

HB 2160-2
(LC 319)
3/10/23 (VSR/ps)

Requested by HOUSE COMMITTEE ON EMERGENCY MANAGEMENT, GENERAL GOVERNMENT, AND VETERANS (at the request of State Treasurer Tobias Read)

**PROPOSED AMENDMENTS TO
HOUSE BILL 2160**

1 On page 1 of the printed bill, line 2, after “98.322,” insert “98.332,” and
2 after “98.336,” insert “98.352,”.

3 Delete lines 4 through 28 and delete pages 2 through 11 and insert:

4 **“SECTION 1.** ORS 98.322 is amended to read:

5 **“98.322. (1) As used in this section:**

6 **“(a) ‘Distribution’ means any dividend, profit distribution, interest,**
7 **payment on principal, stock dividend, stock distribution, unexchanged**
8 **share or other sum or thing of value owed under a security to the**
9 **owner by a holder.**

10 **“(b) ‘Notice’ means communication sent to an owner informing the**
11 **owner of the existence of a security or distribution and seeking to**
12 **confirm the owner’s interest in the security or distribution.**

13 **“(c) ‘Security’ means any stock, equity security, certificate of**
14 **ownership or other intangible equity ownership interest in a business**
15 **association, bond or debenture, other than debt of a government en-**
16 **tity, or in general, any similar interest or instrument, certificated or**
17 **uncertificated, evidenced in the records of the holder, or any intangi-**
18 **ble interest held by a securities intermediary for another person.**

19 **“(2) A security or distribution is presumed abandoned on the earli-**
20 **est of the following dates:**

21 **“(a) Three years after the date of the owner’s last communication**

1 to the holder indicating the owner's interest in the property;

2 “(b) Three years after the date of the death of the owner, as evi-
3 denced by:

4 “(A) Notice to the holder of the owner's death by an administrator,
5 beneficiary, relative or trustee, or by a personal representative or
6 other legal representative of the owner's estate;

7 “(B) Receipt by the holder of a copy of the death certificate of the
8 owner;

9 “(C) Confirmation by the holder of the owner's death through other
10 means; or

11 “(D) Other evidence from which the holder may reasonably con-
12 clude that the owner is deceased; or

13 “(c) One year after the date that the holder receives notice under
14 paragraph (b) of this subsection if the notice is received two or more
15 years after the owner's death and the holder lacked knowledge of the
16 owner's death during that period of two or more years.

17 “(3) Notwithstanding the notice requirements under ORS 98.352 (5),
18 the holder of a security or distribution presumed abandoned under
19 subsection (2) of this section, before filing the report under ORS 98.352
20 with respect to a security or distribution, shall provide notice to the
21 owner as follows:

22 “(a) If the holder customarily communicates with the owner by
23 electronic mail:

24 “(A) By initial electronic mail; or

25 “(B) If the holder believes that the owner's electronic mail address
26 in the holder's records is not valid, by written notice sent by first class
27 mail to the owner's last-known address.

28 “(b) If the holder does not customarily communicate with the
29 owner by electronic mail:

30 “(A) By initial written notice sent by first class mail to the owner's

1 **last-known address; and**

2 **“(B) If the holder has the owner’s electronic mail address and be-**
3 **lieves it to be valid, also by electronic mail, at the discretion of the**
4 **holder.**

5 **“(c) If the initial notice provided under paragraph (a) or (b) of this**
6 **subsection is returned to the holder as undeliverable or the holder has**
7 **received no response for 30 days after giving the notice, by additional**
8 **written notice sent by first class mail to the owner’s last-known ad-**
9 **dress.**

10 **“(4) The holder of a security or distribution presumed abandoned**
11 **under subsection (2) of this section shall complete the notification re-**
12 **quirements described in subsection (3) of this section at least 60 days**
13 **before reporting the security or distribution under ORS 98.352.**

14 **“(5) If owner-generated activity occurs with respect to a security**
15 **or distribution after the initial notice is provided under subsection (3)**
16 **of this section and before the submission of the report under ORS**
17 **98.352, including a response to a holder’s notice, the security or dis-**
18 **tribution is no longer presumed abandoned.**

19 **“(6) When a security is presumed abandoned under this section, any**
20 **unclaimed distribution arising under the security, whether before, on**
21 **or after the presumption of abandonment, is also presumed aban-**
22 **doned.**

23 **“(7) This section does not apply to property held by a fiduciary**
24 **subject to ORS 98.332.**

25 *“(1) Stock, certificates of ownership or other intangible equity ownership*
26 *interests in a business association are presumed abandoned when all of the*
27 *following occur:]*

28 *“(a) The interest is evidenced by records of the business association.]*

29 *“(b) A dividend, distribution or other sum payable as a result of the in-*
30 *terest has remained unclaimed for three years.]*

1 “(c) The owner has not otherwise communicated with the business associ-
2 ation for three years from the date the sum was payable.]

