

HB 2238-2  
(LC 359)  
3/28/23 (RLM/ps)

Requested by HOUSE COMMITTEE ON AGRICULTURE, LAND USE, NATURAL RESOURCES,  
AND WATER (at the request of the State Land Board)

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2238**

1 On page 1 of the printed bill, line 2, after the first semicolon delete the  
2 rest of the line.

3 In line 3, delete “196.815, 196.816, 196.818, 196.850 and 274.043;”.

4 Delete lines 5 through 28 and delete pages 2 through 15 and insert:

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

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

8 **“(a) ‘Personal property’ includes any item that is reasonably re-**  
9 **cognizable as belonging to an individual, including books, photographs,**  
10 **personal documents such as identification and Social Security cards,**  
11 **camping equipment, sleeping bags, blankets, bicycles and clothing.**

12 **“(b) ‘Personal property’ does not include items that the Department**  
13 **of State Lands determines are not in a sanitary condition or that lack**  
14 **any apparent value or utility.**

15 **“(2) Notwithstanding ORS 98.302 to 98.436, and except as provided**  
16 **under ORS 274.376 to 274.388, the department may remove, store and**  
17 **dispose of personal property that the department has determined to**  
18 **have been left on state lands without authorization of the department**  
19 **or by law as provided under this section. The authority under this**  
20 **section is in addition to any other authority of the department.**

21 **“(3) Prior to the removal of personal property, the department shall**

1 post written notice in the manner provided in this subsection. The  
2 written notice must:

3 “(a) Be laminated or weather resistant.

4 “(b) Be conspicuously posted and easily viewable from the site  
5 where the personal property to be removed is located.

6 “(c) Include the following dates:

7 “(A) The date the notice is posted;

8 “(B) The date by which the property owner must remove the per-  
9 sonal property; and

10 “(C) The time frame within which the department may remove the  
11 personal property pursuant to subsection (4) of this section.

12 “(d) Provide information about the storage of the personal property,  
13 including how long the department will store the personal property,  
14 and a telephone number at which the property owner can contact the  
15 department to claim and retrieve the personal property.

16 “(e) Be written in both English and Spanish.

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

24 “(5) The department shall store personal property removed under  
25 this section:

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

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

29 “(c) In a location that is reasonably accessible to the site where the  
30 personal property was found.

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

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

9       “(8) The department may collect the costs of removing, storing,  
10 returning, donating or disposing of the personal property from the  
11 property owner.

12       “(9) The department may immediately, and without providing no-  
13 tice, remove and dispose of property that:

14       “(a) Is not personal property;

15       “(b) Creates an exceptional emergency, including, but not limited  
16 to, possible site contamination by hazardous materials, a public health  
17 emergency or a situation where personal property may enter a  
18 waterway due to flooding or seasonal increases in water levels; or

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

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

21       “SECTION 3. (1) Section 2 of this 2023 Act becomes operative on  
22 January 1, 2024.

23       “(2) The Department of State Lands may take any action before the  
24 operative date specified in subsection (1) of this section that is neces-  
25 sary to enable the department to exercise, on and after the operative  
26 date specified in subsection (1) of this section, all the duties, functions  
27 and powers conferred on the department by section 2 of this 2023 Act.

28       “SECTION 4. This 2023 Act takes effect on the 91st day after the  
29 date on which the 2023 regular session of the Eighty-second Legislative  
30 Assembly adjourns sine die.”.

