

CHAPTER 678

AN ACT

SB 454

Relating to administering unclaimed properties; creating new provisions; amending ORS 60.674, 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, 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, 98.416, 98.422, 98.424, 98.991, 98.992, 112.055, 113.045, 113.075, 113.085, 113.105, 113.235, 113.238, 113.242, 114.325, 114.505, 114.520, 114.535, 116.193, 116.203, 116.243, 116.253, 146.125, 183.635, 273.125, 273.141, 273.183, 287A.474, 293.450, 293.455, 293.460, 293.701, 314.840, 327.405, 652.405, 657.665, 708A.430, 708A.655, 711.225, 711.230, 711.235, 711.590, 716.905, 716.910, 723.466 and 723.844 and section 2, chapter 91, Oregon Laws 2018, section 2, chapter 95, Oregon Laws 2018, sections 22 and 23, chapter 105, Oregon Laws 2018, and section 6, chapter 166, Oregon Laws 2019 (Enrolled House Bill 3008); and prescribing an effective date.

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

TRANSFER OF ADMINISTRATION

SECTION 1. The duties, functions and powers of the Department of State Lands are imposed upon, transferred to and vested in the State Treasurer as they relate to:

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

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

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

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

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

(b) Transfer to the State Treasurer those employees engaged primarily in the exercise of the duties, functions and powers transferred by section 1 of this 2019 Act.

(2) The State Treasurer shall take possession of the records and property, and shall take charge of the employees and employ them in the exercise of the duties, functions and powers

transferred by section 1 of this 2019 Act, without reduction of compensation but subject to change or termination of employment or compensation as provided by law.

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

SECTION 3. The transfer of duties, functions and powers to the State Treasurer by section 1 of this 2019 Act does not affect any action, proceeding or prosecution with respect to such duties, functions and powers begun before and pending at the time of the transfer, except that the State Treasurer may be substituted for the Department of State Lands in the action, proceeding or prosecution.

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

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

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

SECTION 6. In any uncodified law or resolution of the Legislative Assembly or in any rule, document, record or proceeding authorized by the Legislative Assembly, within the context of the duties, functions and powers transferred by section 1 of this 2019 Act, wherever reference is made to the Department of State Lands, or an officer or employee of the Department of State Lands, whose duties, functions or powers are transferred by section 1 of this 2019 Act, the

reference is considered to be a reference to the State Treasurer or an officer or employee of the State Treasurer charged with carrying out such duties, functions and powers.

UNIFORM DISPOSITION OF UNCLAIMED PROPERTY ACT

SECTION 7. ORS 98.302 is amended to read:

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

[(1) *“Administrator” means the Director of the Department of State Lands.*]

[(2)] (1) *“Apparent owner” means the person whose name appears on the records of the holder as the person entitled to property held, issued or owing by the holder.*

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

[(4)] (3) *“Domicile” means the state of incorporation of a corporation and the state of the principal place of business of an unincorporated person.*

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

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

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

[(8)] (7) *“Intangible property” includes:*

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

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

(c) Moneys deposited to redeem stocks, bonds, coupons, and other securities, or to make distributions;

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

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

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

[(9)] (8) *“Last-known address” means a description of the location of the apparent owner sufficient for the purpose of delivery of mail.*

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

[(11)] (10) *“Owner” means a depositor in case of a deposit, a beneficiary in case of a trust other than a deposit in trust, a creditor, claimant, or payee in case of other intangible property, or a person, or the person’s legal representative, having a legal or equitable interest in property.*

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

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

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

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

SECTION 8. ORS 98.329 is amended to read:

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

SECTION 9. ORS 98.348 is amended to read:

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

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

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

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

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

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

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

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

SECTION 10. ORS 98.352 is amended to read:

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

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

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

(c) Funds **described in ORS 9.725 (3) or 98.386 (2) that are held in lawyer trust accounts [shall only be reported to the department] or in the possession of the Oregon State Bar.**

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

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

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

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

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

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

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

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

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

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

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

SECTION 11. ORS 98.353 is amended to read:

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

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

(b) Persons who typically hold, knowingly or unknowingly, unclaimed property;

(c) Record keeping requirements for persons holding unclaimed property; and

(d) Any penalties for failing to comply with the provisions of ORS 98.302 to 98.436.

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

[(a) Assist the Department of State Lands in determining which persons are required to file a report under ORS 98.352; and]

[(b) Allow the Department of State Lands to include information about unclaimed property reporting requirements in the regular mailings of the Department of Revenue.]

(2) The State Treasurer shall coordinate with:

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

(b) The Department of Consumer and Business Services, the Department of Revenue and the Employment Department to include information about unclaimed property reporting requirements and claims in the regular mailings of the departments and in electronic communications and resources.

SECTION 12. ORS 98.354 is amended to read:

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

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

SECTION 13. ORS 98.356 is amended to read:

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

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

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

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

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

SECTION 14. ORS 98.362 is amended to read:

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

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

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

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

SECTION 15. ORS 98.366 is amended to read:

98.366. (1) Upon the payment or delivery of unclaimed property to the [Department of State Lands] **State Treasurer**, the state shall assume custody and [shall be] **is** responsible for [the] **its** safekeeping [thereof]. Any person who pays or delivers unclaimed

property to the [department] **State Treasurer** under ORS 98.352 is relieved of all liability to the extent of the value of the property [so] paid or delivered for any claim [which] **that** then exists or [which there-after] may arise [or be made] in respect to the property.

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

SECTION 16. ORS 98.372 is amended to read:

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

SECTION 17. ORS 98.376 is amended to read:

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

SECTION 18. ORS 98.382 is amended to read:

98.382. (1)(a) **The State Treasurer shall sell** all unclaimed property [other than money and securities] delivered to the [Department of State Lands] **State Treasurer** under [ORS 98.362 shall be sold by the department] **ORS 98.352, except money and securities**, to the highest bidder at public sale by the method and at the location that the [department] **State Treasurer** determines are the most favorable for receiving the highest price for the property involved. The [department] **State Treasurer** may decline the highest bid and reoffer the property for sale if the [department] **State Treasurer** considers the price bid insufficient. The [department] **State Treasurer** need not offer any property for sale if, in the [department's] **State Treasurer's** opinion, the probable cost of sale exceeds the value of the property.

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

- (A) A public oral auction;
- (B) An electronic commerce forum; and

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

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

- (A) The population of the location;
- (B) The cost of conducting the sale in the location;
- (C) The type of property being sold;
- (D) The public access to the proposed sale location, including parking; and
- (E) Any other indicator of market potential of the location.

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

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

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

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

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

SECTION 19. ORS 98.384 is amended to read:

98.384. If the [Department of State Lands] **State Treasurer** determines after investigation that any property delivered under ORS 98.352 has insubstantial commercial value, the [department] **State Treasurer** may destroy or otherwise dispose of the property at any time. No action or proceeding may

be maintained against the state or any officer or against the holder for or on account of any action taken by the [department] **State Treasurer** pursuant to this section.

SECTION 20. ORS 98.386 is amended to read:

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

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

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

- (a) Any costs in connection with sale of unclaimed property;
- (b) Any costs of mailing and publication in connection with efforts to locate owners of unclaimed property as prescribed by rule; and
- (c) Reasonable service charges.

