfer, provide access
40 to or allow possession of any personal property as required by this section, the property may be
41 recovered or payment, delivery, transfer of or access to the property may be compelled upon proof
42 of the transferee's entitlement in a proceeding brought for the purpose by or on behalf of the
43 transferee.

44 (7) If the affidavit was signed by the Director of Human Services, the Director of the Oregon
45 Health Authority or an attorney approved under ORS 114.517, the Director of Human Services, the

1 Director of the Oregon Health Authority or the attorney may certify a copy of the affidavit for the
2 purposes described in this section.

3 **(8) Notwithstanding ORS chapters 270, 273 and 274, an estate administrator of the State**
4 **Treasurer appointed under ORS 113.235 or the Director of Human Services or Director of the**
5 **Oregon Health Authority serving as an affiant may deal with property of the estate as an**
6 **affiant under this section.**

7 **SECTION 43.** ORS 116.193 is amended to read:

8 116.193. If it appears to the court, at any time after the expiration of four months after the date
9 of the first publication of notice to interested persons, that there is no known person to take by
10 descent the net intestate estate, the court shall order that the estate escheat to the State of Oregon
11 and that the whole of the estate, after payment of claims, taxes and expenses of administration, be
12 distributed to the [*Department of State Lands*] **State Treasurer**. There shall be no further proceed-
13 ing in the administration of the estate, and the estate shall summarily be closed.

14 **SECTION 44.** ORS 116.203 is amended to read:

15 116.203. If a report filed in the estate proceeding by the personal representative not less than
16 30 days after the date of entry of the judgment of distribution shows that payment or delivery of
17 property in the possession of the personal representative or under the control of the personal rep-
18 resentative cannot be made to a distributee entitled thereto, either because the distributee refuses
19 to accept the property or because the distributee cannot be found, the court may direct the personal
20 representative to pay or deliver the property to the [*Department of State Lands*] **State Treasurer**,
21 to be placed in the escheat funds of the state. The personal representative shall take the receipt of
22 the [*Department of State Lands*] **State Treasurer** stating from whom the property was received, a
23 description of the property and the name of the person entitled to the property. The person entitled
24 thereto may apply for and recover the property in the manner provided for recovery of escheat
25 funds.

26 **SECTION 45.** ORS 116.243 is amended to read:

27 116.243. A court clerk of any county in which the county court has judicial functions, the clerk
28 of any county court that has jurisdiction over probate matters under ORS 111.075 or a court ad-
29 ministrator, upon request, shall furnish to the [*Department of State Lands*] **State Treasurer** the ti-
30 tles of estates of decedents that have remained open for more than three years and in which no
31 heirs, or only persons whose right to inherit the proceeds thereof is being contested, have appeared
32 to claim the estate.

33 **SECTION 46.** ORS 116.253 is amended to read:

34 116.253. (1) Within 10 years after the death of a decedent whose estate escheated in whole or
35 in part to the state, or within eight years after the entry of a judgment or order escheating property
36 of an estate to the state, a claim may be made for the property escheated, or the proceeds thereof,
37 by or on behalf of a person not having actual knowledge of the escheat or by or on behalf of a
38 person who at the time of the escheat was unable to prove entitlement to the escheated property.

39 (2) The claim shall be made by a petition filed with the [*Director of the Department of State*
40 *Lands. The claim is considered a contested case as provided in ORS 183.310 and there is the right of*
41 *judicial review as provided in ORS 183.480. The petition*] **State Treasurer. The petition** must in-
42 clude:

43 **(a)** A declaration **by the petitioner** under penalty of perjury in the form required by ORCP 1
44 E[,] or an unsworn declaration under ORS 194.800 to 194.835[,] if the declarant is physically outside
45 the boundaries of the United States[, *and shall state*];

1 [(a)] (b) The age and place of residence of the claimant by whom or on whose behalf the petition
2 is filed;

3 (c) **A brief description of the property or source of funds believed to have been escheated
4 to the state;**

5 [(b)] (d) That the claimant lawfully is entitled to the property or proceeds[, *briefly describing the
6 property or proceeds*];

7 [(c)] (e) That at the time the property escheated to the state the claimant had no knowledge or
8 notice thereof or was unable to prove entitlement to the escheated property and has subsequently
9 acquired new evidence of that entitlement;

10 [(d)] (f) That the claimant claims the property or proceeds as an heir or devisee or as the per-
11 sonal representative of the estate of an heir or devisee, setting forth [*the*] **any** relationship[, *if any,*
12 *of*] **between** the claimant [*to*] **and** the decedent who at the time of death [*was the owner*] **owned the
13 escheated property;**

14 [(e)] (g) That 10 years have not elapsed since the death of the decedent[,] or that eight years
15 have not elapsed since the entry of the judgment or order escheating the property to the state; and

16 [(f)] (h) If the petition is not filed by the claimant, the status of the petitioner.

17 (3) If [*it is determined*] **the State Treasurer determines** that the claimant is entitled to the
18 property or the proceeds thereof, the [*Director of the Department of State Lands*] **State Treasurer**
19 shall deliver the property to the petitioner, subject to and charged with any tax on the property and
20 the costs and expenses of the state in connection therewith.

21 (4) If the person whose property escheated or reverted to the state was at any time a patient
22 of a state institution in Oregon for persons with mental illness or of the Eastern Oregon Training
23 Center, the reasonable unpaid cost of the care and maintenance of the person while a ward of the
24 institution, regardless of when the cost was incurred, may be deducted from, or, if necessary, be
25 offset in full against, the amount of the escheated property. The reasonable unpaid cost of care and
26 maintenance shall be determined in accordance with ORS 179.701.

27 (5) For the purposes of this section, the death of the decedent is presumed to have occurred on
28 the date shown in the decedent's certified copy of the death record or in any other similar document
29 issued by the jurisdiction in which the death occurred or issued by an agency of the federal gov-
30 ernment.

31 (6) **A person aggrieved by a determination of the State Treasurer under this section may
32 seek a contested case hearing under ORS 183.413 to 183.470.**

33 CONFORMING AMENDMENTS

34
35
36 **SECTION 47.** ORS 60.674 is amended to read:

37 60.674. Assets of a dissolved corporation that should be distributed to a creditor, claimant or
38 shareholder of the corporation who cannot be found shall be reduced to cash and, within one year
39 after the final distribution in such liquidation or winding up is payable, deposited with the [*Depart-*
40 *ment of State Lands*] **State Treasurer**. The receiver or other liquidating agent shall prepare in du-
41 plicate and under oath a statement containing the names and last-known addresses of the persons
42 entitled to such funds. One of the statements shall be filed with the [*Department of State Lands*]
43 **State Treasurer** with the cash and another shall be delivered to the office for filing. The [*owner,*
44 *heirs or personal representatives of the owner,*] **person entitled to the distribution** may file a claim
45 with the [*Department of State Lands*] **State Treasurer** in the manner provided by ORS 98.392 and

1 98.396.

2 **SECTION 48.** ORS 62.720 is amended to read:

3 62.720. (1) All intangible [*personal*] property distributable in the course of a voluntary or invol-
4 untary dissolution of a cooperative that is unclaimed by the owner within two years after the date
5 for final distribution is presumed abandoned. Such property [*shall be*] **is** subject to the provisions
6 of ORS 98.302 to 98.436 and 98.992, except that with respect to agricultural cooperatives, **a copy**
7 **of** the report of unclaimed property [*shall be*] filed with the [*Department of State Lands as set forth*
8 *in*] **State Treasurer under** ORS 98.352[. *A copy of the report*] shall also be filed with Oregon State
9 University.

10 (2) All unclaimed property specified in the report required by ORS 98.352 shall be **paid or de-**
11 **livered** [*within the time specified in ORS 98.362*] to the [*Department of State Lands which shall assume*
12 *custody and shall be responsible for the safekeeping thereof.*] **State Treasurer. Any person that**
13 **pays or delivers unclaimed property to the State Treasurer under this section is relieved of**
14 **all liability to the extent of the value of the property paid or delivered for any claim made**
15 **in respect to the property.**

16 (3) The [*department*] **State Treasurer** shall reconcile the report to the delivered funds, deduct
17 the costs as provided for in subsection [(3)] (4) of this section[,] and forward the **balance of the**
18 funds to Oregon State University within 14 working days of receipt of the funds. [*Any person who*
19 *pays or delivers unclaimed property to the Department of State Lands under this section is relieved of*
20 *all liability to the extent of the value of the property so paid or delivered for any claim which then*
21 *exists or which thereafter may arise or be made in respect to the property.*]

22 [(3)] (4) All funds received **by Oregon State University** under **subsection (3) of** this section
23 shall be used in such programs related to agricultural research as the university may determine
24 except for:

25 (a) The payment of claims [*which*] **that** 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[.];

28 (c) Reasonable service charges; and

29 (d) Expenses of the [*Department of State Lands*] **State Treasurer** in connection with claims
30 made pursuant to ORS 98.392 to 98.402.

31 [(4)] (5) The provisions of ORS 98.392, **98.396 and** [*to*] 98.402 are applicable to claims against
32 unclaimed property delivered to Oregon State University pursuant to this section. Oregon State
33 University shall pay such claims from funds delivered to it pursuant to this section within 30 days
34 of receipt of a verified copy of a finding and decision of the [*Department of State Lands*] **State**
35 **Treasurer** made pursuant to ORS 98.396 or a certified copy of a judgment made pursuant to ORS
36 98.402.

37 [(5)] (6) As used in this section, [*an*] “agricultural cooperative” [*is*] **means** any cooperative in
38 which farmers act together in producing, processing, preparing for market, handling or marketing
39 the agricultural products of such farmers, and any cooperative in which farmers act together in
40 purchasing, testing, grading, processing, distributing and furnishing farm supplies or farm business
41 services.

42 [(6)] (7) The provisions of this section are applicable with respect to the voluntary or involun-
43 tary dissolution of any cooperative, [*which*] **if the dissolution was** commenced on or after January
44 1, 1970.

45 **SECTION 49.** ORS 63.674 is amended to read:

1 63.674. Assets of a dissolved limited liability company that should be distributed to a creditor,
 2 claimant or member of the limited liability company who cannot be found or who is not competent
 3 to receive them shall be reduced to cash and, within six months after the final distribution of such
 4 liquidation or winding up is payable, deposited with the *[Department of State Lands]* **State Treas-**
 5 **urer**. The receiver or other liquidating agent shall prepare in duplicate and under oath a statement
 6 containing the names and last-known addresses of the persons entitled to such funds. One of the
 7 statements shall be filed with the *[Department of State Lands]* **State Treasurer** and another shall
 8 be delivered to the office for filing. The funds shall then escheat to and become the property of the
 9 State of Oregon and shall become a part of the Common School Fund *[of the state]*. The *[owners,*
 10 *heirs or personal representatives of the owner]* **person entitled to the distribution** may reclaim any
 11 funds so deposited in the manner provided in **ORS 116.253** for estates *[which]* **that** have escheated
 12 to the state.

13 **SECTION 50.** ORS 65.674 is amended to read:

14 65.674. Assets of a dissolved corporation *[which]* **that** should be transferred to a creditor,
 15 claimant or member of the corporation who cannot be found or who is not competent to receive
 16 them shall be reduced to cash unless they are subject to known trust restrictions and deposited with
 17 the *[Department of State Lands]* **State Treasurer** for safekeeping. However, in the discretion of the
 18 *[Director of the Department of State Lands]* **State Treasurer**, property of unusual historic or aes-
 19 thetic interest may be received and held in kind. The receiver or other liquidating agent shall pre-
 20 pare in duplicate and under oath a statement containing the names and last-known addresses of the
 21 persons entitled to such funds. One of the statements shall be filed with the *[Department of State*
 22 *Lands]* **State Treasurer** and another shall be delivered to the Secretary of State for filing. The
 23 funds shall then escheat to and become the property of the State of Oregon and shall become part
 24 of the Common School Fund *[of the state]*. The *[owner, heirs or personal representatives of the*
 25 *owner,]* **person entitled to the transfer** may reclaim any funds so deposited in the manner provided
 26 in **ORS 116.253** for estates *[which]* **that** have escheated to the state.

27 **SECTION 51.** ORS 87.691 is amended to read:

28 87.691. (1) After the time specified in the notice given under ORS 87.689 expires, if the owner
 29 determines, based on the owner's previous experience, that the personal property subject to the lien
 30 created by ORS 87.687 has a value of \$300 or less, the owner may dispose of the property at the
 31 owner's sole discretion.

32 (2) After the time specified in the notice given under ORS 87.689 expires, if the owner deter-
 33 mines, based on the owner's previous experience, that the personal property subject to the lien
 34 created by ORS 87.687 has a value of more than \$300, the owner shall cause an advertisement of the
 35 sale to be published once a week for two consecutive weeks in a newspaper of general circulation
 36 in the city or county in which the self-service storage facility is located. If there is no newspaper
 37 of general circulation in the city or county, the advertisement must be posted in not fewer than six
 38 conspicuous places in the neighborhood in which the self-service storage facility is located. The
 39 advertisement must include:

40 (a) The address of the self-service storage facility, the number, if any, of the space where the
 41 personal property is located and the name of the occupant.

42 (b) The time, place and manner of the sale.

43 (3) The sale of the personal property may not take place earlier than 15 days after the first
 44 advertisement, publication or posting concerning the sale. The sale must conform to the terms stated
 45 in the advertisement published or posted under this section.

1 (4) The owner may conduct the lien sale without obtaining a license and may offer the personal
2 property for sale on a publicly accessible website that regularly offers personal property for auction
3 or sale, but the owner shall complete the sale of the personal property at the self-service storage
4 facility or at a suitable place closest to where the personal property is held or stored.

5 (5)(a) If the owner does not receive any bids at the public sale held under this section, the owner
6 may dispose of the personal property in another manner at the owner's sole discretion. The owner
7 may satisfy the lien created by ORS 87.687 and reasonable expenses associated with the disposition
8 from the proceeds of the disposition but shall hold the balance, if any, for delivery on demand to the
9 occupant. If the occupant does not claim the balance of the proceeds within two years after the date
10 of the disposition, the owner shall presume the balance is abandoned and shall report and deliver
11 the balance **to the State Treasurer** as provided in ORS 98.352.

12 (b) The owner, an employee of the owner, an affiliate or relative of the owner or an associate
13 or relative of the employee may not acquire, directly or indirectly, property that is subject to dis-
14 posal under this section.

15 (6)(a) If personal property that is subject to the lien is a motor vehicle, watercraft or trailer, the
16 owner may have the personal property towed away from the self-service storage facility if:

17 (A) Rent and other charges for storing the personal property at the self-service storage facility
18 remain unpaid for 60 days or more; and

19 (B) The owner sends notice as provided in ORS 87.689.

20 (b) An owner is not liable for damage to personal property that a tower removes from the self-
21 service storage facility once the tower takes possession of the personal property.

22 (c) A tower has a lien on personal property the tower removes from the self-service storage fa-
23 cility for reasonable towing and storage charges as provided in ORS 98.812.

24 (7) Before a sale or other disposition of personal property under this section, the occupant may
25 pay the amount necessary to satisfy the lien and the reasonable expenses incurred under this section
26 and thereby redeem the personal property. Upon receiving payment, the owner shall return the
27 personal property, and thereafter the owner has no liability with respect to the personal property.