3 “(d) The business association has sent written notice of the payment and
4 underlying interest to the owner at the last-known address of the owner as
5 shown in the records of the business association.]

6 “(2) With respect to any interest presumed abandoned under subsection (1)
7 of this section, the business association is the holder.]

8 “(3) At the time an interest is presumed abandoned under subsection (1)
9 of this section, any payment then held for or owing to the owner as a result
10 of the interest is also presumed abandoned.]

11 “(4) Subsection (1) of this section shall not apply to any stock, certificate
12 of ownership or other intangible equity ownership interests in a business as-
13 sociation that provides for the automatic reinvestment of dividends, distrib-
14 utions or other sums payable as a result of the interests, unless:]

15 “(a) The records of the business association show that the person also owns
16 any stock, certificate of ownership or other intangible equity ownership interest
17 in the business association that is not enrolled in the reinvestment plan; and]

18 “(b) The interest referred to in paragraph (a) of this subsection has been
19 presumed abandoned under subsection (1) of this section.]

20 “(5) Any dividend, profit distribution, interest, payment on principal or
21 other sum held or owing by a business association is presumed abandoned if,
22 within three years after the date prescribed for payment, all of the following
23 have occurred:]

24 “(a) The owner has not claimed the payment or corresponded in writing
25 with the business association concerning the payment.]

26 “(b) The business association has sent written notice of the payment to the
27 owner at the last-known address of the owner as shown in the records of the
28 business association.]

29 **“SECTION 2.** ORS 98.362 is amended to read:

30 “98.362. (1) The holder of [an intangible equity ownership interest] **a se-**

1 **curity or distribution** presumed abandoned under ORS 98.322 shall deliver
2 a certificate of ownership or other evidence of ownership to the State
3 Treasurer as follows:

4 “(a) The original certificate shall be delivered to the State Treasurer
5 when it is held [*by the business association, transfer agent, registrar or other*
6 *person acting on behalf of the business association*] **or controlled by the**
7 **holder.**

8 “(b) A duplicate certificate shall be issued to the State Treasurer when
9 the [*business association, transfer agent, registrar or other person acting on*
10 *behalf of the holder does not hold*] **holder does not hold or control** the or-
11 iginal.

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

17 **“SECTION 3.** ORS 98.332 is amended to read:

18 “98.332. (1) All intangible personal property and any income or increment
19 thereon, held in a fiduciary capacity is presumed abandoned unless the owner
20 has, within [*two*] **three** years after it becomes payable or distributable, in-
21 creased or decreased the principal, accepted payment of principal or income,
22 corresponded in writing concerning the property, or otherwise indicated an
23 interest as evidenced by a memorandum on file with the fiduciary.

24 “(2) Funds in an individual retirement account or a retirement plan or a
25 similar account or plan established under the Internal Revenue laws of the
26 United States are not payable or distributable within the meaning of sub-
27 section (1) of this section unless, under the terms of the account or plan,
28 distribution of all or part of the funds would then be mandatory.

29 **“(3) Funds in an account established under ORS 126.805 to 126.886**
30 **are not payable or distributable within the meaning of subsection (1)**

1 of this section unless the minor on whose behalf the account was
2 opened attains the age of 21 years.

3 **“SECTION 4.** ORS 98.334 is amended to read:

4 “98.334. *[Unpaid wages, including wages represented by unrepresented pay-*
5 *roll checks, owing in the ordinary course of the holder’s business which remain*
6 *unclaimed by the owner for more than three years after becoming payable are*
7 *presumed abandoned.]*

8 **“(1) As used in this section, ‘wages’ means wages, commissions,**
9 **bonuses or reimbursements to which an employee is entitled as an**
10 **owner, or other compensation for personal services, other than**
11 **amounts held in a payroll card.**

12 **“(2) Unpaid wages, including wages represented by unrepresented**
13 **payroll checks, due and owing in the ordinary course of the holder’s**
14 **business that remain unclaimed by the owner for more than one year**
15 **after becoming payable are presumed abandoned, notwithstanding the**
16 **owner’s failure to make demand or to present any instrument or doc-**
17 **ument required to receive payment.**

18 **“(3) This section does not affect an employee’s right to contest**
19 **wages under other Oregon law.**

20 **“SECTION 5.** ORS 98.336 is amended to read:

21 “98.336. (1) **As used in this section, ‘wages’ means wages, commis-**
22 **sions, bonuses or reimbursements to which an employee is entitled as**
23 **an owner, or other compensation for personal services, other than**
24 **amounts held in a payroll card.**