SECTION 21. ORS 98.388 is amended to read:

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

SECTION 22. ORS 98.392 is amended to read:

98.392. (1) A person claiming an interest in unclaimed property reported [to the Department of State Lands] **under ORS 98.352** may file a claim to the property or to the proceeds from the sale of the property at any time after the [person learns that the] property has been reported [to the department]. Claims shall be filed on the form prescribed by the [department] **State Treasurer**. The [department] **State Treasurer** may require the person to provide

a lost instrument bond if the claim is for securities and the person does not surrender the original certificate to the [department] **State Treasurer**.

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

SECTION 23. ORS 98.396 is amended to read:

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

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

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

SECTION 24. ORS 98.402 is amended to read:

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

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

SECTION 25. ORS 98.412 is amended to read:

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

(2) The [department] **State Treasurer** may at reasonable times and upon reasonable notice examine the records of any person to determine whether the person has complied with the provisions of ORS 98.352. The [department] **State Treasurer** may con-

duct the examination even if the person believes it is not in possession of any property reportable or deliverable under this section.

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

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

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

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

SECTION 26. ORS 98.416 is amended to read:

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

(2) The [department] **State Treasurer** may require [a person] **a holder** who fails to pay or deliver property within the time prescribed by ORS 98.302 to 98.436 and 98.992 to pay interest from the date the [department] **State Treasurer** determines interest

should have been paid. Interest shall be paid at the rate set by the Director of the Department of Revenue pursuant to ORS 305.220 (1) and (3).

SECTION 27. ORS 98.422 is amended to read:

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

SECTION 28. ORS 98.424 is amended to read:

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

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

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

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

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

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

SECTION 29. ORS 98.991 is amended to read:

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

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

SECTION 30. ORS 98.992 is amended to read:

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

ESTATE ADMINISTRATION AND ESCHEATED PROPERTY

SECTION 31. ORS 112.055 is amended to read:

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

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

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

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

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

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

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

(B) The right to information under ORS 113.145.

SECTION 32. ORS 113.045 is amended to read:

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

(2) If at any time after the appointment of a personal representative it appears that any heir or devisee of the decedent cannot be identified and found, the personal representative shall promptly deliver or mail to the [Department of State Lands] **State Treasurer** a notice indicating that an heir or devisee cannot be identified and found. The personal representative shall file proof of the delivery or mailing with the court.

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

SECTION 33. ORS 113.075 is amended to read:

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

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

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

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

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

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

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

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

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

(b) If any devisee under the contested will is a charitable trust as described in ORS 130.170, a pub-

lic benefit corporation as defined in ORS 65.001 or a religious organization, a person who commences an action under subsection (1) of this section shall give notice to the Attorney General of the action.

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

SECTION 34. ORS 113.085 is amended to read:

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

(a) The personal representative named in the will.

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

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

(d) Any other distributee of the estate.

(e) The Director of Human Services or the Director of the Oregon Health Authority, or an attorney approved under ORS 113.086, if the decedent received public assistance as defined in ORS 411.010, received medical assistance as defined in ORS 414.025 or received care at an institution described in ORS 179.321 (1) and it appears that the assistance or the cost of care may be recovered from the estate of the decedent.

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

(g) Any other person.

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

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

(4) The court may appoint a person other than the [Department of State Lands] **State Treasurer** to administer the estate of a decedent who died wholly

intestate and without known heirs if the person filing a petition under ORS 113.035 attaches written authorization from the [Department of State Lands] **State Treasurer** approving the filing of the petition by the person. Except as provided by rule adopted by the [Director of the Department of State Lands] **State Treasurer**, the [department] **State Treasurer** may consent to the appointment of another person to act as personal representative only if it appears after investigation that the estate is insolvent.

SECTION 35. ORS 113.105 is amended to read:

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

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

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

(B) The anticipated income during administration.

(C) The probable indebtedness and taxes.

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

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

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

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

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

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

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

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

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

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

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

SECTION 36. ORS 113.235 is amended to read:

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

SECTION 37. ORS 113.238 is amended to read:

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

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

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

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

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

SECTION 38. ORS 113.242 is amended to read:

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

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

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

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

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

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

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

(d) Have access to the property and records of the decedent other than records that are made confidential or privileged by statute;

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

(f) Sell perishable property of the estate.

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

SECTION 39. ORS 114.325 is amended to read:

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

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

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

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

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

SECTION 40. ORS 114.505 is amended to read:

114.505. As used in ORS 114.505 to 114.560:

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

(2) "Claiming successors" means:

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

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

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

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

SECTION 41. ORS 114.520 is amended to read:

114.520. (1) If a decedent dies intestate and without heirs, a creditor of an estate who is a claiming successor may not file an affidavit under ORS 114.515 unless the creditor has received written authorization from an estate administrator of the [Department of State Lands] **State Treasurer** ap-

pointed under ORS 113.235. Except as provided by rule adopted by the [Director of the Department of State Lands] **State Treasurer**, an estate administrator [shall] **may not** consent to the filing of an affidavit under ORS 114.515 by a creditor [only if] **unless** it appears after investigation that the estate is insolvent.

(2) A creditor of an estate who is subject to subsection (1) of this section may give written notice to an estate administrator of the [Department of State Lands] **State Treasurer** informing the estate administrator that the creditor intends to file an affidavit under ORS 114.515. Upon receiving the notice permitted by this subsection, the estate administrator shall investigate the assets and liabilities of the estate. Within 30 days after receiving the notice required by this subsection, the estate administrator shall either:

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

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

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

SECTION 41a. If House Bill 3007 becomes law, section 41 of this 2019 Act (amending ORS 114.520) is repealed and ORS 114.520, as amended by section 6, chapter 165, Oregon Laws 2019 (Enrolled House Bill 3007), is amended to read:

114.520. (1) If a decedent dies intestate and without heirs, a creditor of an estate who is a claiming successor may not file a small estate affidavit unless the creditor has received written authorization from the [Department of State Lands] **State Treasurer**. Except as provided by rule adopted by the [Director of the Department of State Lands] **State Treasurer**, the [department] **State Treasurer** shall consent to the filing of a small estate affidavit by a creditor only if it appears after investigation that the estate is insolvent.

(2) A creditor of an estate who is subject to subsection (1) of this section may give written notice to the [Department of State Lands] **State Treasurer** informing the [department] **State Treasurer** that the creditor intends to file a small estate affidavit. Upon receiving the notice permitted by this subsection, the [department] **State Treasurer** shall inves-

tigate the assets and liabilities of the estate. Within 30 days after receiving the notice required by this subsection, the [department] **State Treasurer** shall either:

(a) Give written authorization to the creditor for the filing of a small estate affidavit by the creditor; or

(b) Inform the creditor that the [Department of State Lands] **State Treasurer** will file a small estate affidavit as claiming successor.

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

SECTION 41b. Section 6, chapter 166, Oregon Laws 2019 (Enrolled House Bill 3008), is amended to read:

Sec. 6. (1) A personal representative appointed under section 5, chapter 166, Oregon Laws 2019 (Enrolled House Bill 3008), [of this 2019 Act] shall deliver or mail to the beneficiaries at their last-known address information that must include:

(a) The title of the court in which the estate proceeding is pending and the case number;

(b) The name of the decedent and the place and date of the death of the decedent;

(c) The name and address of the personal representative, the attorney representing the personal representative in the wrongful death action and the attorney representing the personal representative in the probate proceeding;

(d) The date of the appointment of the personal representative; and

(e) A statement advising the beneficiaries that the rights of the beneficiaries may be affected by the proceeding and that additional information may be obtained from the records of the court, the personal representative or the attorney for the personal representative.