28 (8) After a sale under this section, the owner may satisfy the lien created by ORS 87.687 from
29 the proceeds of the sale, but shall hold the balance, if any, for delivery on demand to the occupant.
30 If the occupant does not claim the balance of the proceeds within two years after the date of sale,
31 the owner shall presume that the balance of the proceeds is abandoned and shall report and deliver
32 the balance **to the State Treasurer** as provided in ORS 98.352.

33 (9) A purchaser in good faith of the personal property sold to satisfy a lien created by ORS
34 87.687 takes the property free of any rights of persons against whom the lien was valid, even if the
35 owner does not comply with the requirements of this section and ORS 87.689.

36 **SECTION 52.** ORS 90.425 is amended to read:

37 90.425. (1) As used in this section:

38 (a) "Current market value" means the amount in cash, as determined by the county assessor,
39 that could reasonably be expected to be paid for a manufactured dwelling or floating home by an
40 informed buyer to an informed seller, each acting without compulsion in an arm's-length transaction
41 occurring on the assessment date for the tax year or on the date of a subsequent reappraisal by the
42 county assessor.

43 (b) "Dispose of the personal property" means that, if reasonably appropriate, the landlord may
44 throw away the property or may give it without consideration to a nonprofit organization or to a
45 person unrelated to the landlord. The landlord may not retain the property for personal use or

1 benefit.

2 (c) "Goods" includes those goods left inside a recreational vehicle, manufactured dwelling or
3 floating home or left upon the rental space outside a recreational vehicle, manufactured dwelling
4 or floating home, whether the recreational vehicle, dwelling or home is located inside or outside of
5 a facility.

6 (d) "Lienholder" means any lienholder of an abandoned recreational vehicle, manufactured
7 dwelling or floating home, if the lien is of record or the lienholder is actually known to the landlord.

8 (e) "Of record" means:

9 (A) For a recreational vehicle that is not a manufactured structure as defined in ORS 446.561,
10 that a security interest has been properly recorded with the Department of Transportation pursuant
11 to ORS 802.200 (1)(a)(A) and 803.097.

12 (B) For a manufactured dwelling or recreational vehicle that is a manufactured structure as
13 defined in ORS 446.561, that a security interest has been properly recorded for the manufactured
14 dwelling or recreational vehicle in the records of the Department of Consumer and Business Ser-
15 vices pursuant to ORS 446.611 or on a certificate of title issued by the Department of Transportation
16 prior to May 1, 2005.

17 (C) For a floating home, that a security interest has been properly recorded with the State
18 Marine Board pursuant to ORS 830.740 to 830.755 for a home registered and titled with the board
19 pursuant to ORS 830.715.

20 (f) "Owner" means any owner of an abandoned recreational vehicle, manufactured dwelling or
21 floating home, if different from the tenant and either of record or actually known to the landlord.

22 (g) "Personal property" means goods, vehicles and recreational vehicles and includes manufac-
23 tured dwellings and floating homes not located in a facility. "Personal property" does not include
24 manufactured dwellings and floating homes located in a facility and therefore subject to being
25 stored, sold or disposed of as provided under ORS 90.675.

26 (2) A landlord is responsible for abandoned personal property and shall store, sell or dispose of
27 abandoned personal property as provided by this section. This section governs the rights and obli-
28 gations of landlords, tenants and any lienholders or owners in any personal property abandoned or
29 left upon the premises by the tenant or any lienholder or owner in the following circumstances:

30 (a) The tenancy has ended by termination or expiration of a rental agreement or by
31 relinquishment or abandonment of the premises and the landlord reasonably believes under all the
32 circumstances that the tenant has left the personal property upon the premises with no intention
33 of asserting any further claim to the premises or to the personal property;

34 (b) The tenant has been absent from the premises continuously for seven days after termination
35 of a tenancy by a court order that has not been executed; or

36 (c) The landlord receives possession of the premises from the sheriff following restitution pur-
37 suant to ORS 105.161.

38 (3) Prior to storing, selling or disposing of the tenant's personal property under this section, the
39 landlord must give a written notice to the tenant that must be:

40 (a) Personally delivered to the tenant; or

41 (b) Sent by first class mail addressed and mailed to the tenant at:

42 (A) The premises;

43 (B) Any post-office box held by the tenant and actually known to the landlord; and

44 (C) The most recent forwarding address if provided by the tenant or actually known to the
45 landlord.

1 (4)(a) In addition to the notice required by subsection (3) of this section, in the case of an
2 abandoned recreational vehicle, manufactured dwelling or floating home, a landlord shall also give
3 a copy of the notice described in subsection (3) of this section to:

4 (A) Any lienholder of the recreational vehicle, manufactured dwelling or floating home;

5 (B) Any owner of the recreational vehicle, manufactured dwelling or floating home;

6 (C) The tax collector of the county where the manufactured dwelling or floating home is located;
7 and

8 (D) The assessor of the county where the manufactured dwelling or floating home is located.

9 (b) The landlord shall give the notice copy required by this subsection by personal delivery or
10 first class mail, except that for any lienholder, mail service must be both by first class mail and by
11 certified mail with return receipt requested.

12 (c) A notice to lienholders under paragraph (a)(A) of this subsection must be sent to each
13 lienholder at each address:

14 (A) Actually known to the landlord;

15 (B) Of record; and

16 (C) Provided to the landlord by the lienholder in a written notice that identifies the personal
17 property subject to the lien and that was sent to the landlord by certified mail with return receipt
18 requested within the preceding five years. The notice must identify the personal property by de-
19 scribing the physical address of the property.

20 (5) The notice required under subsection (3) of this section must state that:

21 (a) The personal property left upon the premises is considered abandoned;

22 (b) The tenant or any lienholder or owner must contact the landlord by a specified date, as
23 provided in subsection (6) of this section, to arrange for the removal of the abandoned personal
24 property;

25 (c) The personal property is stored at a place of safekeeping, except that if the property includes
26 a manufactured dwelling or floating home, the dwelling or home must be stored on the rented space;

27 (d) The tenant or any lienholder or owner, except as provided by subsection (18) of this section,
28 may arrange for removal of the personal property by contacting the landlord at a described tele-
29 phone number or address on or before the specified date;

30 (e) The landlord shall make the personal property available for removal by the tenant or any
31 lienholder or owner, except as provided by subsection (18) of this section, by appointment at rea-
32 sonable times;

33 (f) If the personal property is considered to be abandoned pursuant to subsection (2)(a) or (b)
34 of this section, the landlord may require payment of removal and storage charges, as provided by
35 subsection (7)(d) of this section, prior to releasing the personal property to the tenant or any
36 lienholder or owner;

37 (g) If the personal property is considered to be abandoned pursuant to subsection (2)(c) of this
38 section, the landlord may not require payment of storage charges prior to releasing the personal
39 property;

40 (h) If the tenant or any lienholder or owner fails to contact the landlord by the specified date,
41 or after that contact, fails to remove the personal property within 30 days for recreational vehicles,
42 manufactured dwellings and floating homes or 15 days for all other personal property, the landlord
43 may sell or dispose of the personal property. If the landlord reasonably believes that the personal
44 property will be eligible for disposal pursuant to subsection (10)(b) of this section and the landlord
45 intends to dispose of the property if the property is not claimed, the notice shall state that belief

1 and intent; and

2 (i) If the personal property includes a recreational vehicle, manufactured dwelling or floating
3 home and if applicable, there is a lienholder or owner that has a right to claim the recreational
4 vehicle, dwelling or home, except as provided by subsection (18) of this section.

5 (6) For purposes of subsection (5) of this section, the specified date by which a tenant, lienholder
6 or owner must contact a landlord to arrange for the disposition of abandoned personal property is:

7 (a) For abandoned recreational vehicles, manufactured dwellings or floating homes, not less than
8 45 days after personal delivery or mailing of the notice; or

9 (b) For all other abandoned personal property, not less than five days after personal delivery
10 or eight days after mailing of the notice.

11 (7) After notifying the tenant as required by subsection (3) of this section, the landlord:

12 (a) Shall store any abandoned manufactured dwelling or floating home on the rented space and
13 shall exercise reasonable care for the dwelling or home;

14 (b) Shall store all other abandoned personal property of the tenant, including goods left inside
15 a recreational vehicle, manufactured dwelling or floating home or left upon the rented space outside
16 a recreational vehicle, dwelling or home, in a place of safekeeping and shall exercise reasonable
17 care for the personal property, except that the landlord may:

18 (A) Promptly dispose of rotting food; and

19 (B) Allow an animal control agency to remove any abandoned pets or livestock. If an animal
20 control agency will not remove the abandoned pets or livestock, the landlord shall exercise reason-
21 able care for the animals given all the circumstances, including the type and condition of the ani-
22 mals, and may give the animals to an agency that is willing and able to care for the animals, such
23 as a humane society or similar organization;

24 (c) Except for manufactured dwellings and floating homes, may store the abandoned personal
25 property at the dwelling unit, move and store it elsewhere on the premises or move and store it at
26 a commercial storage company or other place of safekeeping; and

27 (d) Is entitled to reasonable or actual storage charges and costs incidental to storage or dis-
28 posal, including any cost of removal to a place of storage. In the case of an abandoned manufactured
29 dwelling or floating home, the storage charge may be no greater than the monthly space rent last
30 payable by the tenant.

31 (8) If a tenant, lienholder or owner, upon the receipt of the notice provided by subsection (3)
32 or (4) of this section or otherwise, responds by actual notice to the landlord on or before the spec-
33 ified date in the landlord's notice that the tenant, lienholder or owner intends to remove the per-
34 sonal property from the premises or from the place of safekeeping, the landlord must make that
35 personal property available for removal by the tenant, lienholder or owner by appointment at rea-
36 sonable times during the 15 days or, in the case of a recreational vehicle, manufactured dwelling
37 or floating home, 30 days following the date of the response, subject to subsection (18) of this sec-
38 tion. If the personal property is considered to be abandoned pursuant to subsection (2)(a) or (b) of
39 this section, but not pursuant to subsection (2)(c) of this section, the landlord may require payment
40 of removal and storage charges, as provided in subsection (7)(d) of this section, prior to allowing the
41 tenant, lienholder or owner to remove the personal property. Acceptance by a landlord of such
42 payment does not operate to create or reinstate a tenancy or create a waiver pursuant to ORS
43 90.412 or 90.417.

44 (9) Except as provided in subsections (18) to (20) of this section, if the tenant, lienholder or
45 owner of a recreational vehicle, manufactured dwelling or floating home does not respond within the

1 time provided by the landlord's notice, or the tenant, lienholder or owner does not remove the per-
2 sonal property within the time required by subsection (8) of this section or by any date agreed to
3 with the landlord, whichever is later, the tenant's, lienholder's or owner's personal property is con-
4 clusively presumed to be abandoned. The tenant and any lienholder or owner that have been given
5 notice pursuant to subsection (3) or (4) of this section shall, except with regard to the distribution
6 of sale proceeds pursuant to subsection (13) of this section, have no further right, title or interest
7 to the personal property and may not claim or sell the property.

8 (10) If the personal property is presumed to be abandoned under subsection (9) of this section,
9 the landlord then may:

10 (a) Sell the personal property at a public or private sale, provided that prior to the sale of a
11 recreational vehicle, manufactured dwelling or floating home:

12 (A) The landlord may seek to transfer ownership of record of the personal property by comply-
13 ing with the requirements of the appropriate state agency; and

14 (B) The landlord shall:

15 (i) Place a notice in a newspaper of general circulation in the county in which the recreational
16 vehicle, manufactured dwelling or floating home is located. The notice shall state:

17 (I) That the recreational vehicle, manufactured dwelling or floating home is abandoned;

18 (II) The tenant's and owner's name, if of record or actually known to the landlord;

19 (III) The address and any space number where the recreational vehicle, manufactured dwelling
20 or floating home is located, and any plate, registration or other identification number for a recre-
21 ational vehicle or floating home noted on the certificate of title, if actually known to the landlord;

22 (IV) Whether the sale is by private bidding or public auction;

23 (V) Whether the landlord is accepting sealed bids and, if so, the last date on which bids will be
24 accepted; and

25 (VI) The name and telephone number of the person to contact to inspect the recreational vehi-
26 cle, manufactured dwelling or floating home;

27 (ii) At a reasonable time prior to the sale, give a copy of the notice required by sub-
28 subparagraph (i) of this subparagraph to the tenant and to any lienholder and owner, by personal
29 delivery or first class mail, except that for any lienholder, mail service must be by first class mail
30 with certificate of mailing;

31 (iii) Obtain an affidavit of publication from the newspaper to show that the notice required un-
32 der sub-subparagraph (i) of this subparagraph ran in the newspaper at least one day in each of two
33 consecutive weeks prior to the date scheduled for the sale or the last date bids will be accepted;
34 and

35 (iv) Obtain written proof from the county that all property taxes and assessments on the manu-
36 factured dwelling or floating home have been paid or, if not paid, that the county has authorized the
37 sale, with the sale proceeds to be distributed pursuant to subsection (13) of this section;

38 (b) Destroy or otherwise dispose of the personal property if the landlord determines that:

39 (A) For a manufactured dwelling or floating home, the current market value of the property is
40 \$8,000 or less as determined by the county assessor; or

41 (B) For all other personal property, the reasonable current fair market value is \$1,000 or less
42 or so low that the cost of storage and conducting a public sale probably exceeds the amount that
43 would be realized from the sale; or

44 (c) Consistent with paragraphs (a) and (b) of this subsection, sell certain items and destroy or
45 otherwise dispose of the remaining personal property.

1 (11)(a) A public or private sale authorized by this section must:

2 (A) For a recreational vehicle, manufactured dwelling or floating home, be conducted consistent
3 with the terms listed in subsection (10)(a)(B)(i) of this section. Every aspect of the sale including the
4 method, manner, time, place and terms must be commercially reasonable; or

5 (B) For all other personal property, be conducted under the provisions of ORS 79.0610.

6 (b) If there is no buyer at a sale of a manufactured dwelling or floating home, the personal
7 property is considered to be worth \$8,000 or less, regardless of current market value, and the land-
8 lord shall destroy or otherwise dispose of the personal property.

9 (12) Notwithstanding ORS 446.155 (1) and (2), unless a landlord intentionally misrepresents the
10 condition of a manufactured dwelling or floating home, the landlord is not liable for the condition
11 of the dwelling or home to:

12 (a) A buyer of the dwelling or home at a sale pursuant to subsection (10)(a) of this section, with
13 or without consideration; or

14 (b) A person or nonprofit organization to whom the landlord gives the dwelling or home pursu-
15 ant to subsection (1)(b), (10)(b) or (11)(b) of this section.

16 (13)(a) The landlord may deduct from the proceeds of the sale:

17 (A) The reasonable or actual cost of notice, storage and sale; and

18 (B) Unpaid rent.

19 (b) If the sale was of a manufactured dwelling or floating home, after deducting the amounts
20 listed in paragraph (a) of this subsection, the landlord shall remit the remaining proceeds, if any, to
21 the county tax collector to the extent of any unpaid property taxes and assessments owed on the
22 dwelling or home.

23 (c) If the sale was of a recreational vehicle, manufactured dwelling or floating home, after de-
24 ducting the amounts listed in paragraphs (a) and (b) of this subsection, if applicable, the landlord
25 shall remit the remaining proceeds, if any, to any lienholder to the extent of any unpaid balance
26 owed on the lien on the recreational vehicle, dwelling or home.

27 (d) After deducting the amounts listed in paragraphs (a), (b) and (c) of this subsection, if appli-
28 cable, the landlord shall remit to the tenant or owner the remaining proceeds, if any, together with
29 an itemized accounting.

