

A-Engrossed
House Bill 2238

Ordered by the House April 7
Including House Amendments dated April 7

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of 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.

[Authorizes Director of Department of State Lands to adopt rules establishing fees related to removal or fill permit applications, wetland delineation reports and general authorizations. Removes specified fee amounts from statute.]

Authorizes method by which Department of State Lands may dispose of personal property left on state lands.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to the Department of State Lands; and prescribing an effective date.

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

4 **SECTION 1. Section 2 of this 2023 Act is added to and made a part of ORS chapter 273.**

5 **SECTION 2. (1) As used in this section:**

6 (a) **"Personal property" includes any item that is reasonably recognizable as belonging**
7 **to an individual, including books, photographs, personal documents such as identification and**
8 **Social Security cards, camping equipment, sleeping bags, blankets, bicycles and clothing.**

9 (b) **"Personal property" does not include items that the Department of State Lands de-**
10 **termines are not in a sanitary condition or that lack any apparent value or utility.**

11 (2) **Notwithstanding ORS 98.302 to 98.436, and except as provided under ORS 274.376 to**
12 **274.388, the department may remove, store and dispose of personal property that the de-**
13 **partment has determined to have been left on state lands without authorization of the de-**
14 **partment or by law as provided under this section. The authority under this section is in**
15 **addition to any other authority of the department.**

16 (3) **Prior to the removal of personal property, the department shall post written notice**
17 **in the manner provided in this subsection. The written notice must:**

18 (a) **Be laminated or weather resistant.**

19 (b) **Be conspicuously posted and easily viewable from the site where the personal prop-**
20 **erty to be removed is located.**

21 (c) **Include the following dates:**

22 (A) **The date the notice is posted;**

23 (B) **The date by which the property owner must remove the personal property; and**

24 (C) **The time frame within which the department may remove the personal property**
25 **pursuant to subsection (4) of this section.**

26 (d) **Provide information about the storage of the personal property, including how long**

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

1 the department will store the personal property, and a telephone number at which the
2 property owner can contact the department to claim and retrieve the personal property.

3 (e) Be written in both English and Spanish.

4 (4) No less than 24 hours and no more than 10 days after posting written notice under
5 subsection (3) of this section, the department may remove personal property. If the written
6 notice is removed during the posting period, the department may proceed with the removal
7 of the personal property but shall replace the written notice at the site for the purpose of
8 informing property owners about how to claim the personal property.

9 (5) The department shall store personal property removed under this section:

10 (a) In a manner that is reasonably likely to protect the personal property from harm;

11 (b) In a location that is reasonably secure; and

12 (c) In a location that is reasonably accessible to the site where the personal property
13 was found.

14 (6) After storing personal property for 30 days, the department may donate or otherwise
15 dispose of the personal property if it has not been claimed by the property owner. Any per-
16 sonal identification, as defined in ORS 165.800, including a Social Security or other identifi-
17 cation card, must be destroyed at the end of the 30 day storage period.

18 (7) The department is not liable for any conversion of personal property removed, stored,
19 returned, donated or disposed of under this section.

20 (8) The department may collect the costs of removing, storing, returning, donating or
21 disposing of the personal property from the property owner.

22 (9) The department may immediately, and without providing notice, remove and dispose
23 of property that:

24 (a) Is not personal property;

25 (b) Creates an exceptional emergency, including, but not limited to, possible site con-
26 tamination by hazardous materials, a public health emergency or a situation where personal
27 property may enter a waterway due to flooding or seasonal increases in water levels; or

28 (c) Presents an immediate danger to human life or safety.

29 (10) The department may adopt rules implementing this section.

30 **SECTION 3.** (1) Section 2 of this 2023 Act becomes operative on January 1, 2024.

31 (2) The Department of State Lands may take any action before the operative date speci-
32 fied in subsection (1) of this section that is necessary to enable the department to exercise,
33 on and after the operative date specified in subsection (1) of this section, all the duties,
34 functions and powers conferred on the department by section 2 of this 2023 Act.

35 **SECTION 4.** This 2023 Act takes effect on the 91st day after the date on which the 2023
36 regular session of the Eighty-second Legislative Assembly adjourns sine die.

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