(2) If the personal representative is a beneficiary named in the petition, the personal representative is not required to deliver or mail the information under this section to the personal representative.

(3) Within 30 days after the date of appointment the personal representative shall cause to be filed in the estate proceeding proof of the delivery or mailing required by this section or a waiver of notice as provided under ORS 111.225. The proof must include a copy of the information delivered or mailed and the names of the persons to whom it was delivered or mailed.

(4) If before the filing of the motion to close the estate under section 8, **chapter 166, Oregon Laws 2019 (Enrolled House Bill 3008)**, [of this 2019 Act] the personal representative has actual knowledge that the petition did not include the name and address of any beneficiary, the personal representative shall:

(a) Make reasonable efforts under the circumstances to ascertain the names and addresses of the beneficiaries that were not included;

(b) Promptly deliver or mail information specified in subsection (1) of this section to each beneficiary located after the filing of the petition and before the filing of the motion to close the estate under section 8, **chapter 166, Oregon Laws 2019 (Enrolled House Bill 3008)**, [of this 2019 Act] and to the [Department of State Lands] **State Treasurer**; and

(c) File in the estate proceeding, on or before filing the motion to close the estate under section 8, **chapter 166, Oregon Laws 2019 (Enrolled House Bill 3008)** [of this 2019 Act], proof of compliance with this subsection or a waiver of notice as provided under ORS 111.225.

(5) Within 30 days after the appointment of the personal representative, the personal representative must mail or deliver the following information to the Department of Human Services and the Oregon Health Authority:

(a) The title of the court in which the estate proceeding is pending and the case number;

(b) The name of the decedent and the place and date of the death of the decedent;

(c) The name and address of the personal representative, the attorney representing the personal representative in the wrongful death action and the attorney representing the personal representative in the probate proceeding;

(d) The date of the appointment of the personal representative; and

(e) Any other information required by rule of the department or the authority.

SECTION 42. ORS 114.535 is amended to read:

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

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

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

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

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

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

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

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

(7) If the affidavit was signed by the Director of Human Services, the Director of the Oregon Health Authority or an attorney approved under ORS 114.517, the Director of Human Services, the Director of the Oregon Health Authority or the attorney may certify a copy of the affidavit for the purposes described in this section.

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

SECTION 43. ORS 116.193 is amended to read:

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

of the estate, and the estate shall summarily be closed.

SECTION 44. ORS 116.203 is amended to read:

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

SECTION 45. ORS 116.243 is amended to read:

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

SECTION 46. ORS 116.253 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CONFORMING AMENDMENTS

SECTION 47. ORS 60.674 is amended to read:

60.674. Assets of a dissolved corporation that should be distributed to a creditor, claimant or shareholder of the corporation who cannot be found shall be reduced to cash and, within one year after the final distribution in such liquidation or winding up is payable, deposited with the [Department of

State Lands] **State Treasurer**. The receiver or other liquidating agent shall prepare in duplicate and under oath a statement containing the names and last-known addresses of the persons entitled to such funds. One of the statements shall be filed with the *[Department of State Lands]* **State Treasurer** with the cash and another shall be delivered to the office for filing. The *[owner, heirs or personal representatives of the owner,]* **person entitled to the distribution** may file a claim with the *[Department of State Lands]* **State Treasurer** in the manner provided by ORS 98.392 and 98.396.

SECTION 48. ORS 62.720 is amended to read:

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

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

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

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

(a) The payment of claims *[which]* **that** may be made pursuant to this section; *[and]*

(b) The payment of expenses of mailing and publication in connection with any unclaimed property[.];

(c) Reasonable service charges; and

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

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

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

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

SECTION 49. ORS 63.674 is amended to read:

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

SECTION 50. ORS 65.674 is amended to read:

65.674. Assets of a dissolved corporation *[which]* **that** should be transferred to a creditor, claimant or member of the corporation who cannot be found or who is not competent to receive them shall be reduced to cash unless they are subject to known trust restrictions and deposited with the *[Department of State Lands]* **State Treasurer** for safekeeping. However, in the discretion of the *[Director of the Department of State Lands]* **State Treasurer**, property of unusual historic or aesthetic interest may be received and held in kind. The receiver or other liquidating agent shall prepare in duplicate and under oath a statement containing the names and last-known addresses of the persons entitled to such funds. One of the statements shall be filed with the

[*Department of State Lands*] **State Treasurer** and another shall be delivered to the Secretary of State for filing. The funds shall then escheat to and become the property of the State of Oregon and shall become part of the Common School Fund [*of the state*]. The [*owner, heirs or personal representatives of the owner,*] **person entitled to the transfer** may reclaim any funds so deposited in the manner provided in **ORS 116.253** for estates [*which*] **that** have escheated to the state.

SECTION 51. ORS 87.691 is amended to read:

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

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

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

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

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

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

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

is abandoned and shall report and deliver the balance **to the State Treasurer** as provided in ORS 98.352.

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

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

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

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

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

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

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

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

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

SECTION 52. ORS 90.425 is amended to read: 90.425. (1) As used in this section:

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

(b) "Dispose of the personal property" means that, if reasonably appropriate, the landlord may throw away the property or may give it without

consideration to a nonprofit organization or to a person unrelated to the landlord. The landlord may not retain the property for personal use or benefit.

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

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

(e) "Of record" means:

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

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

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

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

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

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

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

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

(c) The landlord receives possession of the premises from the sheriff following restitution pursuant to ORS 105.161.

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

(a) Personally delivered to the tenant; or

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

(A) The premises;

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

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

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

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

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

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

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

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

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

(A) Actually known to the landlord;

(B) Of record; and

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

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

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

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

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

(d) The tenant or any lienholder or owner, except as provided by subsection (18) of this section, may arrange for removal of the personal property by

contacting the landlord at a described telephone number or address on or before the specified date;

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

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

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

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

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

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

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

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

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

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

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

(A) Promptly dispose of rotting food; and

(B) Allow an animal control agency to remove any abandoned pets or livestock. If an animal con-

trol agency will not remove the abandoned pets or livestock, the landlord shall exercise reasonable care for the animals given all the circumstances, including the type and condition of the animals, and may give the animals to an agency that is willing and able to care for the animals, such as a humane society or similar organization;

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

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

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

(9) Except as provided in subsections (18) to (20) of this section, if the tenant, lienholder or owner of a recreational vehicle, manufactured dwelling or floating home does not respond within the time provided by the landlord's notice, or the tenant, lienholder or owner does not remove the personal property within the time required by subsection (8) of this section or by any date agreed to with the landlord, whichever is later, the tenant's, lienholder's or owner's personal property is conclusively presumed to be abandoned. The tenant and any lienholder or owner that have been given notice pursuant to subsection (3) or (4) of this section shall, except with regard to the distribution of sale proceeds pursuant to subsection (13) of this section, have no further right, title or interest to the personal property and may not claim or sell the property.