30 (e) If the tenant or owner cannot after due diligence be found, the landlord shall deposit the
31 remaining proceeds with the county treasurer of the county in which the sale occurred. If not
32 claimed within three years, the deposited proceeds revert to the general fund of the county and are
33 available for general purposes.

34 (14) The county tax collector shall cancel all unpaid property taxes and assessments owed on
35 a manufactured dwelling or floating home, as provided under ORS 311.790, only under one of the
36 following circumstances:

37 (a) The landlord disposes of the manufactured dwelling or floating home after a determination
38 described in subsection (10)(b) of this section.

39 (b) There is no buyer of the manufactured dwelling or floating home at a sale described under
40 subsection (11) of this section.

41 (c)(A) There is a buyer of the manufactured dwelling or floating home at a sale described under
42 subsection (11) of this section;

43 (B) The current market value of the manufactured dwelling or floating home is \$8,000 or less;
44 and

45 (C) The proceeds of the sale are insufficient to satisfy the unpaid property taxes and assessments

1 owed on the dwelling or home after distribution of the proceeds pursuant to subsection (13) of this
2 section.

3 (d)(A) The landlord buys the manufactured dwelling or floating home at a sale described under
4 subsection (11) of this section;

5 (B) The current market value of the manufactured dwelling or floating home is more than \$8,000;

6 (C) The proceeds of the sale are insufficient to satisfy the unpaid property taxes and assessments
7 owed on the manufactured dwelling or floating home after distribution of the proceeds pursuant to
8 subsection (13) of this section; and

9 (D) The landlord disposes of the manufactured dwelling or floating home.

10 (15) The landlord is not responsible for any loss to the tenant, lienholder or owner resulting
11 from storage of personal property in compliance with this section unless the loss was caused by the
12 landlord's deliberate or negligent act. In the event of a deliberate and malicious violation, the
13 landlord is liable for twice the actual damages sustained by the tenant, lienholder or owner.

14 (16) Complete compliance in good faith with this section shall constitute a complete defense in
15 any action brought by a tenant, lienholder or owner against a landlord for loss or damage to such
16 personal property disposed of pursuant to this section.

17 (17) If a landlord does not comply with this section:

18 (a) The tenant is relieved of any liability for damage to the premises caused by conduct that
19 was not deliberate, intentional or grossly negligent and for unpaid rent and may recover from the
20 landlord up to twice the actual damages sustained by the tenant;

21 (b) A lienholder or owner aggrieved by the noncompliance may recover from the landlord the
22 actual damages sustained by the lienholder or owner. ORS 90.255 does not authorize an award of
23 attorney fees to the prevailing party in any action arising under this paragraph; and

24 (c) A county tax collector aggrieved by the noncompliance may recover from the landlord the
25 actual damages sustained by the tax collector, if the noncompliance is part of an effort by the
26 landlord to defraud the tax collector. ORS 90.255 does not authorize an award of attorney fees to
27 the prevailing party in any action arising under this paragraph.

28 (18) In the case of an abandoned recreational vehicle, manufactured dwelling or floating home,
29 the provisions of this section regarding the rights and responsibilities of a tenant to the abandoned
30 vehicle, dwelling or home also apply to any lienholder except that the lienholder may not sell or
31 remove the vehicle, dwelling or home unless:

32 (a) The lienholder has foreclosed its lien on the recreational vehicle, manufactured dwelling or
33 floating home;

34 (b) The tenant or a personal representative or designated person described in subsection (20)
35 of this section has waived all rights under this section pursuant to subsection (26) of this section;
36 or

37 (c) The notice and response periods provided by subsections (6) and (8) of this section have ex-
38 pired.

39 (19)(a) In the case of an abandoned manufactured dwelling or floating home but not including
40 a dwelling or home abandoned following a termination pursuant to ORS 90.429 and except as pro-
41 vided by subsection (20)(d) and (e) of this section, if a lienholder makes a timely response to a notice
42 of abandoned personal property pursuant to subsections (6) and (8) of this section and so requests,
43 a landlord shall enter into a written storage agreement with the lienholder providing that the
44 dwelling or home may not be sold or disposed of by the landlord for up to 12 months. A storage
45 agreement entitles the lienholder to store the personal property on the previously rented space

1 during the term of the agreement, but does not entitle anyone to occupy the personal property.

2 (b) The lienholder's right to a storage agreement arises upon the failure of the tenant, owner
3 or, in the case of a deceased tenant, the personal representative, designated person, heir or devisee
4 to remove or sell the dwelling or home within the allotted time.

5 (c) To exercise the right to a storage agreement under this subsection, in addition to contacting
6 the landlord with a timely response as described in paragraph (a) of this subsection, the lienholder
7 must enter into the proposed storage agreement within 60 days after the landlord gives a copy of
8 the agreement to the lienholder. The landlord shall give a copy of the proposed storage agreement
9 to the lienholder in the same manner as provided by subsection (4)(b) of this section. The landlord
10 may include a copy of the proposed storage agreement with the notice of abandoned property re-
11 quired by subsection (4) of this section. A lienholder enters into a storage agreement by signing a
12 copy of the agreement provided by the landlord and personally delivering or mailing the signed copy
13 to the landlord within the 60-day period.

14 (d) The storage agreement may require, in addition to other provisions agreed to by the landlord
15 and the lienholder, that:

16 (A) The lienholder make timely periodic payment of all storage charges, as described in sub-
17 section (7)(d) of this section, accruing from the commencement of the 45-day period described in
18 subsection (6) of this section. A storage charge may include a utility or service charge, as described
19 in ORS 90.532, if limited to charges for electricity, water, sewer service and natural gas and if in-
20 cidental to the storage of personal property. A storage charge may not be due more frequently than
21 monthly;

22 (B) The lienholder pay a late charge or fee for failure to pay a storage charge by the date re-
23 quired in the agreement, if the amount of the late charge is no greater than for late charges de-
24 scribed in the rental agreement between the landlord and the tenant; and

25 (C) The lienholder maintain the personal property and the space on which the personal property
26 is stored in a manner consistent with the rights and obligations described in the rental agreement
27 between the landlord and the tenant.

28 (e) During the term of an agreement described under this subsection, the lienholder has the right
29 to remove or sell the property, subject to the provisions of the lien. Selling the property includes a
30 sale to a purchaser who wishes to leave the dwelling or home on the rented space and become a
31 tenant, subject to any conditions previously agreed to by the landlord and tenant regarding the
32 landlord's approval of a purchaser or, if there was no such agreement, any reasonable conditions
33 by the landlord regarding approval of any purchaser who wishes to leave the dwelling or home on
34 the rented space and become a tenant. The landlord also may condition approval for occupancy of
35 any purchaser of the property upon payment of all unpaid storage charges and maintenance costs.

36 (f)(A) If the lienholder violates the storage agreement, the landlord may terminate the agreement
37 by giving at least 90 days' written notice to the lienholder stating facts sufficient to notify the
38 lienholder of the reason for the termination. Unless the lienholder corrects the violation within the
39 notice period, the agreement terminates as provided and the landlord may sell or dispose of the
40 dwelling or home without further notice to the lienholder.

41 (B) After a landlord gives a termination notice pursuant to subparagraph (A) of this paragraph
42 for failure of the lienholder to pay a storage charge and the lienholder corrects the violation, if the
43 lienholder again violates the storage agreement by failing to pay a subsequent storage charge, the
44 landlord may terminate the agreement by giving at least 30 days' written notice to the lienholder
45 stating facts sufficient to notify the lienholder of the reason for termination. Unless the lienholder

1 corrects the violation within the notice period, the agreement terminates as provided and the land-
2 lord may sell or dispose of the property without further notice to the lienholder.

3 (C) A lienholder may terminate a storage agreement at any time upon at least 14 days' written
4 notice to the landlord and may remove the property from the rented space if the lienholder has paid
5 all storage charges and other charges as provided in the agreement.

6 (g) Upon the failure of a lienholder to enter into a storage agreement as provided by this sub-
7 section or upon termination of an agreement, unless the parties otherwise agree or the lienholder
8 has sold or removed the manufactured dwelling or floating home, the landlord may sell or dispose
9 of the property pursuant to this section without further notice to the lienholder.

10 (20) If the personal property is a manufactured dwelling or floating home and is considered
11 abandoned as a result of the death of a tenant who was the only tenant and who owned the dwelling
12 or home, this section applies, except as follows:

13 (a) The following persons have the same rights and responsibilities regarding the abandoned
14 dwelling or home as a tenant:

15 (A) Any personal representative named in a will or appointed by a court to act for the deceased
16 tenant.

17 (B) Any person designated in writing by the tenant to be contacted by the landlord in the event
18 of the tenant's death.

19 (b) The notice required by subsection (3) of this section must be:

20 (A) Sent by first class mail to the deceased tenant at the premises; and

21 (B) Personally delivered or sent by first class mail to any personal representative or designated
22 person, if actually known to the landlord.

23 (c) The notice described in subsection (5) of this section must refer to any personal represen-
24 tative or designated person, instead of the deceased tenant, and must incorporate the provisions of
25 this subsection.

26 (d) If a personal representative, designated person or other person entitled to possession of the
27 property, such as an heir or devisee, responds by actual notice to a landlord within the 45-day period
28 provided by subsection (6) of this section and so requests, the landlord shall enter into a written
29 storage agreement with the representative or person providing that the dwelling or home may not
30 be sold or disposed of by the landlord for up to 90 days or until conclusion of any probate pro-
31 ceedings, whichever is later. A storage agreement entitles the representative or person to store the
32 personal property on the previously rented space during the term of the agreement, but does not
33 entitle anyone to occupy the personal property. If such an agreement is entered, the landlord may
34 not enter a similar agreement with a lienholder pursuant to subsection (19) of this section until the
35 agreement with the personal representative or designated person ends.

36 (e) If a personal representative or other person requests that a landlord enter into a storage
37 agreement, subsection (19)(c), (d) and (f)(C) of this section applies, with the representative or person
38 having the rights and responsibilities of a lienholder with regard to the storage agreement.

39 (f) During the term of an agreement described under paragraph (d) of this subsection, the rep-
40 resentative or person has the right to remove or sell the dwelling or home, including a sale to a
41 purchaser or a transfer to an heir or devisee where the purchaser, heir or devisee wishes to leave
42 the dwelling or home on the rented space and become a tenant, subject to any conditions previously
43 agreed to by the landlord and tenant regarding the landlord's approval for occupancy of a purchaser,
44 heir or devisee or, if there was no such agreement, any reasonable conditions by the landlord re-
45 garding approval for occupancy of any purchaser, heir or devisee who wishes to leave the dwelling

1 or home on the rented space and become a tenant. The landlord also may condition approval for
 2 occupancy of any purchaser, heir or devisee of the dwelling or home upon payment of all unpaid
 3 storage charges and maintenance costs.

4 (g) If the representative or person violates the storage agreement, the landlord may terminate
 5 the agreement by giving at least 30 days' written notice to the representative or person stating facts
 6 sufficient to notify the representative or person of the reason for the termination. Unless the rep-
 7 resentative or person corrects the violation within the notice period, the agreement terminates as
 8 provided and the landlord may sell or dispose of the dwelling or home without further notice to the
 9 representative or person.

10 (h) Upon the failure of a representative or person to enter into a storage agreement as provided
 11 by this subsection or upon termination of an agreement, unless the parties otherwise agree or the
 12 representative or person has sold or removed the manufactured dwelling or floating home, the
 13 landlord may sell or dispose of the property pursuant to this section without further notice to the
 14 representative or person.

15 (21) If the personal property is other than a manufactured dwelling or floating home and is
 16 considered abandoned as a result of the death of a tenant who was the only tenant and who owned
 17 the personal property, this section applies except as follows:

18 (a) The following persons have the same rights and responsibilities regarding the abandoned
 19 personal property as a tenant:

20 (A) An heir or devisee.

21 (B) Any personal representative named in a will or appointed by a court to act for the deceased
 22 tenant.

23 (C) Any person designated in writing by the tenant to be contacted by the landlord in the event
 24 of the tenant's death.

25 (b) The notice required by subsection (3) of this section must be:

26 (A) Sent by first class mail to the deceased tenant at the premises;

27 (B) Personally delivered or sent by first class mail to any heir, devisee, personal representative
 28 or designated person, if actually known to the landlord; and

29 (C) Sent by first class mail to the attention of an estate administrator of the [*Department of State*
 30 *Lands*] **State Treasurer**.

31 (c) The notice described in subsection (5) of this section must refer to the heir, devisee, personal
 32 representative, designated person or estate administrator of the [*department*] **State Treasurer**, in-
 33 stead of the deceased tenant, and must incorporate the provisions of this subsection.

34 (d) The landlord shall allow a person that is an heir, devisee or personal representative of the
 35 tenant, or an estate administrator of the [*department*] **State Treasurer**, to remove the personal
 36 property if the person contacts the landlord within the period provided by subsection (6) of this
 37 section, complies with the requirements of this section and provides the landlord with reasonable
 38 evidence that the person is an heir, devisee or personal representative, or an estate administrator
 39 of the [*department*] **State Treasurer**.

40 (e) If [*neither an*] **no** heir, devisee [*nor*] **or** personal representative of the tenant, [*nor an*] **or no**
 41 estate administrator of the [*department*] **State Treasurer**, contacts the landlord within the time
 42 period provided by subsection (6) of this section, the landlord shall allow removal of the personal
 43 property by the designated person of the tenant, if the designated person contacts the landlord
 44 within that period and complies with the requirements of this section and provides the landlord with
 45 reasonable evidence that the person is the designated person.

1 (f) A landlord who allows removal of personal property under this subsection is not liable to
2 another person that has a claim or interest in the personal property.

3 (22) If a governmental agency determines that the condition of a manufactured dwelling, floating
4 home or recreational vehicle abandoned under this section constitutes an extreme health or safety
5 hazard under state or local law and the agency determines that the hazard endangers others in the
6 immediate vicinity and requires quick removal of the property, the landlord may sell or dispose of
7 the property pursuant to this subsection. The landlord shall comply with all provisions of this sec-
8 tion, except as follows:

9 (a) The date provided in subsection (6) of this section by which a tenant, lienholder, owner,
10 personal representative or designated person must contact a landlord to arrange for the disposition
11 of the property must be not less than 15 days after personal delivery or mailing of the notice re-
12 quired by subsection (3) of this section.

13 (b) The date provided in subsections (8) and (9) of this section by which a tenant, lienholder,
14 owner, personal representative or designated person must remove the property must be not less than
15 seven days after the tenant, lienholder, owner, personal representative or designated person contacts
16 the landlord.

17 (c) The notice required by subsection (3) of this section must be as provided in subsection (5)
18 of this section, except that:

19 (A) The dates and deadlines in the notice for contacting the landlord and removing the property
20 must be consistent with this subsection;

21 (B) The notice must state that a governmental agency has determined that the property consti-
22 tutes an extreme health or safety hazard and must be removed quickly; and

23 (C) The landlord shall attach a copy of the agency's determination to the notice.

24 (d) If the tenant, a lienholder, owner, personal representative or designated person does not re-
25 move the property within the time allowed, the landlord or a buyer at a sale by the landlord under
26 subsection (11) of this section shall promptly remove the property from the facility.

27 (e) A landlord is not required to enter into a storage agreement with a lienholder, owner, per-
28 sonal representative or designated person pursuant to subsection (19) of this section.

