

Requested by Representative BOWMAN

**PROPOSED AMENDMENTS TO  
A-ENGROSSED HOUSE BILL 4128**

1 On page 1 of the printed A-engrossed bill, line 2, before the period insert  
2 “; creating new provisions; and amending ORS 180.095”.

3 In line 13, after “investor” insert “, or an entity that receives funding  
4 from an institutional real estate investor.”.

5 On page 2, line 11, after “unit” insert “, not including any type of middle  
6 housing as defined in ORS 197A.420”.

7 In line 13, delete “any interest in” and insert “fee title to”.

8 In line 22, delete “or”.

9 After line 22, insert:

10 “(f) Is acquired through a judicial or nonjudicial foreclosure sale, forfei-  
11 ture, a deed in lieu of foreclosure or the enforcement of a judgment, lien,  
12 debt or property interest; or”.

13 In line 23, delete “(f)” and insert “(g)”.

14 In line 27, delete “(1)(f)” and insert “(1)(g)”.

15 In line 29, delete “(5)” and insert “(4)”.

16 Delete lines 36 through 45.

17 On page 3, delete line 1.

18 In line 2, delete “(5)” and insert “(4)”.

19 On page 4, after line 8, insert:

20 **“SECTION 3. (1) The Attorney General may bring a civil action in  
21 the name of the State of Oregon against a covered entity to enforce**

1 section 2 of this 2026 Act, including an action for declaratory relief,  
2 an injunction to restrain a threatened or actual violation of section 2  
3 (1) or (2) of this 2026 Act or an action to otherwise compel compliance  
4 with section 2 of this 2026 Act. The civil action must be brought in the  
5 Circuit Court of Marion County or the circuit court of the county in  
6 which a violation occurs.

7 “(2) The Attorney General may serve an investigative demand upon  
8 any person that possess, controls or has custody of any information,  
9 document or other material that the Attorney General determines is  
10 relevant to an investigation of a violation of section 2 (1) or (2) of this  
11 2026 Act or that could lead to the discovery of relevant information.  
12 An investigative demand may require the person to:

13 “(a) Appear and testify under oath at the time and place stated in  
14 the investigative demand;

15 “(b) Answer written interrogatories; or

16 “(c) Produce relevant documents or physical evidence for examina-  
17 tion at the time and place stated in the investigative demand.

18 “(3) The Attorney General shall serve an investigative demand un-  
19 der this section as provided in ORS 646.622 and may enforce the in-  
20 vestigative demand as provided in ORS 646.626.

21 “(4) If, after an investigation, the Attorney General finds that a  
22 covered entity has violated section 2 of this 2026 Act, the Attorney  
23 General may impose a civil penalty against the covered entity under  
24 ORS 183.745 of:

25 “(a) An amount not to exceed \$250,000 for acquiring or purchasing  
26 property in violation of section 2 (1) of this 2026 Act; and

27 “(b) An amount not to exceed \$10,000 for failure to submit any form  
28 required under section 2 (2) of this 2026 Act.

29 “(5) In any civil action brought under this section in which the  
30 Attorney General prevails or investigation in which civil penalties are

1 **imposed under this section, a court may award the Attorney General**  
2 **the costs of investigation and reasonable attorney fees upon sub-**  
3 **mission by the Attorney General of a petition to the court.**

4 **“(6) The Attorney General shall deposit any moneys recovered un-**  
5 **der this section into the Department of Justice Protection and Edu-**  
6 **cation Revolving Account created under ORS 180.095.**

7 **“SECTION 4.** ORS 180.095 is amended to read:

8 “180.095. (1) The Department of Justice Protection and Education Re-  
9 volving Account is created in the General Fund. All moneys in the account  
10 are continuously appropriated to the Department of Justice and may be used  
11 to pay for only the following activities:

12 “(a) Restitution and refunds in proceedings described in paragraph (c) of  
13 this subsection;

14 “(b) Consumer and business education relating to the laws governing  
15 antitrust and unlawful trade practices; and

16 “(c) Personal services, travel, meals, lodging and all other costs and ex-  
17 penses incurred by the department in investigating, preparing, commencing  
18 and prosecuting the following actions and suits, and enforcing judgments,  
19 settlements, compromises and assurances of voluntary compliance arising out  
20 of the following actions and suits:

21 “(A) Actions and suits under the state and federal antitrust laws;

22 “(B) Actions and suits under ORS 336.184 and 646.605 to 646.656;

23 “(C) Actions commenced under ORS 59.331;

24 “(D) Actions and suits under ORS 180.750 to 180.785;

25 “(E) Actions and suits under ORS 646A.025;

26 “(F) Actions commenced under ORS 646A.589;

27 “(G) Actions and suits under ORS 646A.859; *[and]*

28 “(H) Actions and suits commenced under ORS 180.060[.]; **and**

29 **“(I) Actions and suits under section 3 of this 2026 Act.**

30 “(2) Moneys in the Department of Justice Protection and Education Re-

1 volving Account are not subject to allotment. Upon request of the Attorney  
2 General, the State Treasurer shall create subaccounts within the account for  
3 the purposes of managing moneys in the account and allocating those moneys  
4 to the activities described in subsection (1) of this section.

5 “(3) Except as otherwise provided by law, all sums of money received by  
6 the Department of Justice under a judgment, settlement, compromise or as-  
7 surance of voluntary compliance, including damages, restitution, refunds,  
8 attorney fees, costs, disbursements and other recoveries, but excluding civil  
9 penalties under ORS 646.642, in proceedings described in subsection (1)(c) of  
10 this section shall, upon receipt, be deposited with the State Treasurer to the  
11 credit of the Department of Justice Protection and Education Revolving Ac-  
12 count. However, if the action or suit was based on an expenditure or loss  
13 from a public body or a dedicated fund, the amount of such expenditure or  
14 loss, after deduction of attorney fees and expenses awarded to the department  
15 by the court or agreed to by the parties, if any, shall be credited to the  
16 public body or dedicated fund and the remainder thereof credited to the De-  
17 partment of Justice Protection and Education Revolving Account.

18 “(4) If the Department of Justice recovers restitution or refunds in a  
19 proceeding described in subsection (1)(c) of this section, and the department  
20 cannot determine the persons to whom the restitution or refunds should be  
21 paid or the amount of the restitution or refund payable to individual claim-  
22 ants is de minimis, the restitution or refunds may not be deposited in the  
23 Department of Justice Protection and Education Revolving Account and  
24 shall be deposited in the General Fund.

25 “(5) Before April 1 of each odd-numbered year, the Department of Justice  
26 shall report to the Joint Committee on Ways and Means:

27 “(a) The department’s projection of the balance in the Department of  
28 Justice Protection and Education Revolving Account at the end of the  
29 biennium in which the report is made and at the end of the following  
30 biennium;

1       “(b) The amount of the balance held for restitution and refunds;

2       “(c) An estimate of the department’s anticipated costs and expenses under  
3 subsection (1)(b) and (c) of this section for the biennium in which the report  
4 is made and for the following biennium; and

5       “(d) Any judgment, settlement, compromise or other recovery, the pro-  
6 ceeds of which are used for purposes other than:

7       “(A) For deposit into the Department of Justice Protection and Education  
8 Revolving Account; or

9       “(B) For payment of legal costs related to the judgment, settlement,  
10 compromise or other recovery.

11       “(6) The Joint Committee on Ways and Means, after consideration of  
12 recommendations made by the Department of Justice, shall use the informa-  
13 tion reported under subsection (5) of this section to determine an appropriate  
14 balance for the revolving account.”.

15       In line 9, delete “3” and insert “5”.

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