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

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

(A) The landlord may seek to transfer ownership of record of the personal property by complying with the requirements of the appropriate state agency; and

(B) The landlord shall:

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

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

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

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

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

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

(VI) The name and telephone number of the person to contact to inspect the recreational vehicle, manufactured dwelling or floating home;

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

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

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

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

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

(B) For all other personal property, the reasonable current fair market value is \$1,000 or less or so low that the cost of storage and conducting a public

sale probably exceeds the amount that would be realized from the sale; or

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

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

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

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

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

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

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

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

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

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

(B) Unpaid rent.

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

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

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

(e) If the tenant or owner cannot after due diligence be found, the landlord shall deposit the remaining proceeds with the county treasurer of the county in which the sale occurred. If not claimed within three years, the deposited proceeds revert to

the general fund of the county and are available for general purposes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) The notice and response periods provided by subsections (6) and (8) of this section have expired.

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

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

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

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

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

(B) The lienholder pay a late charge or fee for failure to pay a storage charge by the date required in the agreement, if the amount of the late charge is no greater than for late charges described in the rental agreement between the landlord and the tenant; and

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

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

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

(B) After a landlord gives a termination notice pursuant to subparagraph (A) of this paragraph for failure of the lienholder to pay a storage charge and the lienholder corrects the violation, if the lienholder again violates the storage agreement by failing to pay a subsequent storage charge, the landlord may terminate the agreement by giving at least 30 days' written notice to the lienholder stating facts sufficient to notify the lienholder of the reason for termination. Unless the lienholder corrects the violation within the notice period, the agreement terminates as provided and the landlord may sell or dispose of the property without further notice to the lienholder.

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

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

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

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

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

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

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

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

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

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

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

(e) If a personal representative or other person requests that a landlord enter into a storage agreement, subsection (19)(c), (d) and (f)(C) of this section applies, with the representative or person having the

rights and responsibilities of a lienholder with regard to the storage agreement.

(f) During the term of an agreement described under paragraph (d) of this subsection, the representative or person has the right to remove or sell the dwelling or home, including a sale to a purchaser or a transfer to an heir or devisee where the purchaser, heir or devisee wishes to leave the dwelling or home on the rented space and become a tenant, subject to any conditions previously agreed to by the landlord and tenant regarding the landlord's approval for occupancy of a purchaser, heir or devisee or, if there was no such agreement, any reasonable conditions by the landlord regarding approval for occupancy of any purchaser, heir or devisee who wishes to leave the dwelling or home on the rented space and become a tenant. The landlord also may condition approval for occupancy of any purchaser, heir or devisee of the dwelling or home upon payment of all unpaid storage charges and maintenance costs.

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

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

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

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

(A) An heir or devisee.

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

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

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

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

(B) Personally delivered or sent by first class mail to any heir, devisee, personal representative or

designated person, if actually known to the landlord; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(25) In the case of an abandoned motor vehicle, the procedure authorized by ORS 98.830 for removal of abandoned motor vehicles from private property may be used by a landlord as an alternative to the procedures required in this section.

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

(A) The landlord;

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

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

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

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

SECTION 53. ORS 97.170 is amended to read:

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

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

(b) Whose relative, or other person, with the legal right to direct the disposition of the deceased

person's body does not pay or arrange to pay for, or refuses to direct, the disposition of the deceased person's body within 10 days of being notified of the death; or

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

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

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

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

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

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

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

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

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

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

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

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

(4) If the deceased person is a child over whom the Department of Human Services held guardianship at the time of death, the department shall promptly attempt to locate and notify the rela-

tives of the deceased child or any other person who has an interest in the deceased child and shall arrange with any person who will pay the expenses to make disposition of the body. If no relatives or interested persons claim the body, the department may transfer the body to an institution that is on the list maintained by the board under subsection (2) of this section that desires the body for education or research purposes, or may authorize burial or cremation of the body. The department shall pay expenses related to burial or cremation authorized by the department under this subsection.

(5) Upon receipt of a qualifying statement as required by the board by rule that the deceased person is an indigent person, the board shall reimburse a funeral establishment the reasonable costs for disposition of the body of any unclaimed deceased indigent person. The method of disposition must be in the least costly and most environmentally sound manner that complies with law. The board shall adopt rules establishing the requirements and process for reimbursement and setting the amount that may be reimbursed to a funeral establishment under this subsection.

SECTION 54. ORS 98.050 is amended to read:

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

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

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

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

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

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

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

SECTION 55. ORS 146.125 is amended to read:

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

(2) When a medical examiner, medical-legal death investigator, district attorney or sheriff assumes control or custody of money or personal property found on the body or in the possession of

the deceased, the medical examiner, medical-legal death investigator, district attorney or sheriff shall:

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

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

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

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

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

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

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

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

(6) If a legally qualified personal representative, spouse, [or] next of kin or **estate administrator of the State Treasurer**:

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

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

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

SECTION 56. ORS 183.635 is amended to read:

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

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

(a) Attorney General.

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

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

(d) Department of Corrections.

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

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

(g) Department of Revenue.

(h) Department of State Police.

(i) Employment Appeals Board.

(j) Employment Relations Board.

(k) Energy Facility Siting Council.

(l) Fair Dismissal Appeals Board.

(m) Governor.

(n) Land Conservation and Development Commission.

(o) Land Use Board of Appeals.

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

(q) Public universities listed in ORS 352.002.

(r) Oregon Youth Authority.

(s) Psychiatric Security Review Board.

(t) Public Utility Commission.

(u) State Accident Insurance Fund Corporation.

(v) State Apprenticeship and Training Council.

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

(x) State Land Board.

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

(3) The Workers' Compensation Board is exempt from using administrative law judges assigned from the office for any hearing conducted by the board under ORS chapters 147, 654 and 656. Except as specifically provided in this subsection, the Department of Consumer and Business Services must use administrative law judges assigned from the office only for contested cases arising out of the department's powers and duties under:

(a) ORS 86A.095 to 86A.198, 86A.990 and 86A.992 and ORS chapter 59;

(b) ORS chapter 455;

(c) ORS chapter 674;

(d) ORS chapters 706 to 716;

(e) ORS chapter 717;

(f) ORS chapters 723, 725 and 726; and

(g) ORS chapters 731, 732, 733, 734, 735, 737, 742, 743, 743A, 743B, 744, 746, 748 and 750.

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

(5) Notwithstanding any other provision of ORS 183.605 to 183.690, an agency is not required to use

an administrative law judge assigned from the office if:

(a) Federal law requires that a different administrative law judge or hearing officer be used; or

(b) Use of an administrative law judge from the office could result in a loss of federal funds.

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

SECTION 57. ORS 273.125 is amended to read:

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

SECTION 58. ORS 273.141 is amended to read:

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

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

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

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

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

(4) The Oregon Investment Council and the State Treasurer shall invest the funds administered by the Department of State Lands as provided under ORS 293.701 to 293.857.