25 **“(2) Intangible property, including uncashed warrants and excluding**
26 **unpaid wages, held for the owner by a court, state or other govern-**
27 **ment, governmental subdivision or agency, public corporation or pub-**
28 **lic authority that remains unclaimed by the owner for more than two**
29 **years is presumed abandoned.**

30 “[*(1) Intangible property, including uncashed warrants and wages repres-*

1 *ented by unrepresented payroll checks, held for the owner by a court, state or*
2 *other government, governmental subdivision or agency, public corporation, or*
3 *public authority, that has remained unclaimed by the owner for more than two*
4 *years is presumed abandoned.]*

5 “[2)] (3) Tangible property held for the owner by a court, state or other
6 government, governmental subdivision or agency, law enforcement agency,
7 public corporation or public authority that *[has remained]* **remains** un-
8 claimed by the owner for more than two years is presumed abandoned.

9 **“SECTION 6.** ORS 98.372 is amended to read:

10 “98.372. (1) The owner is not entitled to receive income or other incre-
11 ments that have accrued on the property after the property is *[paid or de-*
12 *livered to]* **sold by** the State Treasurer under ORS *[98.352]* **98.382.**

13 **“(2) The State Treasurer shall credit an owner with any distrib-**
14 **ution, as defined in ORS 98.322, or any other discrete income generated**
15 **by the property, that accrues between the date the property is paid or**
16 **delivered to the State Treasurer and the date the property is sold un-**
17 **der ORS 98.382.**

18 **“(3) Any distribution or income received by the State Treasurer**
19 **under subsection (2) of this section may be deposited under ORS 98.386.**
20 **The State Treasurer is not obligated to reinvest any distribution or**
21 **income into the corpus of the unsold property.**

22 **“SECTION 7.** ORS 98.352 is amended to read:

23 “98.352. (1) A holder of property presumed abandoned under ORS 98.302
24 to 98.436 and 98.992 shall deliver to the State Treasurer the report described
25 in subsection (2) of this section and shall pay or deliver to the State Treas-
26 urer, for deposit in the Unclaimed Property and Estates Fund, all property
27 presumed abandoned, except that for the following funds the holder is not
28 required to deliver the funds presumed abandoned to the State Treasurer:

29 “(a) Funds transferred to the General Fund under ORS 293.455 (1)(a).

30 “(b) Funds in the possession of the Child Support Program described in

1 ORS 180.345.

2 “(c) Funds described in ORS 9.725 (3) or 98.386 (2) that are held in lawyer
3 trust accounts or in the possession of the Oregon State Bar.

4 “(2) A report must include:

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

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

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

15 “(d) The date when the property became payable, demandable, or return-
16 able, and the date of the last transaction with the owner with respect to the
17 property; and

18 “(e) Other information that the State Treasurer prescribes by rule as
19 necessary for the administration of ORS 98.302 to 98.436 and 98.992.

20 “(3) If the holder of property presumed abandoned is a successor to other
21 holders or has had a name change while holding the property, the holder
22 shall file with the report all prior known names and addresses and effective
23 dates of changes.

24 “(4) The holder shall file the report after October 1, but no later than
25 November 1, of each year for accounts dormant as of June 30. Upon written
26 request from any person required to file a report, the State Treasurer may
27 postpone the reporting date. All records are exempt from public review for
28 12 months from the time the property is reportable and for 24 months after
29 the property has been remitted to the State Treasurer. All lists of records
30 or property held by a government or public authority under ORS 98.336 are

1 exempt from public review until 24 months after the property is remitted to
2 the State Treasurer.

3 “(5) If the holder of property presumed abandoned under ORS 98.302 to
4 98.436 and 98.992 knows the whereabouts of the owner and if the owner’s
5 claim is not barred by the statute of limitations, the holder shall, before
6 filing the report, communicate with the owner and take necessary steps to
7 prevent abandonment from being presumed. The holder shall exercise due
8 diligence to ascertain the whereabouts of the owner **at least 60 days before**
9 **filing the report.**

10 “(6) If the property presumed abandoned is a lawyer trust account estab-
11 lished by an attorney or law firm, the report required by this section must
12 indicate that the account is a lawyer trust account.

13 “(7) The holder shall verify the accuracy of the information contained in
14 the report. Verification must be executed by a partner if made by a part-
15 nership, by an officer if made by an unincorporated association or private
16 corporation and by the chief fiscal officer if made by a public corporation.

17 **“SECTION 8.** ORS 192.355, as amended by section 5, chapter 60, Oregon
18 Laws 2022, is amended to read:

19 “192.355. The following public records are exempt from disclosure under
20 ORS 192.311 to 192.478:

21 “(1) Communications within a public body or between public bodies of an
22 advisory nature to the extent that they cover other than purely factual ma-
23 terials and are preliminary to any final agency determination of policy or
24 action. This exemption shall not apply unless the public body shows that in
25 the particular instance the public interest in encouraging frank communi-
26 cation between officials and employees of public bodies clearly outweighs the
27 public interest in disclosure.

