

House Bill 3430

Sponsored by Representatives SOLLMAN, VIAL, SMITH DB; Representatives GOMBERG, HELM, HERNANDEZ, MCLAIN, PILUSO, SMITH WARNER

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Provides that Department of State Lands shall distribute certain moneys that have been in Common School Fund Account for 25 years or more. Requires any claims for moneys be paid from General Fund.

Directs department to describe disposition of those moneys on claim forms.

A BILL FOR AN ACT

1
2 Relating to proceeds from the sale of unclaimed property; creating new provisions; and amending
3 ORS 98.392 and 98.396.

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

5 **SECTION 1.** ORS 98.396 is amended to read:

6 98.396. (1) The Department of State Lands shall consider any claim filed under ORS 98.392 and
7 may hold a hearing and receive evidence concerning the claim. If a hearing is held, the department
8 shall prepare findings and a decision in writing on each claim filed, stating the substance of any
9 evidence heard by the department and the reasons for the decision. The decision shall be a public
10 record.

11 (2)(a) **Except as provided by paragraph (b) of this subsection**, if the claim allowed is for
12 property deposited in the Common School Fund Account, the department shall return the property
13 or make payment of the proceeds of the sale of the property to the claimant[.] **from the Common**
14 **School Fund Account.**

15 (b) **After proceeds of the sale of property have been in the Common School Fund Account**
16 **for 25 years or more, the department shall:**

17 (A) **Make the amounts of the proceeds available for distribution through the Common**
18 **School Fund; and**

19 (B) **Pay any claims for the amounts of the proceeds as though the proceeds had been**
20 **deposited in the General Fund, as provided by subsection (3) of this section.**

21 (3) If the claim allowed is for funds deposited in the General Fund **or for claims to be paid**
22 **as provided by subsection (2)(b) of this section**, the department shall pay the claim and file a
23 request for reimbursement with the State Treasurer. The State Treasurer shall reimburse the de-
24 partment within five working days from the fund against which the check or order represented in
25 the claim was issued.

26 **SECTION 2. The amendments to ORS 98.396 by section 1 of this 2017 Act apply to pro-**
27 **ceeds from the sale of property that are deposited in the Common School Fund Account be-**
28 **fore, on or after the effective date of this 2017 Act.**

29 **SECTION 3.** ORS 98.392 is amended to read:

30 98.392. (1)(a) A person claiming an interest in unclaimed property reported to the Department

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

1 of State Lands may file a claim to the property or to the proceeds from the sale of the property at
2 any time after the person learns that the property has been reported to the department.

3 **(b) Claims shall be filed on the form prescribed by the department. The form must include**
4 **statements that:**

5 **(A) Any proceeds from sales of property that have not been claimed after 25 years are**
6 **made available to school districts through distributions of the Common School Fund; and**

7 **(B) A person has a right to claim proceeds from sales of property after 25 years and that**
8 **those claims will be paid from the General Fund.**

9 **(c)** The department may require the person to provide a lost instrument bond if the claim is for
10 securities and the person does not surrender the original certificate to the department.

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

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