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

SECTION 59. ORS 273.183 is amended to read:

273.183. For the purpose of requesting a state or nationwide criminal records check under ORS

181A.195, the Department of State Lands may require the fingerprints of a person who:

(1)(a) Is employed or applying for employment by the department; or

(b) Provides services or seeks to provide services to the department as a contractor or volunteer; and

(2) Is, or will be, working or providing services in a position:

(a) In which the person has direct access to persons under 18 years of age, elderly persons or persons with disabilities;

(b) In which the person is providing information technology services and has control over, or access to, information technology systems that would allow the person to harm the information technology systems or the information contained in the systems;

(c) In which the person has access to information, the disclosure of which is prohibited by state or federal laws, rules or regulations or information that is defined as confidential under state or federal laws, rules or regulations;

(d) That has payroll functions or in which the person has responsibility for receiving, receipting or depositing money or negotiable instruments, for billing, collections or other financial transactions or for purchasing or selling property or has access to property held in trust or to private property in the temporary custody of the state;

[(e) In which the person has responsibility for auditing unclaimed property;]

[(f)] (e) In which the person has access to personal information about employees or members of the public including Social Security numbers, dates of birth, driver license numbers, personal financial information or criminal background information;

[(g)] (f) In which the person has access to tax or financial information of individuals or business entities;

[(h)] (g) That involves the use, possession, issuance, transport, purchase, sale or forfeiture of firearms or munitions, access to firearms or munitions or the training of others in the use or handling of firearms; or

[(i)] (h) In which the person provides security, design or construction services for government buildings, grounds or facilities.

SECTION 60. ORS 287A.474 is amended to read:

287A.474. (1) The county fiscal officer shall prepare a report of all warrants and checks issued more than two years prior to July 1 of that year *[which]* **that** have not been paid, pursuant to ORS 98.352.

(2) The lawful owner of any warrant or check included in any list referred to in subsection (1) of this section, not presented to the county treasurer for payment and not paid, thereafter may file a claim with the *[Department of State Lands]* **State Treasurer** in the manner provided by ORS 98.392 and 98.396.

SECTION 61. ORS 293.450 is amended to read:

293.450. (1) Before October 1 of each year, *[the]* **an** agency that maintains an account pursuant to

ORS 293.445 shall prepare a report pursuant to ORS 98.352 of all checks or orders drawn by it that have been outstanding for a period of more than two years prior to July 1, and that have not been paid by the State Treasurer.

(2) The report shall not include checks or orders that have already been paid pursuant to indemnity bonds.

(3) The agency shall forward the report to the [Department of State Lands] **State Treasurer** before November 1.

(4) The [Department of State Lands shall] **State Treasurer** may not require the Department of Revenue to remit funds being held by the department [of Revenue] prior to January 1, 1994.

SECTION 62. ORS 293.455 is amended to read:

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

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

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

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

(2) In each instance, the State Treasurer shall issue an official receipt for the amount so transferred or credited.

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

SECTION 63. ORS 293.460 is amended to read:

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

SECTION 64. ORS 293.701 is amended to read:

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

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

(2) "Investment funds" means:

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

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

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

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

(e) Insurance Fund referred to in ORS 278.425;

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

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

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

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

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

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

(L) World War II Veterans' Compensation Fund;

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

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

(o) State funds that are not subject to the control and administration of officers or bodies specifically designated by law;

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

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

(r) Public University Fund established by ORS 352.450;

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

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

(u) Education Stability Fund established by ORS 348.696;

(v) Deferred Compensation Fund established under ORS 243.411;

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

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

(y) Funds in the Unclaimed Property Revolving Fund created in ORS 98.388; and

(z) Funds in the Common School Fund that are available for investment.

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

SECTION 65. ORS 314.840 is amended to read:

314.840. (1) The Department of Revenue may:

(a) Furnish any taxpayer, representative authorized to represent the taxpayer under ORS 305.230 or person designated by the taxpayer under ORS 305.193, upon request of the taxpayer, representative

or designee, with a copy of the taxpayer's income tax return filed with the department for any year, or with a copy of any report filed by the taxpayer in connection with the return, or with any other information the department considers necessary.

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

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

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

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

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

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

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

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

(D) Has been or is under investigation for possible criminal offenses under the Oregon personal income tax laws. Information disclosed pursuant to this paragraph shall be used only for the purpose of making the appointment, reappointment or decision to employ or not to employ the individual in the office of the Governor.

(b) An officer or employee of the Oregon Department of Administrative Services duly authorized or employed to prepare revenue estimates, or a person contracting with the Oregon Department of Administrative Services to prepare revenue estimates, in the preparation of revenue estimates required for the Governor's budget under ORS 291.201 to 291.224, or required for submission to the Emergency Board or the Joint Interim Committee on Ways and Means, or if the Legislative Assembly is in session, to the Joint Committee on Ways and Means, and to the Legislative Revenue Officer or Legislative Fiscal Officer under ORS 291.342, 291.348 and 291.445. The Department of Revenue shall disclose and give ac-

cess to the information described in ORS 314.835 for the purposes of this paragraph only if:

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

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

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

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

(A) A state;

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

(C) The District of Columbia; or

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

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

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

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

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

(i) The Legislative Revenue Officer or authorized representatives upon compliance with ORS 173.850.

Such officer or representative shall not remove from the premises of the department any materials that would reveal the identity of any taxpayer or any other person.

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

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

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

- (A) Identification numbers.
- (B) Names and addresses.
- (C) Inception date as employer.
- (D) Nature of business.
- (E) Entity changes.
- (F) Date of last payroll.

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

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

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

[(p) Employees of the Department of State Lands for the purposes of identifying, locating and publishing lists of taxpayers entitled to unclaimed refunds as required by the provisions of chapter 694, Oregon Laws 1993. The information shall be limited to the taxpayer's name, address and the refund amount.]

(p) Employees of the Department of State Lands or State Treasurer for the purposes of

returning unclaimed property and identifying, locating and publishing lists of taxpayers entitled to unclaimed refunds under ORS 98.302 to 98.436.

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

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

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

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

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

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

(s) The United States Financial Management Service, for purposes of facilitating the offsets described in ORS 305.612.

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

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

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

(w) The Secretary of State for the purpose of initiating or supporting a recommendation under ORS 60.032 (3) or 63.032 (3) to administratively dissolve a

corporation or limited liability company that the Director of the Department of Revenue determines has failed to comply with applicable tax laws of the state.

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

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

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

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

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

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

SECTION 66. ORS 327.405 is amended to read:

327.405. (1) The Common School Fund shall be composed of the proceeds from the sales of the 16th and 36th sections of every township or of any lands selected in lieu thereof; all the moneys and clear proceeds of all property that may accrue to the state by escheat or forfeiture; the proceeds of all gifts, devises and bequests made by any person to the state for common school purposes; the proceeds of all property granted to the state when the purpose of such grant is not stated; all proceeds of the sale of submerged and submersible lands as described in ORS 274.005; all proceeds of the sale of the South Slough National Estuarine Research Reserve as described in ORS 273.553 in the event such property is sold; all proceeds of the sale of the 500,000 acres of

land to which this state is entitled by an Act of Congress approved September 4, 1841, and of all lands selected for capitol building purposes under Act of Congress approved February 14, 1859; and all proceeds derived from the investment of moneys that compose the fund. All such proceeds shall become a part of the fund. Except as otherwise provided by law, the income from the fund shall be applied exclusively to the support and maintenance of common schools in each school district.

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

SECTION 67. ORS 652.405 is amended to read:

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

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

SECTION 68. ORS 657.665 is amended to read:

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

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

(b) May not be used in any court action or in any proceeding pending in the court unless the director or the state is a party to the action or proceeding or unless the proceeding concerns the establishment, enforcement or modification of a sup-

port obligation and support services are being provided by the Division of Child Support or the district attorney pursuant to ORS 25.080.