28 “(2)(a) Information of a personal nature such as but not limited to that
29 kept in a personal, medical or similar file, if public disclosure would consti-
30 tute an unreasonable invasion of privacy, unless the public interest by clear

1 and convincing evidence requires disclosure in the particular instance. The
2 party seeking disclosure shall have the burden of showing that public dis-
3 closure would not constitute an unreasonable invasion of privacy.

4 “(b) Images of a dead body, or parts of a dead body, that are part of a law
5 enforcement agency investigation, if public disclosure would create an un-
6 reasonable invasion of privacy of the family of the deceased person, unless
7 the public interest by clear and convincing evidence requires disclosure in
8 the particular instance. The party seeking disclosure shall have the burden
9 of showing that public disclosure would not constitute an unreasonable in-
10 vasion of privacy.

11 “(3) Upon compliance with ORS 192.363, public body employee or volun-
12 teer residential addresses, residential telephone numbers, personal cellular
13 telephone numbers, personal electronic mail addresses, driver license num-
14 bers, employer-issued identification card numbers, emergency contact infor-
15 mation, Social Security numbers, dates of birth and other telephone numbers
16 contained in personnel records maintained by the public body that is the
17 employer or the recipient of volunteer services. This exemption:

18 “(a) Does not apply to the addresses, dates of birth and telephone numbers
19 of employees or volunteers who are elected officials, except that a judge or
20 district attorney subject to election may seek to exempt the judge’s or dis-
21 trict attorney’s address or telephone number, or both, under the terms of
22 ORS 192.368;

23 “(b) Does not apply to employees or volunteers to the extent that the
24 party seeking disclosure shows by clear and convincing evidence that the
25 public interest requires disclosure in a particular instance pursuant to ORS
26 192.363;

27 “(c) Does not apply to a substitute teacher as defined in ORS 342.815
28 when requested by a professional education association of which the substi-
29 tute teacher may be a member; and

30 “(d) Does not relieve a public employer of any duty under ORS 243.650 to

1 243.809.

2 “(4) Information submitted to a public body in confidence and not other-
3 wise required by law to be submitted, where such information should rea-
4 sonably be considered confidential, the public body has obliged itself in good
5 faith not to disclose the information, and when the public interest would
6 suffer by the disclosure.

7 “(5) Information or records of the Department of Corrections, including
8 the State Board of Parole and Post-Prison Supervision, to the extent that
9 disclosure would interfere with the rehabilitation of a person in custody of
10 the department or substantially prejudice or prevent the carrying out of the
11 functions of the department, if the public interest in confidentiality clearly
12 outweighs the public interest in disclosure.

13 “(6) Records, reports and other information received or compiled by the
14 Director of the Department of Consumer and Business Services in the ad-
15 ministration of ORS chapters 723 and 725 not otherwise required by law to
16 be made public, to the extent that the interests of lending institutions, their
17 officers, employees and customers in preserving the confidentiality of such
18 information outweighs the public interest in disclosure.

19 “(7) Reports made to or filed with the court under ORS 137.077 or 137.530.

20 “(8) Any public records or information the disclosure of which is prohib-
21 ited by federal law or regulations.

22 “(9)(a) Public records or information the disclosure of which is prohibited
23 or restricted or otherwise made confidential or privileged under Oregon law.

24 “(b) Subject to ORS 192.360, paragraph (a) of this subsection does not
25 apply to factual information compiled in a public record when:

26 “(A) The basis for the claim of exemption is ORS 40.225;

27 “(B) The factual information is not prohibited from disclosure under any
28 applicable state or federal law, regulation or court order and is not other-
29 wise exempt from disclosure under ORS 192.311 to 192.478;

30 “(C) The factual information was compiled by or at the direction of an

1 attorney as part of an investigation on behalf of the public body in response
2 to information of possible wrongdoing by the public body;

3 “(D) The factual information was not compiled in preparation for liti-
4 gation, arbitration or an administrative proceeding that was reasonably
5 likely to be initiated or that has been initiated by or against the public body;
6 and

7 “(E) The holder of the privilege under ORS 40.225 has made or authorized
8 a public statement characterizing or partially disclosing the factual infor-
9 mation compiled by or at the attorney’s direction.

10 “(10) Public records or information described in this section, furnished
11 by the public body originally compiling, preparing or receiving them to any
12 other public officer or public body in connection with performance of the
13 duties of the recipient, if the considerations originally giving rise to the
14 confidential or exempt nature of the public records or information remain
15 applicable.