29 (23)(a) If an official or agency referred to in ORS 453.876 notifies the landlord that the official
30 or agency has determined that all or part of the premises is unfit for use as a result of the presence
31 of an illegal drug manufacturing site involving methamphetamine, and the landlord complies with
32 this subsection, the landlord is not required to comply with subsections (1) to (22) and (24) to (27)
33 of this section with regard to personal property left on the portion of the premises that the official
34 or agency has determined to be unfit for use.

35 (b) Upon receiving notice from an official or agency determining the premises to be unfit for use,
36 the landlord shall promptly give written notice to the tenant as provided in subsection (3) of this
37 section. The landlord shall also attach a copy of the notice in a secure manner to the main entrance
38 of the dwelling unit. The notice to the tenant shall include a copy of the official's or agency's notice
39 and state:

40 (A) That the premises, or a portion of the premises, has been determined by an official or agency
41 to be unfit for use due to contamination from the manufacture of methamphetamine and that as a
42 result subsections (1) to (22) and (24) to (27) of this section do not apply to personal property left
43 on any portion of the premises determined to be unfit for use;

44 (B) That the landlord has hired, or will hire, a contractor to assess the level of contamination
45 of the site and to decontaminate the site;

1 (C) That upon hiring the contractor, the landlord will provide to the tenant the name, address
 2 and telephone number of the contractor; and

3 (D) That the tenant may contact the contractor to determine whether any of the tenant's per-
 4 sonal property may be removed from the premises or may be decontaminated at the tenant's expense
 5 and then removed.

6 (c) To the extent consistent with rules of the Department of Human Services, the contractor
 7 may release personal property to the tenant.

8 (d) If the contractor and the department determine that the premises or the tenant's personal
 9 property is not unfit for use, upon notification by the department of the determination, the landlord
 10 shall comply with subsections (1) to (22) and (24) to (27) of this section for any personal property left
 11 on the premises.

12 (e) Except as provided in paragraph (d) of this subsection, the landlord is not responsible for
 13 storing or returning any personal property left on the portion of the premises that is unfit for use.

14 (24) In the case of an abandoned recreational vehicle, manufactured dwelling or floating home
 15 that is owned by someone other than the tenant, the provisions of this section regarding the rights
 16 and responsibilities of a tenant to the abandoned vehicle, dwelling or home also apply to that owner,
 17 with regard only to the vehicle, dwelling or home, and not to any goods left inside or outside the
 18 vehicle, dwelling or home.

19 (25) In the case of an abandoned motor vehicle, the procedure authorized by ORS 98.830 for re-
 20 moval of abandoned motor vehicles from private property may be used by a landlord as an alterna-
 21 tive to the procedures required in this section.

22 (26)(a) A landlord may sell or dispose of a tenant's abandoned personal property without com-
 23 plying with subsections (1) to (25) and (27) of this section if, after termination of the tenancy or no
 24 more than seven days prior to the termination of the tenancy, the following parties so agree in a
 25 writing entered into in good faith:

26 (A) The landlord;

27 (B) The tenant, or for an abandonment as the result of the death of a tenant who was the only
 28 tenant, the personal representative, designated person or other person entitled to possession of the
 29 personal property, such as an heir or devisee, as described in subsection (20) or (21) of this section;
 30 and

31 (C) In the case of a manufactured dwelling, floating home or recreational vehicle, any owner and
 32 any lienholder.

33 (b) A landlord may not, as part of a rental agreement, require a tenant, a personal represen-
 34 tative, a designated person or any lienholder or owner to waive any right provided by this section.

35 (27) Until personal property is conclusively presumed to be abandoned under subsection (9) of
 36 this section, a landlord does not have a lien pursuant to ORS 87.152 for storing the personal prop-
 37 erty.

38 **SECTION 53.** ORS 97.170 is amended to read:

39 97.170. (1) As used in this section, "indigent person" means a deceased person who does not have
 40 a death or final expense benefit or insurance policy that pays for disposition of the deceased
 41 person's body or other means to pay for disposition of the deceased person's body and:

42 (a) Who does not have a relative or other person with the legal right to direct and the means
 43 to pay for disposition of the deceased person's body;

44 (b) Whose relative, or other person, with the legal right to direct the disposition of the deceased
 45 person's body does not pay or arrange to pay for, or refuses to direct, the disposition of the deceased

1 person's body within 10 days of being notified of the death; or

2 (c) For whom no person other than a person described in paragraph (a) or (b) of this subsection
3 wishes to direct and pay for the disposition of the deceased person's body.

4 (2) The State Mortuary and Cemetery Board shall maintain a list of institutions that may accept
5 or process bodies for education or research purposes.

6 (3)(a) A funeral establishment licensed under ORS 692.146 that takes custody of the unclaimed
7 body of a deceased person shall, within five days after taking custody of the body:

8 (A) Submit a report of death under ORS 432.133;

9 (B) Obtain all contact information known to the medical examiner, a health care facility or law
10 enforcement regarding persons listed in ORS 97.130;

11 (C) Attempt to locate and notify the persons listed in ORS 97.130;

12 (D) Arrange with any person listed in ORS 97.130 who will pay the expenses to make disposition
13 of the body;

14 (E) If no person listed in ORS 97.130 can be located to pay the expenses to make disposition of
15 the body, arrange with a person or institution not listed in ORS 97.130 that will pay the expenses
16 to make disposition of the body;

17 (F) Determine whether the [*Department of State Lands*] **State Treasurer** or other person is ap-
18 pointed as the personal representative of the deceased person pursuant to ORS 113.085; and

19 (G) Contact the Department of Veterans' Affairs to determine whether the decedent is eligible
20 for any state or federal benefits.

21 (b) If no one claims the body within 10 days after the funeral establishment takes custody of the
22 body, or if the persons notified acquiesce, or if the decedent is not eligible for any benefits described
23 in paragraph (a)(G) of this subsection, the funeral establishment may transfer the body to an insti-
24 tution on the list of institutions described in subsection (2) of this section that desires the body for
25 education or research purposes.

26 (c) If no person or institution claims the body as provided in paragraphs (a) and (b) of this
27 subsection, the funeral establishment may cremate or bury the body without the consent of persons
28 listed in ORS 97.130 and is indemnified from any liability arising from having made such disposition.
29 The method of disposition must be in the least costly and most environmentally sound manner that
30 complies with law, and that does not conflict with known wishes of the deceased. If the deceased
31 person is an indigent person, the board shall reimburse the funeral establishment for the costs of
32 disposition under subsection (5) of this section.

33 (4) If the deceased person is a child over whom the Department of Human Services held
34 guardianship at the time of death, the department shall promptly attempt to locate and notify the
35 relatives of the deceased child or any other person who has an interest in the deceased child and
36 shall arrange with any person who will pay the expenses to make disposition of the body. If no
37 relatives or interested persons claim the body, the department may transfer the body to an institu-
38 tion that is on the list maintained by the board under subsection (2) of this section that desires the
39 body for education or research purposes, or may authorize burial or cremation of the body. The
40 department shall pay expenses related to burial or cremation authorized by the department under
41 this subsection.

42 (5) Upon receipt of a qualifying statement as required by the board by rule that the deceased
43 person is an indigent person, the board shall reimburse a funeral establishment the reasonable costs
44 for disposition of the body of any unclaimed deceased indigent person. The method of disposition
45 must be in the least costly and most environmentally sound manner that complies with law. The

1 board shall adopt rules establishing the requirements and process for reimbursement and setting the
2 amount that may be reimbursed to a funeral establishment under this subsection.

3 **SECTION 54.** ORS 98.050 is amended to read:

4 98.050. (1) The [administrator] **State Treasurer** may compile information or data [in the pos-
5 session of the Department of State Lands] into finder's reports at the request of any person to assist
6 in finding the owners of abandoned or unclaimed property.

7 (2) The [administrator] **State Treasurer** shall adopt by rule a fee **charged** for copies of finder's
8 reports. *The fee charged shall be* **that is** commensurate with preparation costs including pro-
9 duction, duplication and staff time involved.

10 [(3) Any person requesting a copy of a finder's report shall be charged the fee.]

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

12 [(a) "Administrator" has the same meaning as given by ORS 98.302.]

13 [(b) "Person" includes any natural person, corporation, partnership, firm or association.]

14 [(c) "Finder's report" means any report prepared by the administrator for the benefit of any person
15 to assist in finding the owners of abandoned or unclaimed property.]

16 **SECTION 55.** ORS 146.125 is amended to read:

17 146.125. (1) The medical examiner, medical-legal death investigator, district attorney or sheriff
18 may temporarily retain possession of any property found on the body or in the possession of the
19 deceased [which] **that** in the opinion of the medical examiner, medical-legal death investigator, dis-
20 trict attorney or sheriff may be useful in establishing the cause or manner of death or may be used
21 in further proceedings.

22 (2) When a medical examiner, medical-legal death investigator, district attorney or sheriff as-
23 sumes control or custody of money or personal property found on the body or in the possession of
24 the deceased, the medical examiner, medical-legal death investigator, district attorney or sheriff
25 shall:

26 (a) Make a verified inventory of such money or property.

27 (b) File the inventory in the district medical examiner's office.

28 (c) Deposit the money with the county treasurer to the credit of the county general fund.

29 (3) If personal property is not retained by the medical examiner, medical-legal death investi-
30 gator, district attorney or sheriff, and is not claimed within 30 days, the inventory shall be filed with
31 the board of county commissioners to be disposed of as follows:

32 (a) If the property has value, the board may order it sold and after deducting the cost of sale,
33 shall deposit the proceeds of the sale with the county treasurer to the credit of the county general
34 fund.

35 (b) If the property has no value in the judgment of the board, the board may order the sheriff
36 to destroy such property.

37 (4) Any expenses incurred by the county in transporting or disposing of the body may be de-
38 ducted from the money or proceeds of the sale of personal property before it is delivered to a
39 claimant.

40 (5) If it appears that the person whose death required investigation died wholly intestate and
41 without heirs, the county whose official has control or custody of the property shall notify an estate
42 administrator of the [Department of State Lands] **State Treasurer** appointed under ORS 113.235
43 within 15 days after the death.

44 (6) If a legally qualified personal representative, spouse, [or] next of kin **or estate adminis-**
45 **trator of the State Treasurer:**

1 (a) Claims the money of the deceased, the **county** treasurer shall, subject to the provisions of
2 subsection (4) of this section, deliver such money to the claimant.

3 (b) Within 30 days, claims the personal property of the deceased, the property shall be delivered
4 to such claimant subject to the provisions of subsections (1) and (5) of this section.

5 (7) If money of the deceased is not claimed within seven years, *[and]* **the money** is presumed
6 abandoned as provided by ORS 98.302 to 98.436 and 98.992[,] **and** the board of county commissioners
7 shall order **the county treasurer to deliver and report** the money *[paid]* **to the State Treasurer**
8 as required by *[law]* **ORS 98.352**.

9 **SECTION 56.** ORS 183.635 is amended to read:

10 183.635. (1) Except as provided in this section, all agencies must use administrative law judges
11 assigned from the Office of Administrative Hearings established under ORS 183.605 to conduct con-
12 tested case hearings, without regard to whether those hearings are subject to the procedural re-
13 quirements for contested case hearings.

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

15 (a) Attorney General.

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

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

18 (d) Department of Corrections.

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

20 (f) Department of Human Services for vocational rehabilitation services cases under 29 U.S.C.
21 722(c) and disability determination cases under 42 U.S.C. 405.

22 (g) Department of Revenue.

23 (h) Department of State Police.

24 (i) Employment Appeals Board.

25 (j) Employment Relations Board.

26 (k) Energy Facility Siting Council.

27 (L) Fair Dismissal Appeals Board.

28 (m) Governor.

29 (n) Land Conservation and Development Commission.

30 (o) Land Use Board of Appeals.

31 (p) Local government boundary commissions created pursuant to ORS 199.430.

32 (q) Public universities listed in ORS 352.002.

33 (r) Oregon Youth Authority.

34 (s) Psychiatric Security Review Board.

35 (t) Public Utility Commission.

36 (u) State Accident Insurance Fund Corporation.

37 (v) State Apprenticeship and Training Council.

38 (w) State Board of Parole and Post-Prison Supervision.

39 (x) State Land Board.

40 (y) State Treasurer, **except the State Treasurer shall use an administrative law judge for**
41 **contested cases involving claims arising under ORS 98.302 to 98.436, 98.992 or 116.253 or any**
42 **other claim to escheated or unclaimed property.**

43 (3) The Workers' Compensation Board is exempt from using administrative law judges assigned
44 from the office for any hearing conducted by the board under ORS chapters 147, 654 and 656. Except
45 as specifically provided in this subsection, the Department of Consumer and Business Services must

1 use administrative law judges assigned from the office only for contested cases arising out of the
2 department's powers and duties under:

- 3 (a) ORS 86A.095 to 86A.198, 86A.990 and 86A.992 and ORS chapter 59;
- 4 (b) ORS chapter 455;
- 5 (c) ORS chapter 674;
- 6 (d) ORS chapters 706 to 716;
- 7 (e) ORS chapter 717;
- 8 (f) ORS chapters 723, 725 and 726; and
- 9 (g) ORS chapters 731, 732, 733, 734, 735, 737, 742, 743, 743A, 743B, 744, 746, 748 and 750.

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

13 (5) Notwithstanding any other provision of ORS 183.605 to 183.690, an agency is not required to
14 use an administrative law judge assigned from the office if:

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

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

20 **SECTION 57.** ORS 273.125 is amended to read:

21 273.125. Whenever it appears to the Department of State Lands that any moneys have been er-
22 roneously paid to it, the department may make an appropriate refund, **or may deliver the moneys**
23 **to the State Treasurer if the moneys appear to have been misdelivered to the department**
24 **and to be unclaimed property described under ORS 98.302 to 98.436 or escheated funds, in-**
25 **cluding those described under ORS 116.203, 652.405, 708A.430 or 723.466.**

26 **SECTION 58.** ORS 273.141 is amended to read:

27 273.141. In order to provide the Department of State Lands with the specialized assistance nec-
28 essary to its operations and the transaction of its business, and in addition to other agreements that
29 may be entered into under ORS 273.135, the department may enter into written agreements with the
30 state agencies designated in this section for the operation of programs and activities assigned to the
31 department. Subject to final review and approval by the State Land Board:

32 (1) The State Forestry Department may perform the functions assigned by the board that relate
33 to forest resources.

34 (2) The State Department of Geology and Mineral Industries may perform the functions of the
35 Department of State Lands that relate to mineral resources.

36 (3) The Department of Veterans' Affairs may perform the functions of the Department of State
37 Lands that relate to investment of funds in mortgages secured by real property.

38 (4) The State Treasurer may perform the functions of the Department of State Lands that relate
39 to investments of funds administered by the Department of State Lands not described in subsection
40 (3) of this section[, *and that relate to escheated property*].

41 (5) The State Department of Agriculture may perform the functions assigned by the board and
42 the functions pertaining to management and regulation of grazing land and other agricultural lands.