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

(2) The Employment Department shall disclose information:

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

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

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

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

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

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

(g) Pursuant to sections 303(f) and 1137 of the Social Security Act, to agencies participating in the income and eligibility verification system for the

purpose of verifying an individual's eligibility for benefits, or the amount of benefits, under unemployment insurance, temporary assistance for needy families, Medicaid, the Supplemental Nutrition Assistance Program, Supplemental Security Income, child support enforcement or Social Security programs. The information disclosed is confidential and may not be used for any other purpose. The costs of disclosing information under this paragraph shall be paid by the requesting agency.

(h) Pursuant to section 303(h) of the Social Security Act and section 3304(a)(16)(B) of the Federal Unemployment Tax Act, to the United States Department of Health and Human Services National Directory of New Hires. The information disclosed is confidential and may not be used for any other purpose. The costs of disclosing information under this paragraph shall be paid by the United States Department of Health and Human Services.

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

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

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

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

(a) To state agencies, federal agencies, local government agencies, public universities listed in ORS 352.002 and the Oregon Health and Science

University established under ORS 353.020, to the extent necessary to properly carry out governmental planning, performance measurement, program analysis, socioeconomic analysis or policy analysis functions performed under applicable law. The information disclosed is confidential and may not be disclosed by the agencies or universities in any manner that would identify individuals, claimants, employees or employing units. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the agency or university requesting the information.

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

(c) In accordance with ORS 657.673.

(4) The Employment Department may:

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

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

(c) Disclose information pursuant to an informed consent, received from an employer or claimant, to disclose the information.

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

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

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

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

(h) Disclose to the Oregon Business Development Commission and the Oregon Business Development Department information required by the commission and the department in performing their duties under ORS 285A.050 and 285B.630 to verify changes in employment levels following direct employer participation in department programs or indirect participation through municipalities under ORS 285B.410 to 285B.482. The information disclosed to the commission and the department may include an employer's employment level, total subject wages payroll and whole hours worked. The information disclosed is confidential and may not be used for any other purpose. The commission and the department may not disclose the information in any manner that would identify an employing unit or employee except to the extent necessary to carry out the commission's and the department's duties under ORS 285A.050 and 285B.630. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the commission or the Oregon Business Development Department.

(i) Disclose information to the Department of Revenue for the purpose of performing its duties under ORS 293.250 or under the revenue and tax laws of this state. The information disclosed may include the names and addresses of employers and employees and payroll data of employers and employees. The information disclosed is confidential and may not be disclosed by the Department of Revenue in any manner that would identify an employing unit or employee except to the extent necessary to carry out the department's duties under ORS 293.250 or in auditing or reviewing any report or return required or permitted to be filed under the revenue and tax laws administered by the department. The Department of Revenue may not disclose any information received to any private collection agency or for any other purpose. If the information disclosed under this paragraph is not prepared for

the use of the Employment Department, the costs of disclosing the information shall be paid by the Department of Revenue.

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

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

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

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

(n) Disclose information to the Department of Transportation to assist the Department of Transportation in carrying out the duties of the Department of Transportation relating to collection of delinquent and liquidated debts, including taxes, under ORS 184.610 to 184.665, 184.670 to 184.733 and 805.263, ORS chapter 319 and the Oregon Vehicle Code. The information disclosed may include the names and addresses of employers and employees and payroll data of employers and employees. The information disclosed is confidential and may not be disclosed by the Department of Transportation in any manner that would identify an employing unit or employee except to the extent necessary to carry out the Department of Transportation's duties relating to collection of delinquent and liquidated debts or in auditing or reviewing any report or return required or permitted to be filed under the revenue and tax laws administered by the Department of Transportation. The Department of Transportation may not disclose any information received to any private collection agency or for any other purpose. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the Department of Transportation.

(o) Disclose information to the Department of Human Services and the Oregon Health Authority to assist the Department of Human Services and the Oregon Health Authority in the collection of debts that the Department of Human Services and the Oregon Health Authority are authorized by law to collect. The information disclosed may include the names, addresses and payroll data of employers and employees. The information disclosed is confidential and may not be disclosed by the Department of Human Services or the Oregon Health Authority in a manner that would identify an employing unit or employee except to the extent necessary for the collection of debts as described in this paragraph. The Department of Human Services and the Oregon Health Authority may not disclose information received under this paragraph to a private collection agency or use the information for a purpose other than the collection of debts as described in this paragraph. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the Department of Human Services or the Oregon Health Authority.

(p) Disclose to the Alcohol and Drug Policy Commission information required by the commission in evaluating and measuring the performance of alcohol and drug prevention and treatment programs under ORS 430.242 or the impact of the programs on employment. The information disclosed to the commission may include total subject wages payroll and whole hours worked. The information disclosed under this paragraph is confidential and may not be used for any other purpose. The commission may not disclose the information in any manner that would identify an employing unit or employee except to the extent necessary to carry out the commission's du-

ties under ORS 430.242. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the commission.

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

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

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

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

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

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

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

708A.430. (1) On the death of a depositor of an insured institution, if the deposit is \$25,000 or less, the insured institution, after receiving an affidavit as provided in subsection (3) of this section from a person that claims the deposit, or a declaration from the Department of Human Services or the Oregon

Health Authority as provided in subsection (4) of this section, may pay the moneys on deposit to the credit of the deceased depositor, in the following order of priority, to:

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

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

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

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

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

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

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

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

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

(a) State where and when the depositor died;

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

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

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

(4) An insured institution shall accept from the Department of Human Services or the Oregon Health Authority, without additional requirements,

a declaration under penalty of perjury meeting the requirements of subsection (3) of this section. A declaration submitted under this section must be signed by the declarant and must include the following sentence immediately above the signature line of the declarant: "I hereby declare under penalty of perjury that I am authorized by the Department of Human Services or the Oregon Health Authority to make this declaration, that the above statement is true to the best of my knowledge and belief, and that I understand that it is subject to penalty for perjury."

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

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

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

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

(9)(a) Moneys disbursed to the Department of Human Services under subsection (1) of this section may be made payable only to the department.

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

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

SECTION 70. ORS 708A.655 is amended to read: 708A.655. (1) This section applies to the safe deposit box of any person who is the sole lessee or last surviving lessee of the box and who has died.

(2) Subject to ORS 114.537, upon being furnished with a certified copy of the decedent's death record or other evidence of death satisfactory to the Oregon

operating institution, the Oregon operating institution within which the box is located shall cause or permit the box to be opened and the contents of the box examined at the request of an individual who furnishes an affidavit stating:

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

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

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

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

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

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

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

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

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

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

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

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

of the decedent, may be given to the interested person.

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

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

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

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

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

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

(9) The Oregon operating institution may presume the truth of any statement contained in the affidavit required to be furnished under this section or ORS 114.535, and when acting in reliance upon such an affidavit, the Oregon operating institution

is discharged as if it had dealt with the personal representative of the decedent. The Oregon operating institution is not responsible for the adequacy of the description of any property included in an inventory of the contents of a box, or for the conversion of the property in connection with actions performed under this section, except for conversion by intentional acts of the Oregon operating institution or its employees, directors, officers or agents. If the Oregon operating institution is not satisfied that the requirements of this section have been satisfied, the Oregon operating institution may decline to open the box.