16 “(11) Records of the Energy Facility Siting Council concerning the review
17 or approval of security programs pursuant to ORS 469.530.

18 “(12) Employee and retiree address, telephone number and other nonfi-
19 nancial membership records and employee financial records maintained by
20 the Public Employees Retirement System pursuant to ORS chapters 238 and
21 238A.

22 “(13) Records of or submitted to the State Treasurer, the Oregon Invest-
23 ment Council or the agents of the treasurer or the council relating to active
24 or proposed publicly traded investments under ORS chapter 293, including
25 but not limited to records regarding the acquisition, exchange or liquidation
26 of the investments. For the purposes of this subsection:

27 “(a) The exemption does not apply to:

28 “(A) Information in investment records solely related to the amount paid
29 directly into an investment by, or returned from the investment directly to,
30 the treasurer or council; or

1 “(B) The identity of the entity to which the amount was paid directly or
2 from which the amount was received directly.

3 “(b) An investment in a publicly traded investment is no longer active
4 when acquisition, exchange or liquidation of the investment has been con-
5 cluded.

6 “(14)(a) Records of or submitted to the State Treasurer, the Oregon In-
7 vestment Council, the Oregon Growth Board or the agents of the treasurer,
8 council or board relating to actual or proposed investments under ORS
9 chapter 293 or 348 in a privately placed investment fund or a private asset
10 including but not limited to records regarding the solicitation, acquisition,
11 deployment, exchange or liquidation of the investments including but not
12 limited to:

13 “(A) Due diligence materials that are proprietary to an investment fund,
14 to an asset ownership or to their respective investment vehicles.

15 “(B) Financial statements of an investment fund, an asset ownership or
16 their respective investment vehicles.

17 “(C) Meeting materials of an investment fund, an asset ownership or their
18 respective investment vehicles.

19 “(D) Records containing information regarding the portfolio positions in
20 which an investment fund, an asset ownership or their respective investment
21 vehicles invest.

22 “(E) Capital call and distribution notices of an investment fund, an asset
23 ownership or their respective investment vehicles.

24 “(F) Investment agreements and related documents.

25 “(b) The exemption under this subsection does not apply to:

26 “(A) The name, address and vintage year of each privately placed invest-
27 ment fund.

28 “(B) The dollar amount of the commitment made to each privately placed
29 investment fund since inception of the fund.

30 “(C) The dollar amount of cash contributions made to each privately

1 placed investment fund since inception of the fund.

2 “(D) The dollar amount, on a fiscal year-end basis, of cash distributions
3 received by the State Treasurer, the Oregon Investment Council, the Oregon
4 Growth Board or the agents of the treasurer, council or board from each
5 privately placed investment fund.

6 “(E) The dollar amount, on a fiscal year-end basis, of the remaining value
7 of assets in a privately placed investment fund attributable to an investment
8 by the State Treasurer, the Oregon Investment Council, the Oregon Growth
9 Board or the agents of the treasurer, council or board.

10 “(F) The net internal rate of return of each privately placed investment
11 fund since inception of the fund.

12 “(G) The investment multiple of each privately placed investment fund
13 since inception of the fund.

14 “(H) The dollar amount of the total management fees and costs paid on
15 an annual fiscal year-end basis to each privately placed investment fund.

16 “(I) The dollar amount of cash profit received from each privately placed
17 investment fund on a fiscal year-end basis.

18 “(15) The monthly reports prepared and submitted under ORS 293.761 and
19 293.766 concerning the Public Employees Retirement Fund and the Industrial
20 Accident Fund may be uniformly treated as exempt from disclosure for a
21 period of up to 90 days after the end of the calendar quarter.

22 “(16) Reports of unclaimed property filed by the holders of such property
23 to the extent permitted by ORS 98.352.

24 “(17)(a) The following records, communications and information submitted
25 to the Oregon Business Development Commission, the Oregon Business De-
26 velopment Department, the State Department of Agriculture, the Oregon
27 Growth Board, the Port of Portland or other ports as defined in ORS 777.005,
28 or a county or city governing body and any board, department, commission,
29 council or agency thereof, by applicants for investment funds, grants, loans,
30 services or economic development moneys, support or assistance including,

1 but not limited to, those described in ORS 285A.224:

2 “(A) Personal financial statements.

3 “(B) Financial statements of applicants.

4 “(C) Customer lists.

5 “(D) Information of an applicant pertaining to litigation to which the
6 applicant is a party if the complaint has been filed, or if the complaint has
7 not been filed, if the applicant shows that such litigation is reasonably likely
8 to occur; this exemption does not apply to litigation which has been con-
9 cluded, and nothing in this subparagraph shall limit any right or opportunity
10 granted by discovery or deposition statutes to a party to litigation or po-
11 tential litigation.