43 **SECTION 59.** ORS 273.183 is amended to read:

44 273.183. For the purpose of requesting a state or nationwide criminal records check under ORS
45 181A.195, the Department of State Lands may require the fingerprints of a person who:

- 1 (1)(a) Is employed or applying for employment by the department; or
 2 (b) Provides services or seeks to provide services to the department as a contractor or volun-
 3 teer; and
 4 (2) Is, or will be, working or providing services in a position:
 5 (a) In which the person has direct access to persons under 18 years of age, elderly persons or
 6 persons with disabilities;
 7 (b) In which the person is providing information technology services and has control over, or
 8 access to, information technology systems that would allow the person to harm the information
 9 technology systems or the information contained in the systems;
 10 (c) In which the person has access to information, the disclosure of which is prohibited by state
 11 or federal laws, rules or regulations or information that is defined as confidential under state or
 12 federal laws, rules or regulations;
 13 (d) That has payroll functions or in which the person has responsibility for receiving, receipting
 14 or depositing money or negotiable instruments, for billing, collections or other financial transactions
 15 or for purchasing or selling property or has access to property held in trust or to private property
 16 in the temporary custody of the state;
 17 *[(e) In which the person has responsibility for auditing unclaimed property;]*
 18 *[(f)]* (e) In which the person has access to personal information about employees or members of
 19 the public including Social Security numbers, dates of birth, driver license numbers, personal finan-
 20 cial information or criminal background information;
 21 *[(g)]* (f) In which the person has access to tax or financial information of individuals or business
 22 entities;
 23 *[(h)]* (g) That involves the use, possession, issuance, transport, purchase, sale or forfeiture of
 24 firearms or munitions, access to firearms or munitions or the training of others in the use or han-
 25 dling of firearms; or
 26 *[(i)]* (h) In which the person provides security, design or construction services for government
 27 buildings, grounds or facilities.
- 28 **SECTION 60.** ORS 287A.474 is amended to read:
 29 287A.474. (1) The county fiscal officer shall prepare a report of all warrants and checks issued
 30 more than two years prior to July 1 of that year *[which]* **that** have not been paid, pursuant to ORS
 31 98.352.
 32 (2) The lawful owner of any warrant or check included in any list referred to in subsection (1)
 33 of this section, not presented to the county treasurer for payment and not paid, thereafter may file
 34 a claim with the *[Department of State Lands]* **State Treasurer** in the manner provided by ORS
 35 98.392 and 98.396.
- 36 **SECTION 61.** ORS 293.450 is amended to read:
 37 293.450. (1) Before October 1 of each year, *[the]* **an** agency that maintains an account pursuant
 38 to ORS 293.445 shall prepare a report pursuant to ORS 98.352 of all checks or orders drawn by it
 39 that have been outstanding for a period of more than two years prior to July 1, and that have not
 40 been paid by the State Treasurer.
 41 (2) The report shall not include checks or orders that have already been paid pursuant to
 42 indemnity bonds.
 43 (3) The agency shall forward the report to the *[Department of State Lands]* **State Treasurer**
 44 before November 1.
 45 (4) The *[Department of State Lands shall]* **State Treasurer may** not require the Department of

1 Revenue to remit funds being held by the department [*of Revenue*] prior to January 1, 1994.

2 **SECTION 62.** ORS 293.455 is amended to read:

3 293.455. (1) After October 1, the State Treasurer may refuse payment of the unrepresented checks
4 or orders included in the report referred to in ORS 293.450. [*In accordance with procedures developed*
5 *by the Department of State Lands and approved by the State Treasurer, the agency shall instruct the*
6 *State Treasurer to do the following*] **The State Treasurer shall:**

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

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

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

14 (2) In each instance, the State Treasurer shall issue an official receipt for the amount so trans-
15 ferred or credited.

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

19 **SECTION 63.** ORS 293.460 is amended to read:

20 293.460. The lawful owner of any check or order included in the report referred to in ORS
21 293.450[*not presented to the State Treasurer for payment*] and not paid[*thereafter*] may file a claim
22 with the [*Department of State Lands*] **State Treasurer** in the manner provided by ORS 98.392 and
23 98.396.

24 **SECTION 64.** ORS 293.701 is amended to read:

25 293.701. As used in ORS 293.701 to 293.857, unless the context requires otherwise:

26 (1) "Council" means the Oregon Investment Council.

27 (2) "Investment funds" means:

28 (a) Public Employees Retirement Fund referred to in ORS 238.660;

29 (b) Industrial Accident Fund referred to in ORS 656.632;

30 (c) Consumer and Business Services Fund referred to in ORS 705.145;

31 (d) Employment Department Special Administrative Fund referred to in ORS 657.822;

32 (e) Insurance Fund referred to in ORS 278.425;

33 (f) Funds under the control and administration of the Department of State Lands;

34 (g) Oregon Student Assistance Fund referred to in ORS 348.570;

35 (h) Moneys made available to the Commission for the Blind under ORS 346.270 and 346.569 or
36 rules adopted thereunder;

37 (i) Forest Development Revenue Bond Fund referred to in ORS 530.147 and State Forestry
38 General Obligation Bond Fund referred to in ORS 530.280;

39 (j) Oregon War Veterans' Fund referred to in ORS 407.495;

40 (k) Oregon War Veterans' Bond Sinking Account referred to in ORS 407.515;

41 (L) World War II Veterans' Compensation Fund;

42 (m) World War II Veterans' Bond Sinking Fund;

43 (n) Funds in the hands of the State Treasurer that are not required to meet current demands
44 and that are invested in the Oregon Short Term Fund established under ORS 293.728 or in another
45 commingled investment vehicle;

1 (o) State funds that are not subject to the control and administration of officers or bodies spe-
2 cifically designated by law;

3 (p) Funds derived from the sale of state bonds;

4 (q) Social Security Revolving Account referred to in ORS 237.490;

5 (r) Public University Fund established by ORS 352.450;

6 (s) Local Government Employer Benefit Trust Fund referred to in ORS 657.513;

7 (t) Elderly and Disabled Special Transportation Fund established by ORS 391.800;

8 (u) Education Stability Fund established by ORS 348.696;

9 (v) Deferred Compensation Fund established under ORS 243.411;

10 (w) Trust for Cultural Development Account established under ORS 359.405; [*and*]

11 (x) The State Library Donation Fund and the Talking Book and Braille Library Endowment
12 Fund subaccount established under ORS 357.195[.]; **and**

13 **(y) Funds in the Unclaimed Property Revolving Fund created in ORS 98.388.**

14 (3) "Investment officer" means the State Treasurer in the capacity as investment officer for the
15 council.

16 **SECTION 65.** ORS 314.840 is amended to read:

17 314.840. (1) The Department of Revenue may:

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

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

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

26 (d) Disclose a taxpayer's name, address, telephone number, refund amount, amount due, Social
27 Security number, employer identification number or other taxpayer identification number to the ex-
28 tent necessary in connection with collection activities or the processing and mailing of correspond-
29 ence or of forms for any report or return required in the administration of any local tax under ORS
30 305.620 or any law imposing a tax upon or measured by net income.

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

33 (a) The Governor of the State of Oregon or the authorized representative of the Governor with
34 respect to an individual who is designated as being under consideration for appointment or reap-
35 pointment to an office or for employment in the office of the Governor. The information disclosed
36 shall be confined to whether the individual:

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

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

42 (C) Has been assessed any penalty under the Oregon personal income tax laws and the nature
43 of the penalty.

44 (D) Has been or is under investigation for possible criminal offenses under the Oregon personal
45 income tax laws. Information disclosed pursuant to this paragraph shall be used only for the purpose

1 of making the appointment, reappointment or decision to employ or not to employ the individual in
2 the office of the Governor.

3 (b) An officer or employee of the Oregon Department of Administrative Services duly authorized
4 or employed to prepare revenue estimates, or a person contracting with the Oregon Department of
5 Administrative Services to prepare revenue estimates, in the preparation of revenue estimates re-
6 quired for the Governor's budget under ORS 291.201 to 291.224, or required for submission to the
7 Emergency Board or the Joint Interim Committee on Ways and Means, or if the Legislative As-
8 sembly is in session, to the Joint Committee on Ways and Means, and to the Legislative Revenue
9 Officer or Legislative Fiscal Officer under ORS 291.342, 291.348 and 291.445. The Department of
10 Revenue shall disclose and give access to the information described in ORS 314.835 for the purposes
11 of this paragraph only if:

12 (A) The request for information is made in writing, specifies the purposes for which the request
13 is made and is signed by an authorized representative of the Oregon Department of Administrative
14 Services. The form for request for information shall be prescribed by the Oregon Department of
15 Administrative Services and approved by the Director of the Department of Revenue.

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

19 (c) The Commissioner of Internal Revenue or authorized representative, for tax administration
20 and compliance purposes only.

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

24 (A) A state;

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

26 (C) The District of Columbia; or

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

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

33 (f) The Attorney General, assistants and employees in the Department of Justice, or other legal
34 representative of the State of Oregon, to the extent the department deems disclosure or access
35 necessary for the performance of the duties of advising or representing the department pursuant to
36 ORS 180.010 to 180.240 and the tax laws of the state.

37 (g) Employees of the State of Oregon, other than of the Department of Revenue or Department
38 of Justice, to the extent the department deems disclosure or access necessary for such employees
39 to perform their duties under contracts or agreements between the department and any other de-
40 partment, agency or subdivision of the State of Oregon, in the department's administration of the
41 tax laws.

42 (h) Other persons, partnerships, corporations and other legal entities, and their employees, to
43 the extent the department deems disclosure or access necessary for the performance of such others'
44 duties under contracts or agreements between the department and such legal entities, in the
45 department's administration of the tax laws.

1 (i) The Legislative Revenue Officer or authorized representatives upon compliance with ORS
2 173.850. Such officer or representative shall not remove from the premises of the department any
3 materials that would reveal the identity of any taxpayer or any other person.

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

8 (k) Any agency of the State of Oregon, or any person, or any officer or employee of such agency
9 or person to whom disclosure or access is given by state law and not otherwise referred to in this
10 section, including but not limited to the Secretary of State as Auditor of Public Accounts under
11 Article VI, section 2, of the Oregon Constitution; the Department of Human Services pursuant to
12 ORS 412.094; the Division of Child Support of the Department of Justice and district attorney re-
13 garding cases for which they are providing support enforcement services under ORS 25.080; the
14 State Board of Tax Practitioners, pursuant to ORS 673.710; and the Oregon Board of Accountancy,
15 pursuant to ORS 673.415.

16 (L) The Director of the Department of Consumer and Business Services to determine that a
17 person complies with ORS chapter 656 and the Director of the Employment Department to determine
18 that a person complies with ORS chapter 657, the following employer information:

19 (A) Identification numbers.

20 (B) Names and addresses.

21 (C) Inception date as employer.

22 (D) Nature of business.

23 (E) Entity changes.

24 (F) Date of last payroll.

25 (m) The Director of the Oregon Health Authority to determine that a person has the ability to
26 pay for care that includes services provided by the Oregon State Hospital, or the Oregon Health
27 Authority to collect any unpaid cost of care as provided by ORS chapter 179.

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

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

34 (p) Employees of the [*Department of State Lands*] **State Treasurer** for the purposes of identify-
35 ing, locating and publishing lists of taxpayers entitled to unclaimed refunds [*as required by the pro-*
36 *visions of chapter 694, Oregon Laws 1993*] **under ORS 98.302 to 98.436**. The information [*shall be*]
37 **is** limited to the taxpayer's name, address and the refund amount.

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

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

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

1 dress and taxpayer identification number of the payee, the amount of the check, the date printed
2 on the check and the altered name and address.

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

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

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

14 (s) The United States Financial Management Service, for purposes of facilitating the offsets de-
15 scribed in ORS 305.612.

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

21 (u) A consumer reporting agency, to the extent necessary to carry out the purposes of ORS
22 314.843.

23 (v) The Public Employees Retirement Board, to the extent necessary to carry out the purposes
24 of ORS 238.372 to 238.384, and to any public employer, to the extent necessary to carry out the
25 purposes of ORS 237.635 (3) and 237.637 (2).

26 (w) The Secretary of State for the purpose of initiating or supporting a recommendation under
27 ORS 60.032 (3) or 63.032 (3) to administratively dissolve a corporation or limited liability company
28 that the Director of the Department of Revenue determines has failed to comply with applicable tax
29 laws of the state.

30 (3)(a) Each officer or employee of the department and each person described or referred to in
31 subsection (2)(a), (b), (f) to (L), (n) to (q) or (w) of this section to whom disclosure or access to the
32 tax information is given under subsection (2) of this section or any other provision of state law,
33 prior to beginning employment or the performance of duties involving such disclosure or access,
34 shall be advised in writing of the provisions of ORS 314.835 and 314.991, relating to penalties for the
35 violation of ORS 314.835, and shall as a condition of employment or performance of duties execute
36 a certificate for the department, in a form prescribed by the department, stating in substance that
37 the person has read these provisions of law, that the person has had them explained and that the
38 person is aware of the penalties for the violation of ORS 314.835.

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

43 (A) Any information described in ORS 314.835 that is received by the person pursuant to sub-
44 section (2)(r) of this section is confidential information that may not be disclosed, except to the ex-
45 tent necessary to investigate or prosecute the criminal activities described in subsection (2)(r) of

1 this section;

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

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

7 (4) The Department of Revenue may recover the costs of furnishing the information described
8 in subsection (2)(L), (m) and (o) to (q) of this section from the respective agencies.

9 **SECTION 66.** ORS 327.405 is amended to read:

10 327.405. (1) The Common School Fund shall be composed of the proceeds from the sales of the
11 16th and 36th sections of every township or of any lands selected in lieu thereof; all the moneys and
12 clear proceeds of all property that may accrue to the state by escheat or forfeiture; the proceeds
13 of all gifts, devises and bequests made by any person to the state for common school purposes; the
14 proceeds of all property granted to the state when the purpose of such grant is not stated; all pro-
15 ceeds of the sale of submerged and submersible lands as described in ORS 274.005; all proceeds of
16 the sale of the South Slough National Estuarine Research Reserve as described in ORS 273.553 in
17 the event such property is sold; all proceeds of the sale of the 500,000 acres of land to which this
18 state is entitled by an Act of Congress approved September 4, 1841, and of all lands selected for
19 capitol building purposes under Act of Congress approved February 14, 1859; and all proceeds de-
20 rived from the investment of moneys that compose the fund. All such proceeds shall become a part
21 of the fund. Except as otherwise provided by law, the income from the fund shall be applied exclu-
22 sively to the support and maintenance of common schools in each school district.

23 **(2) The State Treasurer shall audit** all lawful claims for repayment of moneys under [*the*
24 *provisions of*] ORS 98.302 to 98.436 and 98.992, or out of escheated estates and [*for*] **funds, including**
25 attorney fees and all other expenses in any suit or proceeding relating to escheated estates [*shall*
26 *be audited by the Department of State Lands*] and [*paid*] **shall pay each lawful claim** from the
27 Common School Fund Account.

28 **SECTION 67.** ORS 652.405 is amended to read:

29 652.405. (1) The Commissioner of the Bureau of Labor and Industries shall attempt for a period
30 of not less than three years to make payment of wages collected under ORS 652.310 to 652.414 to
31 the person entitled thereto.

32 **(2) By July 30 of each year,** wages collected by the commissioner under ORS 652.310 to 652.414
33 and remaining unclaimed for a period of more than three years from the date of collection shall [,
34 *by July 30 of each year, be forfeited*] **escheat** to the state and [*shall be paid by*] the commissioner
35 **shall pay those wages** to the [*Department of State Lands*] **State Treasurer** for the benefit of the
36 Common School Fund [*of this state*]. The [*department*] **State Treasurer** shall issue a receipt for the
37 money to the commissioner. [*The*] **No later than 10 years after the State Treasurer receives the**
38 **escheated funds, a person entitled to claim** the wages [*or the person's heirs or personal represen-*
39 *tatives may reclaim the wages paid into the Common School Fund pursuant to this section within the*
40 *time and in the manner provided for estates which have escheated to the state*] **may file a claim with**
41 **the State Treasurer in the manner provided by ORS 116.253.**

42 **SECTION 68.** ORS 657.665 is amended to read:

43 657.665. (1) Except as provided in subsections (2) to (5) of this section, all information in the
44 records of the Employment Department pertaining to the administration of the unemployment in-
45 surance, employment service and workforce and labor market information programs:

1 (a) Is confidential and for the exclusive use and information of the Director of the Employment
2 Department in administering the unemployment insurance, employment service and workforce and
3 labor market information programs in Oregon.