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

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

SECTION 71. ORS 711.225 is amended to read:

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

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

SECTION 72. ORS 711.230 is amended to read:

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

(2) The board of directors shall, within 30 days after the presentment of a claim, allow or reject the claim, in whole or in part, noting the same in their minutes. The board shall notify the claimants in writing of its action, either by personal service or by mail. Any claim rejected or disallowed is barred unless action to adjudicate the claim is commenced within 60 days after the date of service or mailing of notice of disallowance or rejection.

(3) The board of directors may extend the time within which to receive claims and continue the liquidation after the expiration of the time allowed

in this section for the filing of claims. Any new claims filed after the time shall be allowed and paid or rejected in the same manner as provided for other claims. If the liquidation is continued, the transfer of unclaimed deposits to the [Department of State Lands] **State Treasurer** may be delayed to such time as designated by the Director of the Department of Consumer and Business Services.

SECTION 73. ORS 711.235 is amended to read:

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

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

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

SECTION 74. ORS 711.590 is amended to read:

711.590. (1) Two years after the date of the final order closing the liquidation of an institution, the Director of the Department of Consumer and Business Services may withdraw any unclaimed deposits or balances remaining to the credit of dividend accounts, representing the aggregate of undelivered checks or unpaid dividend funds in the possession of the Department of Consumer and Business Services, **and report** and pay the funds to the [Department of State Lands] **State Treasurer** as unclaimed property [to be disposed of as provided in ORS 98.302 to 98.436 and 98.992] **for deposit in the Unclaimed Property Revolving Fund under ORS 98.352.**

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

SECTION 75. ORS 716.905 is amended to read:

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

(2) All deposits and amounts reserved for creditors that remain unclaimed after six months from the date of the written notice required under subsection (1) of this section shall be reported and

transferred by the directors to the [Department of State Lands] **State Treasurer** as unclaimed property **for deposit in the Unclaimed Property Revolving Fund** under ORS [98.302 to 98.436 and 98.992] **98.352.**

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

SECTION 76. ORS 716.910 is amended to read:

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

SECTION 77. ORS 723.466 is amended to read:

723.466. (1) On the death of a member of a credit union, if the deposit to the credit of the deceased member is \$25,000 or less, the credit union may, upon receipt of an affidavit from a person claiming the deposit as provided in subsection (3) of this section, or a declaration from the Department of Human Services or the Oregon Health Authority as provided in subsection (4) of this section, pay the moneys on deposit:

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

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

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

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

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

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

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

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

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

(a) State where and when the member died;

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

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

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

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

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

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

(7) A probate proceeding is not necessary to establish the right of the surviving spouse, Oregon Health Authority, Department of Human Services, surviving children, surviving parents, surviving brothers and sisters or an estate administrator of the [Department of State Lands] **State Treasurer** to withdraw the deposits upon the filing of the affidavit

or declaration. If a personal representative is appointed in an estate where a withdrawal of deposits was made under this section, the person withdrawing the deposits shall account for them to the personal representative.

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

(9)(a) Moneys disbursed to the Department of Human Services under subsection (1) of this section may be made payable only to the department.

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

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

SECTION 78. ORS 723.844 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) If the box is opened for the purpose of making an inventory of its contents, the credit union shall comply with subsection (4) or (5) of this section with respect to any will or trust instrument of the decedent that is found in the box, and shall cause the inventory to be made. The inventory must be at-

tested to by a representative of the credit union and may be attested to by the interested person, if the interested person is present when the inventory is made. The credit union shall retain the original inventory in the box, and shall furnish a copy of the inventory to the interested person upon request.

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

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

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

(11) Any examination of the contents of a box under this section shall be conducted in the presence of at least one employee of the credit union.

SECTION 79. Section 2, chapter 91, Oregon Laws 2018, is amended to read:

Sec. 2. (1) As used in this section:

(a) "Armed Forces of the United States" has the meaning given that term in ORS 348.282.

(b) "Descendant" has the meaning given that term in ORS 111.005.

(c) "Military medal" means a medal or decoration awarded to a person for military service in the Armed Forces of the United States and presumed to be abandoned under ORS 98.302 to 98.436.

(d) "Service member" means the person to whom a military medal was initially awarded by the Armed Forces of the United States.

(2) Notwithstanding ORS 98.382 and 98.384, the [*Department of State Lands*] **State Treasurer** may not sell or destroy a military medal. Except as provided in subsection (4) of this section, upon receiving a military medal, the [*department*] **State Treasurer** shall retain the military medal until a claim is filed for the military medal by a service member or by a descendant of a deceased service member.

(3) The [department] **State Treasurer** may make a photograph or other visual depiction of the military medal available to the public, together with any information in the records of the holder, excluding Social Security numbers, that the [department] **State Treasurer** determines is necessary to facilitate the identification and location of a service member or a descendant of a deceased service member.

(4) The [department] **State Treasurer** may deliver a military medal to one of the following custodians if the recipient custodian agrees[,] in writing[,] to retain the military medal for the service member or a descendant of a deceased service member:

(a) A military veterans' organization qualified under section 501(c)(19) of the Internal Revenue Code;

(b) The agency that awarded the military medal;

(c) A state or federal agency; or

(d) The Oregon Military Museum established under ORS 396.555.

(5) If the [department] **State Treasurer** transfers custody of a military medal as provided in subsection (4) of this section, the [department] **State Treasurer** is relieved of any duty to safeguard the military medal.

(6) The [department] **State Treasurer** may adopt rules to implement the provisions of this section, including:

(a) Identifying procedures the [department] **State Treasurer** must take to reasonably identify a service member or a descendant of a deceased service member.

(b) Specifying documentation necessary for a service member or a descendant of a deceased service member to submit a claim for a military medal.

(c) Prioritizing claims if more than one of a deceased service member's descendants submits a claim for a military medal.

SECTION 80. Section 2, chapter 95, Oregon Laws 2018, is amended to read:

Sec. 2. (1) As used in this section, "U.S. savings bonds" or "bonds" means:

(a) U.S. savings bonds, series A, B, C, D, E, F, G, H, J and K, and U.S. savings notes, governed by 31 C.F.R. 315;

(b) Definitive United States savings bonds, series EE and HH, governed by 31 C.F.R. 353; and

(c) Definitive United States savings bonds, series I, governed by 31 C.F.R. 360.

(2) Notwithstanding any other provision of law, U.S. savings bonds subject to the custody of the State of Oregon as unclaimed property shall escheat to the state [only] in accordance with this section.

(3) The holder of U.S. savings bonds presumed abandoned under ORS 98.302 to 98.436 shall report, and deliver possession of, the bonds to the [administrator] **State Treasurer**.

(4) After obtaining possession of the U.S. savings bonds under subsection (3) of this section, the [administrator] **State Treasurer** shall cause:

(a) Each person listed on the face of the bonds, each apparent owner of the bonds and each person otherwise appearing to be an owner of the bonds to be contacted at the last-known address of the person; and

(b) Notice of the bonds to be published of the bonds in such form as in the discretion of the [administrator] **State Treasurer** is most likely to attract the attention of all persons having a legal or beneficial interest in the bonds.