12 “(E) Production, sales and cost data.

13 “(F) Marketing strategy information that relates to applicant’s plan to
14 address specific markets and applicant’s strategy regarding specific compet-
15 itors.

16 “(b) The following records, communications and information submitted to
17 the State Department of Energy by applicants for tax credits or for grants
18 awarded under ORS 469B.256:

19 “(A) Personal financial statements.

20 “(B) Financial statements of applicants.

21 “(C) Customer lists.

22 “(D) Information of an applicant pertaining to litigation to which the
23 applicant is a party if the complaint has been filed, or if the complaint has
24 not been filed, if the applicant shows that such litigation is reasonably likely
25 to occur; this exemption does not apply to litigation which has been con-
26 cluded, and nothing in this subparagraph shall limit any right or opportunity
27 granted by discovery or deposition statutes to a party to litigation or po-
28 tential litigation.

29 “(E) Production, sales and cost data.

30 “(F) Marketing strategy information that relates to applicant’s plan to

1 address specific markets and applicant's strategy regarding specific compet-
2 itors.

3 “(18) Records, reports or returns submitted by private concerns or enter-
4 prises required by law to be submitted to or inspected by a governmental
5 body to allow it to determine the amount of any transient lodging tax pay-
6 able and the amounts of such tax payable or paid, to the extent that such
7 information is in a form which would permit identification of the individual
8 concern or enterprise. Nothing in this subsection shall limit the use which
9 can be made of such information for regulatory purposes or its admissibility
10 in any enforcement proceedings. The public body shall notify the taxpayer
11 of the delinquency immediately by certified mail. However, in the event that
12 the payment or delivery of transient lodging taxes otherwise due to a public
13 body is delinquent by over 60 days, the public body shall disclose, upon the
14 request of any person, the following information:

15 “(a) The identity of the individual concern or enterprise that is delinquent
16 over 60 days in the payment or delivery of the taxes.

17 “(b) The period for which the taxes are delinquent.

18 “(c) The actual, or estimated, amount of the delinquency.

19 “(19) All information supplied by a person under ORS 151.485 for the
20 purpose of requesting appointed counsel, and all information supplied to the
21 court from whatever source for the purpose of verifying the financial eligi-
22 bility of a person pursuant to ORS 151.485.

23 “(20) Workers' compensation claim records of the Department of Con-
24 sumer and Business Services, except in accordance with rules adopted by the
25 Director of the Department of Consumer and Business Services, in any of the
26 following circumstances:

27 “(a) When necessary for insurers, self-insured employers and third party
28 claim administrators to process workers' compensation claims.

29 “(b) When necessary for the director, other governmental agencies of this
30 state or the United States to carry out their duties, functions or powers.

1 “(c) When the disclosure is made in such a manner that the disclosed in-
2 formation cannot be used to identify any worker who is the subject of a
3 claim.

4 “(d) When a worker or the worker’s representative requests review of the
5 worker’s claim record.

6 “(21) Sensitive business records or financial or commercial information
7 of the Oregon Health and Science University that is not customarily pro-
8 vided to business competitors.

9 “(22) Records of Oregon Health and Science University regarding candi-
10 dates for the position of president of the university.

11 “(23) The records of a library, including:

12 “(a) Circulation records, showing use of specific library material by a
13 named person;

14 “(b) The name of a library patron together with the address or telephone
15 number of the patron; and

16 “(c) The electronic mail address of a patron.

17 “(24) The following records, communications and information obtained by
18 the Housing and Community Services Department in connection with the
19 department’s monitoring or administration of financial assistance or of
20 housing or other developments:

21 “(a) Personal and corporate financial statements and information, in-
22 cluding tax returns.

23 “(b) Credit reports.

24 “(c) Project appraisals, excluding appraisals obtained in the course of
25 transactions involving an interest in real estate that is acquired, leased,
26 rented, exchanged, transferred or otherwise disposed of as part of the project,
27 but only after the transactions have closed and are concluded.

28 “(d) Market studies and analyses.

29 “(e) Articles of incorporation, partnership agreements and operating
30 agreements.

1 “(f) Commitment letters.

2 “(g) Project pro forma statements.

3 “(h) Project cost certifications and cost data.

4 “(i) Audits.

5 “(j) Project tenant correspondence.

6 “(k) Personal information about a tenant.

7 “(L) Housing assistance payments.

8 “(25) Raster geographic information system (GIS) digital databases, pro-
9 vided by private forestland owners or their representatives, voluntarily and
10 in confidence to the State Forestry Department, that is not otherwise re-
11 quired by law to be submitted.

12 “(26) Sensitive business, commercial or financial information furnished to
13 or developed by a public body engaged in the business of providing electricity
14 or electricity services, if the information is directly related to a transaction
15 described in ORS 261.348, or if the information is directly related to a bid,
16 proposal or negotiations for the sale or purchase of electricity or electricity
17 services, and disclosure of the information would cause a competitive disad-
18 vantage for the public body or its retail electricity customers. This sub-
19 section does not apply to cost-of-service studies used in the development or
20 review of generally applicable rate schedules.

21 “(27) Sensitive business, commercial or financial information furnished to
22 or developed by the City of Klamath Falls, acting solely in connection with
23 the ownership and operation of the Klamath Cogeneration Project, if the
24 information is directly related to a transaction described in ORS 225.085 and
25 disclosure of the information would cause a competitive disadvantage for the
26 Klamath Cogeneration Project. This subsection does not apply to cost-of-
27 service studies used in the development or review of generally applicable rate
28 schedules.

29 “(28) Personally identifiable information about customers of a municipal
30 electric utility or a people’s utility district or the names, dates of birth,

1 driver license numbers, telephone numbers, electronic mail addresses or So-
2 cial Security numbers of customers who receive water, sewer or storm drain
3 services from a public body as defined in ORS 174.109. The utility or district
4 may release personally identifiable information about a customer, and a
5 public body providing water, sewer or storm drain services may release the
6 name, date of birth, driver license number, telephone number, electronic mail
7 address or Social Security number of a customer, if the customer consents
8 in writing or electronically, if the disclosure is necessary for the utility,
9 district or other public body to render services to the customer, if the dis-
10 closure is required pursuant to a court order or if the disclosure is otherwise
11 required by federal or state law. The utility, district or other public body
12 may charge as appropriate for the costs of providing such information. The
13 utility, district or other public body may make customer records available
14 to third party credit agencies on a regular basis in connection with the es-
15 tablishment and management of customer accounts or in the event such ac-
16 counts are delinquent.

17 “(29) A record of the street and number of an employee’s address submit-
18 ted to a special district to obtain assistance in promoting an alternative to
19 single occupant motor vehicle transportation.

20 “(30) Sensitive business records, capital development plans or financial
21 or commercial information of Oregon Corrections Enterprises that is not
22 customarily provided to business competitors.

23 “(31) Documents, materials or other information submitted to the Director
24 of the Department of Consumer and Business Services in confidence by a
25 state, federal, foreign or international regulatory or law enforcement agency
26 or by the National Association of Insurance Commissioners, its affiliates or
27 subsidiaries under ORS 86A.095 to 86A.198, 697.005 to 697.095, 697.602 to
28 697.842, 705.137, 717.200 to 717.320, 717.900 or 717.905, ORS chapter 59, 723,
29 725 or 726, the Bank Act or the Insurance Code when:

30 “(a) The document, material or other information is received upon notice

1 or with an understanding that it is confidential or privileged under the laws
2 of the jurisdiction that is the source of the document, material or other in-
3 formation; and

4 “(b) The director has obligated the Department of Consumer and Business
5 Services not to disclose the document, material or other information.

6 “(32) A county elections security plan developed and filed under ORS
7 254.074.

8 “(33) Information about review or approval of programs relating to the
9 security of:

10 “(a) Generation, storage or conveyance of:

11 “(A) Electricity;

12 “(B) Gas in liquefied or gaseous form;

13 “(C) Hazardous substances as defined in ORS 453.005 (7)(a), (b) and (d);

14 “(D) Petroleum products;

15 “(E) Sewage; or

16 “(F) Water.

17 “(b) Telecommunication systems, including cellular, wireless or radio
18 systems.

19 “(c) Data transmissions by whatever means provided.

20 “(34) The information specified in ORS 25.020 (8) if the Chief Justice of
21 the Supreme Court designates the information as confidential by rule under
22 ORS 1.002.

23 “(35)(a) Employer account records of the State Accident Insurance Fund
24 Corporation.

25 “(b) As used in this subsection, ‘employer account records’ means all re-
26 cords maintained in any form that are specifically related to the account of
27 any employer insured, previously insured or under consideration to be in-
28 sured by the State Accident Insurance Fund Corporation and any informa-
29 tion obtained or developed by the corporation in connection with providing,
30 offering to provide or declining to provide insurance to a specific employer.

1 ‘Employer account records’ includes, but is not limited to, an employer’s
2 payroll records, premium payment history, payroll classifications, employee
3 names and identification information, experience modification factors, loss
4 experience and dividend payment history.

5 “(c) The exemption provided by this subsection may not serve as the basis
6 for opposition to the discovery documents in litigation pursuant to applicable
7 rules of civil procedure.

8 “(36)(a) Claimant files of the State Accident Insurance Fund Corporation.

9 “(b) As used in this subsection, ‘claimant files’ includes, but is not limited
10 to, all records held by the corporation pertaining to a person who has made
11 a claim, as defined in ORS 656.005, and all records pertaining to such a
12 claim.

13 “(c) The exemption provided by this subsection may not serve as the basis
14 for opposition to the discovery documents in litigation pursuant to applicable
15 rules of civil procedure.

16 “(37) Except as authorized by ORS 408.425, records that certify or verify
17 an individual’s discharge or other separation from military service.

18 “(38) Records of or submitted to a domestic violence service or resource
19 center that relate to the name or personal information of an individual who
20 visits a center for service, including the date of service, the type of service
21 received, referrals or contact information or personal information of a family
22 member of the individual. As used in this subsection, ‘domestic violence
23 service or resource center’ means an entity, the primary purpose of which is
24 to assist persons affected by domestic or sexual violence by providing refer-
25 rals, resource information or other assistance specifically of benefit to do-
26 mestic or sexual violence victims.

27 “(39) Information reported to the Oregon Health Authority under ORS
28 431A.860, except as provided in ORS 431A.865 (3)(b), information disclosed
29 by the authority under ORS 431A.865 and any information related to disclo-
30 sures made by the authority under ORS 431A.865, including information

1 identifying the recipient of the information.

2 “(40)(a) Electronic mail addresses in the possession or custody of an
3 agency or subdivision of the executive department, as defined in ORS 174.112,
4 the legislative department, as defined in ORS 174.114, a local government or
5 local service district, as defined in ORS 174.116, or a special government
6 body, as defined in ORS 174.117.

7 “(b) This subsection does not apply to electronic mail addresses assigned
8 by a public body to public employees for use by the employees in the ordi-
9 nary course of their employment.

10 “(c) This subsection and ORS 244.040 do not prohibit the campaign office
11 of the current officeholder or current candidates who have filed to run for
12 that elective office from receiving upon request the electronic mail addresses
13 used by the current officeholder’s legislative office for newsletter distrib-
14 ution, except that a campaign office that receives electronic mail addresses
15 under this paragraph may not make a further disclosure of those electronic
16 mail addresses to any other person.

17 “(41) Residential addresses, residential telephone numbers, personal cel-
18 lular telephone numbers, personal electronic mail addresses, driver license
19 numbers, emergency contact information, Social Security numbers, dates of
20 birth and other telephone numbers of individuals currently or previously
21 certified or licensed by the Department of Public Safety Standards and
22 Training contained in the records maintained by the department.

23 “(42) Personally identifiable information and contact information of vet-
24 erans as defined in ORS 408.225 and of persons serving on active duty or as
25 reserve members with the Armed Forces of the United States, National
26 Guard or other reserve component that was obtained by the Department of
27 Veterans’ Affairs in the course of performing its duties and functions, in-
28 cluding but not limited to names, residential and employment addresses,
29 dates of birth, driver license numbers, telephone numbers, electronic mail
30 addresses, Social Security numbers, marital status, dependents, the character

1 of discharge from military service, military rating or rank, that the person
2 is a veteran or has provided military service, information relating to an ap-
3 plication for or receipt of federal or state benefits, information relating to
4 the basis for receipt or denial of federal or state benefits and information
5 relating to a home loan or grant application, including but not limited to
6 financial information provided in connection with the application.

7 “(43) Business, commercial, financial, operational and research data and
8 information, including but not limited to pricing, intellectual property and
9 customer records, furnished to, developed by or generated in connection with
10 the ownership and operation of an unmanned aerial system test range, if
11 disclosure of the information would cause a competitive disadvantage to the
12 test range or its users.

13 “(44) Personally identifiable information about a child under the age of
14 16 years that is submitted to the State Fish and Wildlife Commission or an
15 agent of the commission to obtain a license, tag or permit under the wildlife
16 laws.

17 “(45) Proprietary information subject to a nondisclosure agreement that
18 is provided to the Oregon Broadband Office pursuant to section 4, chapter
19 60, Oregon Laws 2022.

20 **“(46) With respect to records held by the State Treasurer relating**
21 **to unclaimed properties under ORS 98.302 to 98.436:**

22 **“(a) All materials or communications received during an examina-**
23 **tion under ORS 98.412 (2) and (3), except to the extent that the infor-**
24 **mation in the materials or communications appears within a report**
25 **under ORS 98.412 (4) or 98.352 and the information is not otherwise**
26 **exempt under ORS 98.352 (4).**

27 **“(b) All materials or communications assembled or used by the**
28 **state or its auditor during the preparation of a report under ORS 98.412**
29 **(4), including drafts, correspondence, working papers and other pre-**
30 **paratory documents.**