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

8 (c) Is exempt from disclosure under ORS 192.311 to 192.478.

9 (2) The Employment Department shall disclose information:

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

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

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

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

26 (e) Pursuant to section 303(d) of the Social Security Act, upon request to officers and employees
27 of the United States Department of Agriculture and to officers or employees of any state Supple-
28 mental Nutrition Assistance Program agency for the purpose of determining an individual's eligibil-
29 ity for or the amount of supplemental nutrition assistance. The information disclosed is confidential
30 and may not be used for any other purpose. The costs of disclosing information under this paragraph
31 shall be paid by the United States Department of Agriculture.

32 (f) Pursuant to section 303(e)(1) and (2)(A)(ii) of the Social Security Act, to state or local child
33 support enforcement agencies enforcing child support obligations under Title IV-D of the Social Se-
34 curity Act for the purposes of establishing child support obligations, locating individuals owing child
35 support obligations and collecting child support obligations from those individuals. The information
36 disclosed is confidential and may not be used for any other purpose. The costs of disclosing infor-
37 mation under this paragraph shall be paid by the child support enforcement agency.

38 (g) Pursuant to sections 303(f) and 1137 of the Social Security Act, to agencies participating in
39 the income and eligibility verification system for the purpose of verifying an individual's eligibility
40 for benefits, or the amount of benefits, under unemployment insurance, temporary assistance for
41 needy families, Medicaid, the Supplemental Nutrition Assistance Program, Supplemental Security
42 Income, child support enforcement or Social Security programs. The information disclosed is confi-
43 dential and may not be used for any other purpose. The costs of disclosing information under this
44 paragraph shall be paid by the requesting agency.

45 (h) Pursuant to section 303(h) of the Social Security Act and section 3304(a)(16)(B) of the Federal

1 Unemployment Tax Act, to the United States Department of Health and Human Services National
2 Directory of New Hires. The information disclosed is confidential and may not be used for any other
3 purpose. The costs of disclosing information under this paragraph shall be paid by the United States
4 Department of Health and Human Services.

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

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

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

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

27 (a) To state agencies, federal agencies, local government agencies, public universities listed in
28 ORS 352.002 and the Oregon Health and Science University established under ORS 353.020, to the
29 extent necessary to properly carry out governmental planning, performance measurement, program
30 analysis, socioeconomic analysis or policy analysis functions performed under applicable law. The
31 information disclosed is confidential and may not be disclosed by the agencies or universities in any
32 manner that would identify individuals, claimants, employees or employing units. If the information
33 disclosed under this paragraph is not prepared for the use of the Employment Department, the costs
34 of disclosing the information shall be paid by the agency or university requesting the information.

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

41 (c) In accordance with ORS 657.673.

42 (4) The Employment Department may:

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

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

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

8 (d) Disclose information to partners under the federal Workforce Innovation and Opportunity
9 Act for the purpose of administering state workforce programs under the Act. The information dis-
10 closed is confidential and may not be used for any other purpose. The costs of disclosing information
11 under this paragraph shall be paid by the requesting partner.

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

17 (f) Disclose information to the Commissioner of the Bureau of Labor and Industries for the
18 purpose of performing duties under ORS 279C.800 to 279C.870, 658.005 to 658.245 or 658.405 to
19 658.503 or ORS chapter 652, 653 or 659A. The information disclosed may include the names and ad-
20 dresses of employers and employees and payroll data of employers and employees. The information
21 disclosed is confidential and may not be used for any other purpose. If the information disclosed
22 under this paragraph is not prepared for the use of the Employment Department, the costs of dis-
23 closing the information shall be paid by the bureau.

24 (g) Disclose information required under ORS 657.660 (3) and (4) to the Public Employees Re-
25 tirement System for the purpose of determining the eligibility of members of the retirement system
26 for disability under ORS chapters 238 and 238A. The information disclosed is confidential and may
27 not be used for any other purpose. The costs of disclosing information under this paragraph shall
28 be paid by the Public Employees Retirement System.

29 (h) Disclose to the Oregon Business Development Commission and the Oregon Business Devel-
30 opment Department information required by the commission and the department in performing their
31 duties under ORS 285A.050 and 285B.630 to verify changes in employment levels following direct
32 employer participation in department programs or indirect participation through municipalities un-
33 der ORS 285B.410 to 285B.482. The information disclosed to the commission and the department may
34 include an employer's employment level, total subject wages payroll and whole hours worked. The
35 information disclosed is confidential and may not be used for any other purpose. The commission
36 and the department may not disclose the information in any manner that would identify an employ-
37 ing unit or employee except to the extent necessary to carry out the commission's and the
38 department's duties under ORS 285A.050 and 285B.630. If the information disclosed under this para-
39 graph is not prepared for the use of the Employment Department, the costs of disclosing the infor-
40 mation shall be paid by the commission or the Oregon Business Development Department.

41 (i) Disclose information to the Department of Revenue for the purpose of performing its duties
42 under ORS 293.250 or under the revenue and tax laws of this state. The information disclosed may
43 include the names and addresses of employers and employees and payroll data of employers and
44 employees. The information disclosed is confidential and may not be disclosed by the Department
45 of Revenue in any manner that would identify an employing unit or employee except to the extent

1 necessary to carry out the department's duties under ORS 293.250 or in auditing or reviewing any
2 report or return required or permitted to be filed under the revenue and tax laws administered by
3 the department. The Department of Revenue may not disclose any information received to any pri-
4 vate collection agency or for any other purpose. If the information disclosed under this paragraph
5 is not prepared for the use of the Employment Department, the costs of disclosing the information
6 shall be paid by the Department of Revenue.

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

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

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

30 (m) Disclose information to the Higher Education Coordinating Commission for the purpose of
31 performing the commission's duties under ORS chapter 348 and Title IV of the Higher Education
32 Act of 1965. The information disclosed may include the names and addresses of employers and em-
33 ployees and payroll data of employers and employees. The information disclosed is confidential and
34 may not be disclosed by the commission in any manner that would identify an employing unit or
35 employee except to the extent necessary to carry out the commission's duties under ORS chapter
36 348 or Title IV of the Higher Education Act of 1965. If the information disclosed under this para-
37 graph is not prepared for the use of the Employment Department, the costs of disclosing the infor-
38 mation shall be paid by the commission.

39 (n) Disclose information to the Department of Transportation to assist the Department of
40 Transportation in carrying out the duties of the Department of Transportation relating to collection
41 of delinquent and liquidated debts, including taxes, under ORS 184.610 to 184.665, 184.670 to 184.733
42 and 805.263, ORS chapter 319 and the Oregon Vehicle Code. The information disclosed may include
43 the names and addresses of employers and employees and payroll data of employers and employees.
44 The information disclosed is confidential and may not be disclosed by the Department of Transpor-
45 tation in any manner that would identify an employing unit or employee except to the extent nec-

1 essary to carry out the Department of Transportation's duties relating to collection of delinquent
2 and liquidated debts or in auditing or reviewing any report or return required or permitted to be
3 filed under the revenue and tax laws administered by the Department of Transportation. The De-
4 partment of Transportation may not disclose any information received to any private collection
5 agency or for any other purpose. If the information disclosed under this paragraph is not prepared
6 for the use of the Employment Department, the costs of disclosing the information shall be paid by
7 the Department of Transportation.

8 (o) Disclose information to the Department of Human Services and the Oregon Health Authority
9 to assist the Department of Human Services and the Oregon Health Authority in the collection of
10 debts that the Department of Human Services and the Oregon Health Authority are authorized by
11 law to collect. The information disclosed may include the names, addresses and payroll data of em-
12 ployers and employees. The information disclosed is confidential and may not be disclosed by the
13 Department of Human Services or the Oregon Health Authority in a manner that would identify an
14 employing unit or employee except to the extent necessary for the collection of debts as described
15 in this paragraph. The Department of Human Services and the Oregon Health Authority may not
16 disclose information received under this paragraph to a private collection agency or use the infor-
17 mation for a purpose other than the collection of debts as described in this paragraph. If the infor-
18 mation disclosed under this paragraph is not prepared for the use of the Employment Department,
19 the costs of disclosing the information shall be paid by the Department of Human Services or the
20 Oregon Health Authority.

21 (p) Disclose to the Alcohol and Drug Policy Commission information required by the commission
22 in evaluating and measuring the performance of alcohol and drug prevention and treatment pro-
23 grams under ORS 430.242 or the impact of the programs on employment. The information disclosed
24 to the commission may include total subject wages payroll and whole hours worked. The information
25 disclosed under this paragraph is confidential and may not be used for any other purpose. The
26 commission may not disclose the information in any manner that would identify an employing unit
27 or employee except to the extent necessary to carry out the commission's duties under ORS 430.242.
28 If the information disclosed under this paragraph is not prepared for the use of the Employment
29 Department, the costs of disclosing the information shall be paid by the commission.

30 (q) Disclose to any person establishment level information secured pursuant to this chapter from
31 federal, state and local government agencies, public universities listed in ORS 352.002 or the Oregon
32 Health and Science University established under ORS 353.020. If the information disclosed under this
33 paragraph is not prepared for the use of the Employment Department, the costs of disclosing the
34 information shall be paid by the person requesting the information.

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

38 **(s) Disclose information to the State Treasurer useful for the purpose of performing the**
39 **State Treasurer's duties under ORS 98.302 to 98.436, 98.992 and 116.253 and the role of an**
40 **estate administrator under ORS 113.235. The information disclosed is confidential and may**
41 **not be used by the State Treasurer for any other purpose. If the information disclosed is not**
42 **prepared for the use of the Employment Department, the costs of disclosing the information**
43 **shall be paid by the State Treasurer.**

44 (5) The Employment Department may make public all decisions of the Employment Appeals
45 Board.

1 (6) Any officer appointed by or any employee of the Director of the Employment Department
 2 who discloses confidential information, except with the authority of the director, pursuant to rules
 3 or as otherwise required by law, may be disqualified from holding any appointment or employment
 4 with the Employment Department.

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

13 **SECTION 69.** ORS 708A.430 is amended to read:

14 708A.430. (1) On the death of a depositor of an insured institution, if the deposit is \$25,000 or
 15 less, the insured institution, after receiving an affidavit as provided in subsection (3) of this section
 16 from a person that claims the deposit, or a declaration from the Department of Human Services or
 17 the Oregon Health Authority as provided in subsection (4) of this section, may pay the moneys on
 18 deposit to the credit of the deceased depositor, in the following order of priority, to:

19 (a) The surviving spouse at the surviving spouse's demand at any time after the depositor's
 20 death;

21 (b) The Oregon Health Authority or the Department of Human Services, if the authority or the
 22 department demands the payment not less than 46 days and no more than 75 days after the death
 23 of the depositor if the depositor does not have a surviving spouse and if the authority or department
 24 has a preferred claim under ORS 411.708, 411.795 or 416.350;

25 (c) The depositor's surviving children 18 years of age or older, if the depositor does not have a
 26 surviving spouse and the authority and department do not have a claim;

27 (d) The depositor's surviving parent, if the depositor does not have a surviving spouse or sur-
 28 viving child 18 years of age or older and if the authority and department do not have a claim; *[or]*

29 (e) The depositor's surviving brothers and sisters 18 years of age or older, if the depositor does
 30 not have a surviving spouse, surviving child 18 years of age or older or surviving parent and the
 31 authority and department do not have a claim[.]; **or**

32 **(f) Any other surviving heir of the depositor, if there is no surviving spouse, authority**
 33 **claim, department claim, surviving child 18 years of age or older, surviving parent or sur-**
 34 **living brothers or sisters 18 years of age or older.**

35 (2)(a) An insured institution may not pay moneys on deposit under subsection (1)(c)[, *(d) or (e)*]
 36 **to (f)** of this section earlier than 46 days after the death of the depositor.

37 (b) An insured institution may not pay moneys on deposit under subsection (1)(c)[, *(d) or (e)*] **to**
 38 **(f)** of this section earlier than 76 days after the death of the depositor unless the financial institu-
 39 tion obtains prior verbal or written authorization from the Oregon Health Authority or its desig-
 40 nated representative and the Department of Human Services or its designated representative.

41 (3) An affidavit or declaration submitted under this section must:

42 (a) State where and when the depositor died;

43 (b) State that the total deposits of the deceased depositor in all financial institutions in Oregon
 44 do not exceed \$25,000;

45 (c) Show the relationship of the affiant or declarant to the deceased depositor; and

1 (d) Embody a promise to pay the expenses of last sickness, funeral expenses and just debts of
 2 the deceased depositor out of the deposit to the full extent of the deposit if necessary, in the order
 3 of priority prescribed by ORS 115.125, and to distribute any remaining moneys to the persons that
 4 are entitled to the moneys by law.

5 (4) An insured institution shall accept from the Department of Human Services or the Oregon
 6 Health Authority, without additional requirements, a declaration under penalty of perjury meeting
 7 the requirements of subsection (3) of this section. A declaration submitted under this section must
 8 be signed by the declarant and must include the following sentence immediately above the signature
 9 line of the declarant: "I hereby declare under penalty of perjury that I am authorized by the De-
 10 partment of Human Services or the Oregon Health Authority to make this declaration, that the
 11 above statement is true to the best of my knowledge and belief, and that I understand that it is
 12 subject to penalty for perjury."

13 (5) In the event the depositor died intestate without known heirs, an estate administrator of the
 14 [*Department of State Lands*] **State Treasurer** appointed under ORS 113.235 is the affiant and shall
 15 receive the moneys as escheat property.

16 (6) The insured institution shall determine the relationship of the affiant or declarant to the
 17 deceased depositor, but paying the moneys in good faith to the affiant or declarant discharges and
 18 releases the insured institution from any liability or responsibility for the transfer in the same
 19 manner and with the same effect as if the insured institution transferred, delivered or paid the
 20 moneys to a personal representative of the estate of the deceased depositor.

21 (7) A probate proceeding is not necessary to establish the right of the surviving spouse, Oregon
 22 Health Authority, Department of Human Services, surviving child, surviving parent, surviving
 23 brothers and sisters or an estate administrator of the [*Department of State Lands*] **State Treasurer**
 24 to withdraw the deposits after filing the affidavit or declaration. If a personal representative is ap-
 25 pointed in an estate where a withdrawal of deposits was made under this section, the person that
 26 withdraws the deposits shall account for the deposits to the personal representative.

27 (8) If an insured institution transfers moneys under subsection (1) of this section, the insured
 28 institution may require the transferee to furnish the insured institution with a written indemnity
 29 agreement that indemnifies the insured institution against loss for moneys the insured institution
 30 transferred to the extent of the amount of the deposit.

31 (9)(a) Moneys disbursed to the Department of Human Services under subsection (1) of this sec-
 32 tion may be made payable only to the department.

33 (b) Moneys disbursed to the Oregon Health Authority under subsection (1) of this section may
 34 be made payable only to the authority.

35 (10) This section is subject to the rights of other parties in the account under ORS 708A.455 to
 36 708A.515.

37 **SECTION 70.** ORS 708A.655 is amended to read:

38 708A.655. (1) This section applies to the safe deposit box of any person who is the sole lessee
 39 or last surviving lessee of the box and who has died.

