

Requested by Senator SMITH DB

**PROPOSED AMENDMENTS TO
SENATE BILL 1023**

1 On page 1 of the printed bill, line 15, delete “or”.

2 In line 18, delete the period and insert “; or

3 “(d) Citizens of any country that prohibits citizens of the United States
4 from owning land within the country.”.

5 In line 27, after “Act” insert a period and delete the rest of the line and
6 lines 28 and 29.

7 On page 2, delete line 1.

8 After line 11, insert:

9 **“SECTION 7. (1)(a) For any real property or water right held in vi-**
10 **olation of section 4 or 6 of this 2025 Act, the Attorney General on be-**
11 **half of the state or the legal counsel for the county in which the**
12 **property or water right is located, at the direction of the board of**
13 **county commissioners and on behalf of the county, may file a suit to**
14 **sell the property or water right. A suit under this section must be**
15 **brought substantially in compliance with ORS chapter 88, as though**
16 **the violation of section 4 or 6 of this 2025 Act were a default of a lien.**
17 **Such default may be cured only by selling the property or coming into**
18 **compliance with section 2 of this 2025 Act and not by the payment of**
19 **any amount.**

20 **“(b) The attorney fees incurred under this section become a lien on**
21 **the real property, or real property to which the water right is**

1 appurtenant, at the time they are incurred. A lien under this para-
2 graph:

3 “(A) Remains even if the default is cured or the case is otherwise
4 dismissed; and

5 “(B) Has priority over any other interest in, lien on or mortgage
6 on the real property.

7 “(c) Following a judgment and sale under this subsection:

8 “(A) No right of redemption exists for the seller, notwithstanding
9 ORS 18.860 to 18.993; and

10 “(B) After paying the lien under paragraph (b) of this subsection
11 and any costs of sale, the proceeds of a sale under this section must
12 be distributed as provided in ORS chapters 18 and 88.

13 “(d) A claim brought under this section is not subject to any statute
14 of limitations.

15 “(2)(a) In lieu of the process provided in subsection (1) of this sec-
16 tion, the Attorney General or county in which the property or water
17 right is located may condemn the real property or water right held in
18 violation of section 4 or 6 of this 2025 Act as provided in ORS chapter
19 35, for the public purpose of remedying the violation.

20 “(b) If a county is pursuing a claim under this subsection, the
21 county shall have priority over the state to seek title to the property
22 or claim to the water right.

23 “(3)(a) Title to real property or a water right is not invalid or sub-
24 ject to divestiture due to a violation of section 4 or 6 of this 2025 Act
25 by a former owner or former holder of any interest.

26 “(b) This section does not require that any person to inquire into
27 whether another person is violating section 4 or 6 of this 2025 Act. This
28 section does not create any civil or criminal liability for negligently
29 or recklessly assisting with, or participating in, the violation of section
30 4 or 6 of this 2025 Act by another person.

1 **“SECTION 8. Section 7 of this 2025 Act becomes operative on Jan-**
2 **uary 1, 2027.”.**

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