(5) The notice required under subsection (4)(b) of this section must contain the following information:

(a) The name of each person described in subsection (4)(a) of this section;

(b) The last-known address or location of each person described in subsection (4)(a) of this section, if known by the [administrator] **State Treasurer**;

(c) A statement explaining that the U.S. savings bonds are presumed to be abandoned and have been taken into the protective custody and possession of the [administrator] **State Treasurer**;

(d) A statement that information about the U.S. savings bonds can be obtained upon inquiry to the [administrator] **State Treasurer** at any time by any person having a legal or beneficial interest in the bonds;

(e) A statement that a claim for the U.S. savings bonds may be made under ORS 98.392 and 98.396;

(f) A description of the escheat proceedings under this section; and

(g) Any other information the [administrator] **State Treasurer** considers appropriate or necessary to locate all persons having a legal or beneficial interest in the bonds.

(6) The [administrator] **State Treasurer** shall create and maintain on the official website of the [Department of State Lands] **State Treasurer** a webpage on which the public may obtain information about U.S. savings bonds in the custody and possession of the [administrator] **State Treasurer** as unclaimed property.

(7) If no person has been identified as the owner of U.S. savings bonds within three years after the first public notice provided under subsection (4)(b) of this section with respect to the bonds:

(a) Title to the bonds shall vest in the State of Oregon; and

(b) The [administrator] **State Treasurer** may seek an order from the Marion County Circuit Court escheating the bonds to the State of Oregon.

(8) The Marion County Circuit Court shall issue an order escheating U.S. savings bonds to the State of Oregon if the court determines that:

(a) With respect to the bonds, all provisions of this section have been complied with; and

(b) The bonds:

(A) Have, within the meaning of the applicable federal regulations, reached the final extended maturity date or the final maturity, or have stopped earning interest;

(B) Are in the possession of the state; and

(C) Have been abandoned by all persons entitled to payment for the bonds under the applicable federal regulations.

(9)(a) Upon issuance of an order of escheat with respect to U.S. savings bonds, the [administrator] **State Treasurer** may apply to the United States Treasury for payment to the state for the bonds.

(b) ORS 98.386 applies to any payments received by the state pursuant to this subsection.

[(10)(a) U.S. savings bonds escheated to the state under this section or the amount of any payments received by the state for the bonds may be recovered by a claim filed by or on behalf of any person having a legal or beneficial interest in the bonds that did not have actual knowledge of the escheat proceedings with respect to the bonds or that at the time of the order of escheat was unable to prove entitlement to the bonds.]

[(b) The claim shall be made by a petition filed with the administrator. The claim shall be considered a contested case for purposes of ORS chapter 183 and a person adversely affected or aggrieved by a final order with respect to the claim is entitled to judicial review under ORS 183.480.]

[(c) The petition must include a declaration made under penalty of perjury in the form required by ORCP 1 E, or an unsworn declaration under ORS 194.800 to 194.835, if the declarant is physically outside the boundaries of the United States, and must state:]

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

[(B) That the claimant is lawfully entitled to the U.S. savings bonds or the amount of the payments received by the state for the bonds;]

[(C) That at the time the bonds escheated to the state, the claimant had no actual knowledge of the escheat proceedings or was unable to prove entitlement to the bonds and has subsequently acquired new evidence of that entitlement;]

[(D) That the claimant claims the bonds or the payments received by the state for the bonds as an heir or devisee, or as the personal representative of the estate of an heir or devisee, setting forth the relationship, if any, of the claimant to the decedent who at the time of death was the owner of the bonds; and]

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

[(d) If it is determined that the claimant is entitled to the bonds or the payments received by the state for the bonds, the administrator shall deliver the bonds or the payments received for the bonds to the claimant, after deduction of any costs and expenses of the state in connection with the escheat proceedings and the claim hearing.]

[(e) A claimant is not entitled to payment of interest on payments received by the state for the bonds earned during the period in which title to the bonds was vested in the State of Oregon in accordance with this section.]

[(11)] (10) This section does not apply to a claim of title by the state to U.S. savings bonds as heir to a deceased owner.

SECTION 81. Section 22, chapter 105, Oregon Laws 2018, is amended to read:

Sec. 22. (1) On January 1 of each year, the [Department of State Lands] **State Treasurer** shall transfer from the Common School Fund Account to the School Districts Unfunded Liability Fund established in section 24, [of this 2018 Act] **chapter 105, Oregon Laws 2018**, all or part of the interest earned in the previous calendar year from the cumulative unclaimed property deposited in the Common School Fund Account under ORS 98.386 to which the state has not taken title, as described in subsection (2) of this section.

(2) The amount made available under subsection (1) of this section may not exceed an amount equal to the proceeds from unclaimed property received by the Department of State Lands or State Treasurer in the previous calendar year, minus:

(a) The amount paid for unclaimed property claims under ORS 98.396 in the previous calendar year;

(b) The [department's] investment expenses of the department or State Treasurer related to the Common School Fund for the previous calendar year; and

(c) Operating expenses that the department or State Treasurer is entitled to recover for the previous calendar year.

SECTION 82. Section 22, chapter 105, Oregon Laws 2018, as amended by section 81 of this 2019 Act, is amended to read:

Sec. 22. (1) On January 1 of each year, the State Treasurer shall transfer from the Common School Fund Account to the School Districts Unfunded Liability Fund established in section 24, chapter 105, Oregon Laws 2018, all or part of the interest earned in the previous calendar year from the cumulative unclaimed property deposited in the Common School Fund Account under ORS 98.386 to which the state has not taken title, as described in subsection (2) of this section.

(2) The amount made available under subsection (1) of this section may not exceed an amount equal to the proceeds from unclaimed property received by the [Department of State Lands or] State Treasurer in the previous calendar year, minus:

(a) The amount paid for unclaimed property claims under ORS 98.396 in the previous calendar year;

(b) The investment expenses of the [department or] State Treasurer related to the Common School Fund for the previous calendar year; and

(c) Operating expenses that the [department or] State Treasurer is entitled to recover for the previous calendar year.

SECTION 83. Section 23, chapter 105, Oregon Laws 2018, is amended to read:

Sec. 23. Section 22, chapter 105, Oregon Laws 2018, as amended by sections 81 and 82 of this 2019 Act, [of this 2018 Act] is repealed on January 2, 2027.

CAPTIONS

SECTION 84. The unit captions used in this 2019 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2019 Act.

OPERATIVE DATES

SECTION 85. (1) Sections 1 to 6 of this 2019 Act become operative on July 1, 2021.

(2) The amendments to statutes and session law by sections 7 to 80 of this 2019 Act become operative on July 1, 2021.

(3) The amendments to section 22, chapter 105, Oregon Laws 2018, by section 81 of this 2019 Act become operative on January 1, 2022.

(4) The amendments to section 22, chapter 105, Oregon Laws 2018, by section 82 of this 2019 Act become operative on January 1, 2023.

(5) The State Treasurer, the Department of State Lands and the State Land Board may take any actions before the operative dates specified in subsections (1) to (4) of this section necessary to enable the State Treasurer to exercise, on and after the operative dates specified in subsections (1) to (4) of this section, the duties, functions and powers required under this 2019 Act.

EFFECTIVE DATE

SECTION 86. This 2019 Act takes effect on the 91st day after the date on which the 2019 regular session of the Eightieth Legislative Assembly adjourns sine die.

Approved by the Governor August 9, 2019

Filed in the office of Secretary of State August 9, 2019

Effective date September 29, 2019