40 (2) Subject to ORS 114.537, upon being furnished with a certified copy of the decedent's death
 41 record or other evidence of death satisfactory to the Oregon operating institution, the Oregon op-
 42 erating institution within which the box is located shall cause or permit the box to be opened and
 43 the contents of the box examined at the request of an individual who furnishes an affidavit stating:

44 (a) That the individual believes the box may contain the will of the decedent, a trust instrument
 45 creating a trust of which the decedent was a trustor or a trustee at the time of the decedent's death,

1 documents pertaining to the disposition of the remains of the decedent, documents pertaining to
2 property of the estate of the decedent or property of the estate of the decedent; and

3 (b) That the individual is an interested person and wishes to open the box to conduct a will
4 search or trust instrument search, obtain documents relating to the disposition of the decedent's
5 remains, inventory the contents of the box or remove property of the estate of the decedent pursuant
6 to a small estate affidavit filed under ORS 114.515.

7 (3) For the purpose of this section, "interested person" means any of the following:

8 (a) A person named as personal representative of the decedent in a purported will of the
9 decedent;

10 (b) The surviving spouse or any heir of the decedent;

11 (c) A person who was serving as the court-appointed guardian or conservator of the decedent
12 or as trustee for the decedent immediately prior to the decedent's death;

13 (d) A person named as successor trustee in a purported trust instrument creating a trust of
14 which the decedent was a trustor or a trustee at the time of the decedent's death;

15 (e) A person designated by the decedent in a writing that is acceptable to the Oregon operating
16 institution and is filed with it prior to the decedent's death;

17 (f) A person who immediately prior to the death of the decedent had the right of access to the
18 box as an agent of the decedent under a durable power of attorney;

19 (g) If there are no heirs of the decedent, an estate administrator of the [*Department of State*
20 *Lands*] **State Treasurer** appointed under ORS 113.235; or

21 (h) A person who is authorized to file an affidavit under ORS 114.515.

22 (4) If the box is opened for the purpose of conducting a will search, the Oregon operating in-
23 stitution shall remove any document that appears to be a will, make a true and correct copy of it
24 and deliver the original will to a person designated in the will to serve as the decedent's personal
25 representative, or if no such person is designated or the Oregon operating institution cannot, despite
26 reasonable efforts, determine the whereabouts of such person, the Oregon operating institution shall
27 retain the will or deliver it to a court having jurisdiction of the estate of the decedent. A copy of
28 the will shall be retained in the box. At the request of the interested person, a copy of the will,
29 together with copies of any documents pertaining to the disposition of the remains of the decedent,
30 may be given to the interested person.

31 (5) If the box is opened for the purpose of conducting a trust instrument search, the Oregon
32 operating institution shall remove any document that appears to be a trust instrument creating a
33 trust of which the decedent was a trustor or trustee at the time of the decedent's death, make a true
34 and correct copy of it and deliver the original trust instrument to a person designated in the trust
35 instrument to serve as the successor trustee on the death of the decedent. If no such person is
36 designated or the Oregon operating institution cannot, despite reasonable efforts, determine the
37 whereabouts of such person, the Oregon operating institution shall retain the trust instrument. A
38 copy of the trust instrument shall be retained in the box. At the request of any interested person,
39 a copy of the trust instrument may be given to the interested person.

40 (6) If the box is opened for the purpose of obtaining documents pertaining to the disposition of
41 the decedent's remains, the Oregon operating institution shall comply with subsection (4) or (5) of
42 this section with respect to any will or trust instrument of the decedent found in the box, and may
43 in its discretion either:

44 (a) Make and retain in the box a copy of any documents pertaining to the disposition of the
45 remains of the decedent and tender the original documents to the interested person; or

1 (b) Provide a copy of any documents pertaining to the disposition of the remains of the decedent
2 to the interested person and retain the original documents in the box.

3 (7) If the box is opened for the purpose of making an inventory of its contents, the Oregon op-
4 erating institution shall comply with subsection (4) or (5) of this section with respect to any will or
5 trust instrument of the decedent that is found in the box, and shall cause the inventory to be made.
6 The inventory must be attested to by a representative of the Oregon operating institution and may
7 be attested to by the interested person, if the interested person is present when the inventory is
8 made. The Oregon operating institution shall retain the original inventory in the box, and shall
9 furnish a copy of the inventory to the interested person upon request.

10 (8) If the interested person is an affiant of a small estate affidavit filed under ORS 114.515 and
11 delivers a certified copy of the affidavit in the manner provided by ORS 114.535, the Oregon oper-
12 ating institution shall provide to the affiant access to the decedent's property. The Oregon operating
13 institution shall comply with subsection (4) or (5) of this section if a will or trust instrument of the
14 decedent is found in the box. Subject to ORS 114.537, the Oregon operating institution shall allow
15 the affiant to take possession of the personal property in the box.

16 (9) The Oregon operating institution may presume the truth of any statement contained in the
17 affidavit required to be furnished under this section or ORS 114.535, and when acting in reliance
18 upon such an affidavit, the Oregon operating institution is discharged as if it had dealt with the
19 personal representative of the decedent. The Oregon operating institution is not responsible for the
20 adequacy of the description of any property included in an inventory of the contents of a box, or for
21 the conversion of the property in connection with actions performed under this section, except for
22 conversion by intentional acts of the Oregon operating institution or its employees, directors, offi-
23 cers or agents. If the Oregon operating institution is not satisfied that the requirements of this
24 section have been satisfied, the Oregon operating institution may decline to open the box.

25 (10) If the interested person or affiant does not furnish the key needed to open the box, and the
26 Oregon operating institution must incur expense in gaining entry to the box, the Oregon operating
27 institution may require that the interested person or affiant pay the expense of opening the box.

28 (11) Any examination of the contents of a box under this section shall be conducted in the
29 presence of at least one employee of the Oregon operating institution.

30 **SECTION 71.** ORS 711.225 is amended to read:

31 711.225. [(1)] **Six months after the mailing of the written notice described in ORS 711.220**
32 **(3), the Oregon stock bank shall deliver a report and** all deposits that remain unclaimed [*after*
33 *six months from the date of the written notice mentioned in ORS 711.220 (3), shall be reported and*
34 *transferred by the Oregon stock bank to the Department of State Lands] **to the State Treasurer** as
35 unclaimed property under ORS [98.302 to 98.436 and 98.992] **98.352**[.]*

36 [(2) A] **and deliver a** copy of the report [*of unclaimed deposits*] filed with the [*Department of*
37 *State Lands shall be filed with*] **State Treasurer to** the Director of the Department of Consumer
38 and Business Services.

39 **SECTION 72.** ORS 711.230 is amended to read:

40 711.230. (1) Claims of all persons, other than depositors, against the institution shall be pre-
41 sented in writing to the institution within one year after the date of first publication provided for
42 in ORS 711.220, unless barred by an earlier period of limitation. Claims arising out of the expense
43 of liquidation may be filed at any time prior to the closing of the liquidation.

44 (2) The board of directors shall, within 30 days after the presentment of a claim, allow or reject
45 the claim, in whole or in part, noting the same in their minutes. The board shall notify the claimants

1 in writing of its action, either by personal service or by mail. Any claim rejected or disallowed is
 2 barred unless action to adjudicate the claim is commenced within 60 days after the date of service
 3 or mailing of notice of disallowance or rejection.

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

10 **SECTION 73.** ORS 711.235 is amended to read:

11 711.235. (1) After the expiration of the time provided in ORS 711.230 for the filing of claims or
 12 if the board of directors has extended the time of liquidation then after the time set by them and
 13 after payment of unclaimed deposits to the [*Department of State Lands*] **State Treasurer**, the board
 14 of directors shall make a complete report of the liquidation to the Director of the Department of
 15 Consumer and Business Services and shall certify to the director that all claims have been paid or
 16 finally determined.

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

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

23 **SECTION 74.** ORS 711.590 is amended to read:

24 711.590. (1) Two years after the date of the final order closing the liquidation of an institution,
 25 the Director of the Department of Consumer and Business Services may withdraw any unclaimed
 26 deposits or balances remaining to the credit of dividend accounts, representing the aggregate of
 27 undelivered checks or unpaid dividend funds in the possession of the Department of Consumer and
 28 Business Services, **and report** and pay the funds to the [*Department of State Lands*] **State Treas-**
 29 **urer** as unclaimed property [*to be disposed of as provided in ORS 98.302 to 98.436 and 98.992*] **under**
 30 **ORS 98.352.**

31 (2) The interest earned on the dividend accounts while they remain in the possession of the di-
 32 rector shall be paid to the State Treasurer to be credited to the Consumer and Business Services
 33 Fund and [*the owner, the heirs or personal representative of the owner have no*] **no person entitled**
 34 **to the accounts has any** claim to the interest.

35 **SECTION 75.** ORS 716.905 is amended to read:

36 716.905. (1) [*Acting under*] **Upon approval of a plan under** ORS 716.900, the directors shall
 37 [*direct the mailing of a*] **mail** written notice of their intention to close the Oregon nonstock bank to
 38 the last-known address of all depositors and other creditors.

39 (2) All deposits and amounts reserved for creditors that remain unclaimed after six months from
 40 the date of the written notice required under subsection (1) of this section shall be reported and
 41 transferred by the directors to the [*Department of State Lands*] **State Treasurer** as unclaimed
 42 property under ORS [*98.302 to 98.436 and 98.992*] **98.352.**

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

1 **SECTION 76.** ORS 716.910 is amended to read:

2 716.910. After the directors of an Oregon nonstock bank have filed their report and deposited
3 the unclaimed funds with the [*Department of State Lands*] **State Treasurer** as required under ORS
4 716.905, the directors shall report their proceedings to the Director of the Department of Consumer
5 and Business Services. Upon filing the report and the petition of the directors with the Director of
6 the Department of Consumer and Business Services, the director shall order the charter surren-
7 dered, the directors discharged from liability accruing after the order, and the existence of the
8 Oregon nonstock bank terminated.

9 **SECTION 77.** ORS 723.466 is amended to read:

10 723.466. (1) On the death of a member of a credit union, if the deposit to the credit of the de-
11 ceased member is \$25,000 or less, the credit union may, upon receipt of an affidavit from a person
12 claiming the deposit as provided in subsection (3) of this section, or a declaration from the Depart-
13 ment of Human Services or the Oregon Health Authority as provided in subsection (4) of this sec-
14 tion, pay the moneys on deposit:

15 (a) To the surviving spouse on demand of the surviving spouse at any time after the death of
16 the member;

17 (b) If there is no surviving spouse, to the Oregon Health Authority or the Department of Human
18 Services, on demand of the authority or the department no less than 46 days and no more than 75
19 days after the death of the member when there is a preferred claim arising under ORS 411.708,
20 411.795 or 416.350;

21 (c) If there is no surviving spouse and no authority or department claim, to the member's sur-
22 viving children 18 years of age or older;

23 (d) If there is no surviving spouse, authority claim, department claim or surviving child 18 years
24 of age or older, to the member's surviving parents; [*or*]

25 (e) If there is no surviving spouse, authority claim, department claim, surviving child 18 years
26 of age or older or surviving parent, to the member's surviving brothers and sisters 18 years of age
27 or older[.]; **or**

28 **(f) If there is no surviving spouse, authority claim, department claim, surviving child 18**
29 **years of age or older, surviving parent or surviving brothers or sisters 18 years of age or**
30 **older, to any other surviving heir of the member.**

31 (2)(a) A credit union may not pay moneys on deposit under subsection (1)(c)[, (*d*) or (*e*)] **to (f)**
32 of this section earlier than 46 days after the death of the [*depositor*] **member**.

33 (b) A credit union may not pay moneys on deposit under subsection (1)(c)[, (*d*) or (*e*)] **to (f)** of
34 this section earlier than 76 days after the death of the [*depositor*] **member** unless the financial in-
35 stitution obtains prior verbal or written authorization from the Oregon Health Authority or its
36 designated representative and the Department of Human Services or its designated representative.

37 (3) An affidavit or declaration submitted under this section must:

38 (a) State where and when the member died;

39 (b) State that the total deposits of the deceased member in all financial institutions in this state
40 do not exceed \$25,000;

41 (c) Show the relationship of the affiant or declarant to the deceased member; and

42 (d) Embody a promise to pay the expenses of last sickness, funeral expenses and just debts of
43 the deceased member out of the deposit, to the full extent of the deposit if necessary, in the order
44 of priority prescribed by ORS 115.125, and to distribute any remaining moneys to the persons who
45 are entitled to those moneys by law.

1 (4) A credit union shall accept from the Department of Human Services or the Oregon Health
2 Authority, without additional requirements, a declaration under penalty of perjury meeting the re-
3 quirements of subsection (3) of this section. A declaration submitted under this section must be
4 signed by the declarant and must include the following sentence immediately above the signature
5 line of the declarant: "I hereby declare under penalty of perjury that I am authorized by the De-
6 partment of Human Services or the Oregon Health Authority to make this declaration, that the
7 above statement is true to the best of my knowledge and belief, and that I understand that it is
8 subject to penalty for perjury."

9 (5) In the event the member died intestate without known heirs, an estate administrator of the
10 [Department of State Lands] **State Treasurer** appointed under ORS 113.235 shall be the affiant and
11 shall receive the moneys as escheat property.

12 (6) The credit union shall determine the relationship of the affiant or declarant to the deceased
13 member. However, payment of the moneys in good faith to the affiant or declarant discharges and
14 releases the transferor from any liability or responsibility for the transfer in the same manner and
15 with the same effect as if the property had been transferred, delivered or paid to a personal repre-
16 sentative of the estate of the deceased member.

17 (7) A probate proceeding is not necessary to establish the right of the surviving spouse, Oregon
18 Health Authority, Department of Human Services, surviving children, surviving parents, surviving
19 brothers and sisters or an estate administrator of the [Department of State Lands] **State Treasurer**
20 to withdraw the deposits upon the filing of the affidavit or declaration. If a personal representative
21 is appointed in an estate where a withdrawal of deposits was made under this section, the person
22 withdrawing the deposits shall account for them to the personal representative.

23 (8) When a credit union transfers moneys under subsection (1) of this section, the transferor may
24 require the transferee to furnish the transferor with a written indemnity agreement, indemnifying
25 the transferor against loss for moneys paid to the extent of the amount of the deposit.

26 (9)(a) Moneys disbursed to the Department of Human Services under subsection (1) of this sec-
27 tion may be made payable only to the department.

28 (b) Moneys disbursed to the Oregon Health Authority under subsection (1) of this section may
29 be made payable only to the authority.

30 (10) This section is subject to the rights of other parties to the account under ORS 723.474 to
31 723.498.

32 **SECTION 78.** ORS 723.844 is amended to read:

33 723.844. (1) This section applies to the safe deposit box of any person who is the sole lessee or
34 last surviving lessee of the box and who has died.

35 (2) Subject to ORS 114.537, upon being furnished with a certified copy of the decedent's death
36 record or other evidence of death satisfactory to the credit union, the credit union within which the
37 box is located shall cause or permit the box to be opened and the contents of the box examined at
38 the request of an individual who furnishes an affidavit stating:

39 (a) That the individual believes the box may contain the will of the decedent, a trust instrument
40 creating a trust of which the decedent was a trustor or a trustee at the time of the decedent's death,
41 documents pertaining to the disposition of the remains of the decedent, documents pertaining to
42 property of the estate of the decedent or property of the estate of the decedent; and

43 (b) That the individual is an interested person and wishes to open the box to conduct a will
44 search or trust instrument search, obtain documents relating to the disposition of the decedent's
45 remains or inventory the contents of the box or remove property of the estate of the decedent pur-

1 suant to a small estate affidavit filed under ORS 114.515.

2 (3) For the purpose of this section, "interested person" means any of the following:

3 (a) A person named as personal representative of the decedent in a purported will of the
4 decedent;

5 (b) The surviving spouse or any heir of the decedent;

6 (c) A person who was serving as the court-appointed guardian or conservator of the decedent
7 or as trustee for the decedent immediately prior to the decedent's death;

8 (d) A person named as successor trustee in a purported trust instrument creating a trust of
9 which the decedent was a trustor or a trustee at the time of the decedent's death;

10 (e) A person designated by the decedent in a writing that is acceptable to the credit union and
11 is filed with it prior to the decedent's death;

12 (f) A person who immediately prior to the death of the decedent had the right of access to the
13 box as an agent of the decedent under a durable power of attorney;

14 (g) If there are no heirs of the decedent, an estate administrator of the [*Department of State*
15 *Lands*] **State Treasurer** appointed under ORS 113.235; or

16 (h) A person who is authorized to file an affidavit under ORS 114.515.

17 (4) If the box is opened for the purpose of conducting a will search, the credit union shall re-
18 move any document that appears to be a will, make a true and correct copy of it and deliver the
19 original will to a person designated in the will to serve as the decedent's personal representative,
20 or if no such person is designated or the credit union cannot, despite reasonable efforts, determine
21 the whereabouts of such person, the credit union shall retain the will or deliver it to a court having
22 jurisdiction of the estate of the decedent. A copy of the will shall be retained in the box. At the
23 request of the interested person, a copy of the will, together with copies of any documents pertain-
24 ing to the disposition of the remains of the decedent, may be given to the interested person.

25 (5) If the box is opened for the purpose of conducting a trust instrument search, the credit union
26 shall remove any document that appears to be a trust instrument creating a trust of which the
27 decedent was a trustor or trustee at the time of the decedent's death, make a true and correct copy
28 of it and deliver the original trust instrument to a person designated in the trust instrument to serve
29 as the successor trustee on the death of the decedent. If no such person is designated or the credit
30 union cannot, despite reasonable efforts, determine the whereabouts of such person, the credit union
31 shall retain the trust instrument. A copy of the trust instrument shall be retained in the box. At the
32 request of any interested person, a copy of the trust instrument may be given to the interested
33 person.

34 (6) If the box is opened for the purpose of obtaining documents pertaining to the disposition of
35 the decedent's remains, the credit union shall comply with subsection (4) or (5) of this section with
36 respect to any will or trust instrument of the decedent found in the box, and may in its discretion
37 either:

38 (a) Make and retain in the box a copy of any documents pertaining to the disposition of the
39 remains of the decedent and tender the original documents to the interested person; or

40 (b) Provide a copy of any documents pertaining to the disposition of the remains of the decedent
41 to the interested person and retain the original documents in the box.

42 (7) If the box is opened for the purpose of making an inventory of its contents, the credit union
43 shall comply with subsection (4) or (5) of this section with respect to any will or trust instrument
44 of the decedent that is found in the box, and shall cause the inventory to be made. The inventory
45 must be attested to by a representative of the credit union and may be attested to by the interested

1 person, if the interested person is present when the inventory is made. The credit union shall retain
2 the original inventory in the box, and shall furnish a copy of the inventory to the interested person
3 upon request.

4 (8) If the interested person is an affiant of a small estate affidavit filed under ORS 114.515 and
5 delivers a certified copy of the affidavit in the manner provided by ORS 114.535, the credit union
6 shall provide to the affiant access to the decedent's property. The credit union shall comply with
7 subsection (4) or (5) of this section if a will or trust instrument of the decedent is found in the box.
8 Subject to ORS 114.537, the credit union shall allow the affiant to take possession of the personal
9 property in the box.

10 (9) The credit union may presume the truth of any statement contained in the affidavit required
11 to be furnished under this section and ORS 114.535, and when acting in reliance upon such an affi-
12 davit, the credit union is discharged as if it had dealt with the personal representative of the
13 decedent. The credit union is not responsible for the adequacy of the description of any property
14 included in an inventory of the contents of a box, or for the conversion of the property in connection
15 with actions performed under this section, except for conversion by intentional acts of the credit
16 union or its employees, directors, officers or agents. If the credit union is not satisfied that the re-
17 quirements of this section have been satisfied, the credit union may decline to open the box.

18 (10) If the interested person or affiant does not furnish the key needed to open the box, and the
19 credit union must incur expense in gaining entry to the box, the credit union may require that the
20 interested person or affiant pay the expense of opening the box.

21 (11) Any examination of the contents of a box under this section shall be conducted in the
22 presence of at least one employee of the credit union.

23 **SECTION 79.** Section 2, chapter 91, Oregon Laws 2018, is amended to read:

24 **Sec. 2.** (1) As used in this section:

25 (a) "Armed Forces of the United States" has the meaning given that term in ORS 348.282.

26 (b) "Descendant" has the meaning given that term in ORS 111.005.

27 (c) "Military medal" means a medal or decoration awarded to a person for military service in
28 the Armed Forces of the United States and presumed to be abandoned under ORS 98.302 to 98.436.

29 (d) "Service member" means the person to whom a military medal was initially awarded by the
30 Armed Forces of the United States.

31 (2) Notwithstanding ORS 98.382 and 98.384, the [*Department of State Lands*] **State Treasurer**
32 may not sell or destroy a military medal. Except as provided in subsection (4) of this section, upon
33 receiving a military medal, the [*department*] **State Treasurer** shall retain the military medal until
34 a claim is filed for the military medal by a service member or by a descendant of a deceased service
35 member.

36 (3) The [*department*] **State Treasurer** may make a photograph or other visual depiction of the
37 military medal available to the public, together with any information in the records of the holder,
38 excluding Social Security numbers, that the [*department*] **State Treasurer** determines is necessary
39 to facilitate the identification and location of a service member or a descendant of a deceased ser-
40 vice member.

41 (4) The [*department*] **State Treasurer** may deliver a military medal to one of the following
42 custodians if the recipient custodian agrees[,] in writing[,] to retain the military medal for the ser-
43 vice member or a descendant of a deceased service member:

44 (a) A military veterans' organization qualified under section 501(c)(19) of the Internal Revenue
45 Code;

1 (b) The agency that awarded the military medal;

2 (c) A state or federal agency; or

3 (d) The Oregon Military Museum established under ORS 396.555.

4 (5) If the [department] **State Treasurer** transfers custody of a military medal as provided in
5 subsection (4) of this section, the [department] **State Treasurer** is relieved of any duty to safeguard
6 the military medal.

7 (6) The [department] **State Treasurer** may adopt rules to implement the provisions of this sec-
8 tion, including:

9 (a) Identifying procedures the [department] **State Treasurer** must take to reasonably identify a
10 service member or a descendant of a deceased service member.

11 (b) Specifying documentation necessary for a service member or a descendant of a deceased
12 service member to submit a claim for a military medal.

13 (c) Prioritizing claims if more than one of a deceased service member's descendants submits a
14 claim for a military medal.

15 **SECTION 80.** Section 2, chapter 95, Oregon Laws 2018, is amended to read:

16 **Sec. 2.** (1) As used in this section, "U.S. savings bonds" or "bonds" means:

17 (a) U.S. savings bonds, series A, B, C, D, E, F, G, H, J and K, and U.S. savings notes, governed
18 by 31 C.F.R. 315;

19 (b) Definitive United States savings bonds, series EE and HH, governed by 31 C.F.R. 353; and

20 (c) Definitive United States savings bonds, series I, governed by 31 C.F.R. 360.

21 (2) Notwithstanding any other provision of law, U.S. savings bonds subject to the custody of the
22 State of Oregon as unclaimed property shall escheat to the state [only] in accordance with this
23 section.

24 (3) The holder of U.S. savings bonds presumed abandoned under ORS 98.302 to 98.436 shall re-
25 port, and deliver possession of, the bonds to the [administrator] **State Treasurer**.

26 (4) After obtaining possession of the U.S. savings bonds under subsection (3) of this section, the
27 [administrator] **State Treasurer** shall cause:

28 (a) Each person listed on the face of the bonds, each apparent owner of the bonds and each
29 person otherwise appearing to be an owner of the bonds to be contacted at the last-known address
30 of the person; and

31 (b) Notice of the bonds to be published of the bonds in such form as in the discretion of the
32 [administrator] **State Treasurer** is most likely to attract the attention of all persons having a legal
33 or beneficial interest in the bonds.

34 (5) The notice required under subsection (4)(b) of this section must contain the following infor-
35 mation:

36 (a) The name of each person described in subsection (4)(a) of this section;

37 (b) The last-known address or location of each person described in subsection (4)(a) of this sec-
38 tion, if known by the [administrator] **State Treasurer**;

39 (c) A statement explaining that the U.S. savings bonds are presumed to be abandoned and have
40 been taken into the protective custody and possession of the [administrator] **State Treasurer**;

41 (d) A statement that information about the U.S. savings bonds can be obtained upon inquiry to
42 the [administrator] **State Treasurer** at any time by any person having a legal or beneficial interest
43 in the bonds;

44 (e) A statement that a claim for the U.S. savings bonds may be made under ORS 98.392 **and**
45 **98.396**;

1 (f) A description of the escheat proceedings under this section; and

2 (g) Any other information the [administrator] **State Treasurer** considers appropriate or neces-
3 sary to locate all persons having a legal or beneficial interest in the bonds.

4 (6) The [administrator] **State Treasurer** shall create and maintain on the official website of the
5 [Department of State Lands] **State Treasurer** a webpage on which the public may obtain information
6 about U.S. savings bonds in the custody and possession of the [administrator] **State Treasurer** as
7 unclaimed property.

8 (7) If no person has been identified as the owner of U.S. savings bonds within three years after
9 the first public notice provided under subsection (4)(b) of this section with respect to the bonds:

10 (a) Title to the bonds shall vest in the State of Oregon; and

11 (b) The [administrator] **State Treasurer** may seek an order from the Marion County Circuit
12 Court escheating the bonds to the State of Oregon.

13 (8) The Marion County Circuit Court shall issue an order escheating U.S. savings bonds to the
14 State of Oregon if the court determines that:

15 (a) With respect to the bonds, all provisions of this section have been complied with; and

16 (b) The bonds:

17 (A) Have, within the meaning of the applicable federal regulations, reached the final extended
18 maturity date or the final maturity, or have stopped earning interest;

19 (B) Are in the possession of the state; and

20 (C) Have been abandoned by all persons entitled to payment for the bonds under the applicable
21 federal regulations.

22 (9)(a) Upon issuance of an order of escheat with respect to U.S. savings bonds, the
23 [administrator] **State Treasurer** may apply to the United States Treasury for payment to the state
24 for the bonds.

25 (b) ORS 98.386 applies to any payments received by the state pursuant to this subsection.

26 [(10)(a) U.S. savings bonds escheated to the state under this section or the amount of any payments
27 received by the state for the bonds may be recovered by a claim filed by or on behalf of any person
28 having a legal or beneficial interest in the bonds that did not have actual knowledge of the escheat
29 proceedings with respect to the bonds or that at the time of the order of escheat was unable to prove
30 entitlement to the bonds.]

31 [(b) The claim shall be made by a petition filed with the administrator. The claim shall be con-
32 sidered a contested case for purposes of ORS chapter 183 and a person adversely affected or aggrieved
33 by a final order with respect to the claim is entitled to judicial review under ORS 183.480.]

34 [(c) The petition must include a declaration made under penalty of perjury in the form required
35 by ORCP 1 E, or an unsworn declaration under ORS 194.800 to 194.835, if the declarant is physically
36 outside the boundaries of the United States, and must state:]

37 [(A) The age and place of residence of the claimant by whom or on whose behalf the petition is
38 filed;]

39 [(B) That the claimant is lawfully entitled to the U.S. savings bonds or the amount of the payments
40 received by the state for the bonds;]

41 [(C) That at the time the bonds escheated to the state, the claimant had no actual knowledge of the
42 escheat proceedings or was unable to prove entitlement to the bonds and has subsequently acquired new
43 evidence of that entitlement;]

44 [(D) That the claimant claims the bonds or the payments received by the state for the bonds as an
45 heir or devisee, or as the personal representative of the estate of an heir or devisee, setting forth the

1 relationship, if any, of the claimant to the decedent who at the time of death was the owner of the
2 bonds; and]

3 [(E) If the petition is not filed by the claimant, the status of the petitioner.]

4 [(d) If it is determined that the claimant is entitled to the bonds or the payments received by the
5 state for the bonds, the administrator shall deliver the bonds or the payments received for the bonds
6 to the claimant, after deduction of any costs and expenses of the state in connection with the escheat
7 proceedings and the claim hearing.]

8 [(e) A claimant is not entitled to payment of interest on payments received by the state for the bonds
9 earned during the period in which title to the bonds was vested in the State of Oregon in accordance
10 with this section.]

11 [(11)] (10) This section does not apply to a claim of title by the state to U.S. savings bonds as
12 heir to a deceased owner.

13 **SECTION 81.** Section 22, chapter 105, Oregon Laws 2018, is amended to read:

14 **Sec. 22.** (1) On January 1 of each year, the [Department of State Lands] **State Treasurer** shall
15 transfer from the Common School Fund Account to the School Districts Unfunded Liability Fund
16 established in section 24, [of this 2018 Act] **chapter 105, Oregon Laws 2018**, all or part of the in-
17 terest earned in the previous calendar year from the cumulative unclaimed property deposited in the
18 Common School Fund Account under ORS 98.386 to which the state has not taken title, as described
19 in subsection (2) of this section.

20 (2) The amount made available under subsection (1) of this section may not exceed an amount
21 equal to the proceeds from unclaimed property received by the Department **of State Lands or State**
22 **Treasurer** in the previous calendar year, minus:

23 (a) The amount paid for unclaimed property claims under ORS 98.396 in the previous calendar
24 year;

25 (b) The [department's] investment expenses **of the department or State Treasurer** related to
26 the Common School Fund for the previous calendar year; and

27 (c) Operating expenses that the department **or State Treasurer** is entitled to recover for the
28 previous calendar year.

29 **SECTION 82.** Section 22, chapter 105, Oregon Laws 2018, as amended by section 81 of this 2019
30 Act, is amended to read:

31 **Sec. 22.** (1) On January 1 of each year, the State Treasurer shall transfer from the Common
32 School Fund Account to the School Districts Unfunded Liability Fund established in section 24,
33 chapter 105, Oregon Laws 2018, all or part of the interest earned in the previous calendar year from
34 the cumulative unclaimed property deposited in the Common School Fund Account under ORS 98.386
35 to which the state has not taken title, as described in subsection (2) of this section.

36 (2) The amount made available under subsection (1) of this section may not exceed an amount
37 equal to the proceeds from unclaimed property received by the [Department of State Lands or] State
38 Treasurer in the previous calendar year, minus:

39 (a) The amount paid for unclaimed property claims under ORS 98.396 in the previous calendar
40 year;

41 (b) The investment expenses of the [department or] State Treasurer related to the Common
42 School Fund for the previous calendar year; and

43 (c) Operating expenses that the [department or] State Treasurer is entitled to recover for the
44 previous calendar year.

45 **SECTION 83.** Section 23, chapter 105, Oregon Laws 2018, is amended to read:

