

HB 2089-8
(LC 2239)
5/30/25 (ASD/ps)

Requested by Representative LEVY E

**PROPOSED AMENDMENTS TO
HOUSE BILL 2089**

On page 1 of the printed bill, line 3, after “ORS” insert “98.352,
279A.025,”.

Delete lines 5 through 28 and delete pages 2 through 10 and insert:

“FORECLOSURE NOTICES

“SECTION 1. ORS 312.040 is amended to read:

“312.040. (1)(a) Notice of *[each]* **the** foreclosure proceeding shall be given
by *[publication and by both certified and regular first class mail as provided
in this section]* **both of the following means:**

“*[(a)]* **(A)** *[Notice shall be given by]* One publication of the foreclosure list
in a newspaper of general circulation in the county, to be designated by the
governing body of the county *[court or board of county commissioners]*. The
price charged by the newspaper shall be at the legal rate as provided by law.
A copy of the newspaper notice shall be mailed by the county to each in-
corporated city in the county.

“*[(b)]* **(B)** *[In addition, notice of the foreclosure proceeding shall be sent
by certified and regular first class mail to the owner or owners]* **Delivery of
notice to any owners**, as shown in the county deed records, of each prop-
erty included on the foreclosure list at the address or addresses as reflected
in the county records under ORS 93.260, 311.555 or 311.560.

1 “(b)(A) Notwithstanding paragraph (a) of this subsection, if it is
2 deemed expedient, notice of the institution of a foreclosure proceeding
3 may instead be given by personal service, delivered either orally or in
4 writing, and confirmed by an affidavit.

5 “(B) The names of the owners that receive notification pursuant to
6 this paragraph, and the descriptions and other matters relating to
7 their respective properties, may be excluded from the foreclosure list.

8 “(2) For all notices of foreclosure proceedings, counties shall con-
9 duct due diligence to locate property owners by means including, but
10 not limited to, searches of land, court and other records, online data-
11 bases and other resources.

12 “(3) Each notice of a foreclosure proceeding shall include:

13 “(a) The exact amount of unpaid taxes owed, including interest and
14 fees.

15 “(b) The following language, in capital letters, in at least 14-point
16 type:

17 “

18 WARNING: THERE ARE UNPAID TAXES AND FEES IN THE AMOUNT OF \$_____
19 ON PROPERTY AT (ADDRESS) WHICH YOU MAY OWN OR HAVE A LEGAL INTEREST
20 IN. THE PROPERTY WILL BE DEEDED TO THE COUNTY AND YOUR INTEREST WILL
21 BE TERMINATED UNLESS THE BACK TAXES AND FEES ARE PAID. TO MAKE PAY-
22 MENT, OR TO RECEIVE FURTHER INFORMATION ABOUT PAYMENT, CONTACT (TAX
23 COLLECTOR) IMMEDIATELY AT (ADDRESS), (TELEPHONE NUMBER).

24 IF THE PROPERTY IS DEEDED TO THE COUNTY AS A WAY OF COLLECTING THE
25 BACK TAXES AND FEES OWED, AND THE PROPERTY IS WORTH MORE THAN YOU
26 OWE, YOU ARE ENTITLED TO A RETURN OF MONEY FROM THE COUNTY. IN ORDER
27 TO RECEIVE A NOTICE OF A POTENTIAL SURPLUS FROM THE COUNTY, PLEASE
28 PROVIDE THE COUNTY WITH NOTICE OF A CURRENT ADDRESS, AND UPDATE THAT
29 ADDRESS IF YOU MOVE.

30 THERE ARE GOVERNMENT AGENCIES AND NONPROFIT ORGANIZATIONS THAT

1 CAN GIVE YOU INFORMATION ABOUT FORECLOSURE AND HELP YOU DECIDE WHAT
2 TO DO. FOR GENERAL INFORMATION AT NO COST TO YOU, CONTACT A CERTIFIED
3 HOUSING COUNSELOR. YOU CAN FIND A HOUSING COUNSELOR NEAR YOU AT
4 [HTTPS://WWW.HUD.GOV/STATES/OREGON#HOMEOWNERSHIP](https://www.hud.gov/states/oregon#homeownership). YOU MAY ALSO WANT
5 TO TALK TO A LAWYER. YOU CAN REACH THE OREGON STATE BAR'S LAWYER RE-
6 FERRAL SERVICE AT 800-452-7636 (TOLL-FREE IN OREGON) OR VISIT THE WEBSITE
7 AT WWW.OSBAR.ORG. FREE LEGAL ASSISTANCE MAY ALSO BE AVAILABLE TO IN-
8 DIVIDUALS WITH LOW INCOMES. FOR MORE INFORMATION AND A DIRECTORY OF
9 LEGAL AID PROGRAMS, GO TO WWW.OREGONLAWHELP.ORG.

10 “

11 **“(c) At a minimum, the name, requirements and application process**
12 **of any existing property tax deferral program operated by this state**
13 **or by any county or municipal government within this state.**

14 **“(d) Information regarding local lawyer referral services, legal aid**
15 **programs or foreclosure avoidance programs known by the county and**
16 **operated by local state agencies, the Oregon State Bar or charitable**
17 **nonprofit organizations that may be able to provide the owner with**
18 **assistance in the foreclosure process.**

19 **“(e) A referral, in the five most commonly spoken languages in this**
20 **state other than English listed by the Secretary of State pursuant to**
21 **ORS 251.167, to the website of the Unclaimed Property program of the**
22 **State Treasury at <https://unclaimed.oregon.gov> for a translation of the**
23 **notice into those languages. The translated referral shall include the**
24 **statement, “This is a notice about important rights related to your**
25 **property.’**

26 **“[(2)] (4) Each notice given under [subsection (1) or (4) of] this section**
27 **shall identify the particular property or properties that [is] are the subject**
28 **of the notice.**

29 **“[(3)] (5) All persons owning or claiming to own, or having or claiming**
30 **to have, any interest in [any] property included in the foreclosure list are**

1 required to take notice of [such] **the foreclosure** proceeding and of all steps
2 [thereunder] **under the proceeding.**

3 “[(4) *If it is deemed expedient to do so, notice of the institution of the*
4 *foreclosure proceeding may be given by personal service. Notice by personal*
5 *service shall be in lieu of service by publication and certified and regular first*
6 *class mail required by subsection (1) of this section as to the defendant or de-*
7 *fendants so served, and it shall not be necessary to include in the publication*
8 *of the foreclosure list the names of such defendants or the descriptions or other*
9 *matters relating to their respective properties.*]

10 **“SECTION 2.** ORS 312.125 is amended to read:

11 “312.125. (1)(a) Not less than one year prior to the expiration of the pe-
12 riod of redemption of any real property ordered sold to the county under a
13 judgment under ORS 312.100, the tax collector shall provide notice of the
14 expiration of the period of redemption to any person or entity entitled to
15 redeem the property under ORS 312.120 (2) whose interest appears in the re-
16 cords of the county as of the date foreclosure proceedings were instituted.

17 “(b) Any person or entity whose interest has terminated by any means
18 other than a judgment of foreclosure under ORS 312.120 shall not be entitled
19 to such notice.

20 “(c) **Counties shall conduct due diligence to locate interested prop-**
21 **erty owners by means including, but not limited to, searches of land,**
22 **court and other records, online databases and other resources.**

23 “[2) *The notice shall contain:*]

24 “(2) **Each notice of the expiration of the period of redemption shall**
25 **include:**

26 “(a) **The exact amount of unpaid taxes owed, including interest and**
27 **fees;**

28 “(b) **The following language, in capital letters, in at least 14-point**
29 **type:**

30 “

1 **WARNING: THERE ARE UNPAID TAXES AND FEES IN THE AMOUNT OF \$_____**
2 **ON PROPERTY AT (ADDRESS) WHICH YOU MAY OWN OR HAVE A LEGAL INTEREST**
3 **IN. THE PROPERTY WILL BE DEEDED TO THE COUNTY AND YOUR INTEREST WILL**
4 **BE TERMINATED UNLESS THE BACK TAXES AND FEES ARE PAID. THE REDEMPTION**
5 **PERIOD TO PAY THE BACK TAXES AND FEES AND RETAIN YOUR PROPERTY ENDS**
6 **ON (DATE). TO MAKE PAYMENT, OR TO RECEIVE FURTHER INFORMATION ABOUT**
7 **PAYMENT, CONTACT (TAX COLLECTOR) IMMEDIATELY AT (ADDRESS), (TELEPHONE**
8 **NUMBER).**

9 **IF THE PROPERTY IS DEEDED TO THE COUNTY AS A WAY OF COLLECTING THE**
10 **BACK TAXES AND FEES OWED, AND THE PROPERTY IS WORTH MORE THAN YOU**
11 **OWE, YOU ARE ENTITLED TO A RETURN OF MONEY FROM THE COUNTY. IN ORDER**
12 **TO RECEIVE A NOTICE OF A POTENTIAL SURPLUS FROM THE COUNTY, PLEASE**
13 **PROVIDE THE COUNTY WITH NOTICE OF A CURRENT ADDRESS, AND UPDATE THAT**
14 **ADDRESS IF YOU MOVE.**

15 **THERE ARE GOVERNMENT AGENCIES AND NONPROFIT ORGANIZATIONS THAT**
16 **CAN GIVE YOU INFORMATION ABOUT FORECLOSURE AND HELP YOU DECIDE WHAT**
17 **TO DO. FOR GENERAL INFORMATION AT NO COST TO YOU, CONTACT A CERTIFIED**
18 **HOUSING COUNSELOR. YOU CAN FIND A HOUSING COUNSELOR NEAR YOU AT**
19 **[HTTPS://WWW.HUD.GOV/STATES/OREGON#HOMEOWNERSHIP](https://www.hud.gov/states/oregon#homeownership). YOU MAY ALSO WANT**
20 **TO TALK TO A LAWYER. YOU CAN REACH THE OREGON STATE BAR'S LAWYER RE-**
21 **FERRAL SERVICE AT 800-452-7636 (TOLL-FREE IN OREGON) OR VISIT THE WEBSITE**
22 **AT [WWW.OSBAR.ORG](http://www.osbar.org). FREE LEGAL ASSISTANCE MAY ALSO BE AVAILABLE TO IN-**
23 **DIVIDUALS WITH LOW INCOMES. FOR MORE INFORMATION AND A DIRECTORY OF**
24 **LEGAL AID PROGRAMS, GO TO [WWW.OREGONLAWHELP.ORG](http://www.oregonlawhelp.org).**

25 **“**

26 **“[(a)] (c) The date of the judgment;**

27 **“[(b)] (d) The date of expiration of the period of redemption;**

28 **“[(c)] (e) A warning to the effect that the property ordered sold under the**
29 **judgment, unless sooner redeemed, will be deeded to the county immediately**
30 **on expiration of the period of redemption [*and that every right or interest of***

1 *any person in the property will be forfeited forever to the county*];

2 “[(d)] (f) A legal description of the property and a tax account number;
3 [and]

4 “[(e)] (g) The name of the owner as it appears on the latest tax roll[.];

5 **“(h) Information regarding an owner’s right to claim a surplus, if
6 any, under sections 3 to 6 and 8 to 10 of this 2025 Act;**

7 **“(i) Information regarding local lawyer referral services, legal aid
8 programs or foreclosure avoidance programs known by the county and
9 operated by local state agencies, the Oregon State Bar or charitable
10 nonprofit organizations that may be able to provide the owner with
11 assistance in the foreclosure process;**

12 **“(j) Information regarding any relief programs including but not
13 limited to exemptions, grants or payment plans that are available to
14 the owner; and**

15 **“(k) A referral, in the five most commonly spoken languages in this
16 state other than English listed by the Secretary of State pursuant to
17 ORS 251.167, to the website of the Unclaimed Property program of the
18 State Treasury at <https://unclaimed.oregon.gov> for a translation of the
19 notice into those languages. The translated referral shall include the
20 statement, ‘This is a notice about important rights related to your
21 property.’**

22 **“(3)(a) The notice required [to be given under subsections (1) and (2) of]
23 under this section shall be given by both certified mail and by regular first
24 class mail and subsections (4) and (5) of this section shall apply to both
25 mailings.**

26 **“(b) A copy of the notice shall be posted to the county’s public
27 website.**

28 **“(4)(a) If the notice required under [subsections (1) and (2) of] this section
29 is to be given to an owner, the notice shall be addressed to the owner or
30 owners, as reflected in the county records of deeds, at the true and correct**

1 address of the owner as appearing on the instrument of conveyance under
2 ORS 93.260 or as furnished under ORS 311.555 or as otherwise ascertained
3 by the tax collector pursuant to ORS 311.560.

4 “(b) If the person or entity to whom the notice is required under sub-
5 section (1) of this section to be given is a lienholder, or person or entity
6 other than the owner, having or appearing to have a lien or other interest
7 in the property, the notice shall be addressed to the lienholder, person or
8 entity at the address that the tax collector knows or after reasonable inquiry
9 has reason to believe to be the address at which the lienholder, person or
10 entity will most likely receive actual notice. For the convenience of the
11 county, any lien, instrument or other document, memorandum or writing,
12 filed on or after September 27, 1987, that creates an interest with respect to
13 which notice is required to be given under this paragraph, shall contain:

14 “(A) The address of the person or entity holding lien or other interest
15 created by the instrument or other document, memorandum or writing; and

16 “(B) The tax account number, if any, and if known, of the property subject
17 to the lien or in which the interest is created.

18 “(5) Failure of a lien, instrument or other document, memorandum or
19 other writing to contain the address and tax account number information
20 required under subsection (4)(b) of this section does not invalidate the lien,
21 instrument or other document, memorandum or writing, nor shall the failure
22 of the writing to contain the information relieve the tax collector of the duty
23 to obtain and mail the notice required under subsection (4)(b) of this section
24 to the address that the tax collector believes to be the address at which the
25 lienholder, person or entity is most likely to receive actual notice.

26 “(6) For purposes of subsection (4)(b) of this section, if the lienholder is
27 a corporation or a limited partnership, the tax collector shall be considered
28 to have made reasonable inquiry if the notice is mailed to the registered
29 agent or last registered office of the corporation or limited partnership, if
30 any, as shown by the records on file in the office of the Corporation Com-

missioner, or if the corporation or limited partnership is not authorized to transact business in this state, to the principal office or place of business of the corporation or limited partnership.

“(7)(a) As used in this section, ‘records of the county’ means the following:

“(A) The grantor-grantee indexes.

“(B) Other records of deeds, mortgages, powers of attorney, contracts and other instruments, documents or memorandum of conveyance or otherwise of real property that are described in ORS 205.130 (1) and (2).

“(C) The County Clerk Lien Record described in ORS 205.130 (3).

“(D) Records of federal tax liens and other liens, instruments or other documents or writings reflecting an interest in real property described in ORS 205.246, if those records are kept separately from the records described in paragraph (b) of this subsection.

“(E) Records of statutory liens on real property described in ORS 87.372.

“(F) Any other records of interests in real property required to be kept by the county clerk, if the records contain a legal description of the property and an address specifically designated as indicated on the instrument, document or other memorandum or writing for purposes of mailing the notice required by this section.

“(b) For purposes of this section [*only*], ‘records of the county’ includes:

“(A) The appropriate records of the courts described in ORS 7.010 in the custody of the clerk of the appropriate court or court administrator under ORS 7.110; and

“(B) Probate records in the custody of the clerk of the appropriate court or court administrator under ORS 7.230 and 7.240. Notwithstanding any provision to the contrary in ORS chapter 7 or other law, the clerk of the appropriate court or the court administrator shall make available to and assist the tax collector in the examination of the records described in this paragraph for purposes of carrying out the obligations of the tax collector

under this section without charge.

“SECTION 3. Notice of surplus. (1) Within 60 days after the date on which a claim for a surplus could arise under section 9 of this 2025 Act, the county shall deliver notice of a surplus to:

“(a) The claimant at the claimant’s last known address;

“(b) The Estates Administration Program of the State Treasury;

“(c) The Department of Revenue;

“(d) The Department of Justice; and

“(e) The municipality, if any, in which the property to which the surplus relates is located.

“(2) Each notice shall include:

“(a) At the top of the notice in capital letters, in at least 14-point type, the following language:

“

NOTICE: YOU ARE ENTITLED TO A REFUND OF MONEY HELD BY THE COUNTY. TO RECEIVE MORE INFORMATION AND ASSISTANCE, CONTACT THE OREGON STATE TREASURY AT (ADDRESS) (PHONE NUMBER). THERE ARE GOVERNMENT AGENCIES AND NONPROFIT ORGANIZATIONS THAT CAN GIVE YOU INFORMATION ABOUT FORECLOSURE AND HELP YOU DECIDE WHAT TO DO. FOR GENERAL INFORMATION AT NO COST TO YOU, CONTACT A CERTIFIED HOUSING COUNSELOR. YOU CAN FIND A HOUSING COUNSELOR NEAR YOU AT [HTTPS://WWW.HUD.GOV/STATES/OREGON#HOMEOWNERSHIP](https://www.hud.gov/states/oregon#homeownership). YOU MAY ALSO WANT TO TALK TO A LAWYER. YOU CAN REACH THE OREGON STATE BAR’S LAWYER REFERRAL SERVICE AT 800-452-7636 (TOLL-FREE IN OREGON) OR VISIT THE WEBSITE AT WWW.OSBAR.ORG. FREE LEGAL ASSISTANCE MAY ALSO BE AVAILABLE TO INDIVIDUALS WITH LOW INCOMES. FOR MORE INFORMATION AND A DIRECTORY OF LEGAL AID PROGRAMS, GO TO WWW.OREGONLAWHELP.ORG.

“

“(b) The following information in clear and understandable terms:
“(A) The amount of the surplus that the county has determined is

1 owed to the claimant;

2 “(B) An explanation of who may be a claimant;

3 “(C) An explanation of the process by which a claimant may file a
4 claim under section 9 of this 2025 Act;

5 “(D) The claimant’s right to seek a writ of review of the surplus
6 from the county circuit court under ORS 34.010 to 34.100 and the
7 deadline for filing for the writ; and

8 “(E) A referral, in the five most commonly spoken languages in this
9 state other than English listed by the Secretary of State pursuant to
10 ORS 251.167, to the website of the Unclaimed Property program of the
11 State Treasury at <https://unclaimed.oregon.gov> for a translation of the
12 notice into those languages. The translated referral shall include the
13 statement, ‘This is a notice about important rights related to your
14 property.’

15 “(3) Publication of an available surplus, a description of the prop-
16 erty to which the surplus relates, the names of the claimants and in-
17 formation about the process by which a claimant may file a claim
18 under section 9 of this 2025 Act shall be made available on the websites
19 of the state and the county in which the property is located.

20 “SECTION 3a. The State Treasury shall make the notices required
21 under ORS 312.040 and 312.125 and section 3 of this 2025 Act available
22 to the public on the State Treasury’s Internet website.

23 “SECTION 4. Additional notices. A county shall provide notice to
24 the Department of Revenue, the Department of Justice and the
25 municipality, if any, in which the property is located:

26 “(1) That proceedings to foreclose liens for delinquent taxes on the
27 property have been instituted under ORS 312.050, to be provided on the
28 date on which the proceedings are instituted; and

29 “(2) That one year remains before the period of redemption for the
30 property expires under ORS 312.120, to be provided not less than one

1 year prior to the expiration of the period of redemption.

2
3 **“DEFINITIONS**

4
5 **“SECTION 5. Definitions. As used in sections 3 to 6 and 8 to 10 of**
6 **this 2025 Act:**

7 **“(1)(a) ‘Claimant’ means:**

8 **“(A) The owner of real property as of the date on which the prop-**
9 **erty was sold to the county on foreclosure for delinquent taxes under**
10 **ORS 312.100; or**

11 **“(B) The former owner’s estate, heirs, devisees, power of attorney,**
12 **trustee, guardian, custodian or bankruptcy estate or a successor in**
13 **interest that has acquired substantially all of the former owner’s as-**
14 **sets by intestate succession, probate, merger, acquisition, dissolution**
15 **or takeover.**

16 **“(b) ‘Claimant’ does not include:**

17 **“(A) The creditors or garnishor of a claimant;**

18 **“(B) Other persons holding an interest in the property that was sold**
19 **to the county; or**

20 **“(C) Voluntary or involuntary assignees of a claimant’s interest in**
21 **a surplus.**

22 **“(2) ‘Former owner’ means an owner described in subsection**
23 **(1)(a)(A) of this section.**

24 **“(3) ‘Surplus’ has the meaning given that term by section 8 of this**
25 **2025 Act.**

26
27 **“DISPOSITION OF FORECLOSED PROPERTY**

28
29 **“SECTION 6. Sale, retention or transfer of foreclosed property; de-**
30 **posit of sale proceeds. (1)(a)(A) After the expiration of the statutory**

1 redemption period under ORS 312.120 or 312.122, the county may elect
2 to retain the property for public purposes or transfer title to the
3 property to a nonprofit organization for purposes of public benefit.

4 “(B) The county shall procure an appraisal from a licensed ap-
5 praiser that is unaffiliated with the county for property described in
6 this paragraph.

7 “(b) Property that the county does not retain or transfer under
8 paragraph (a) of this subsection shall be sold in accordance with sub-
9 sections (2) and (3) of this section.

10 “(2)(a) This subsection applies to property that is located in a resi-
11 dential zone and that was the former owner’s primary residence as of
12 the date on which the taxes for which the property was foreclosed were
13 assessed.

14 “(b) The county shall list such property for sale with a real estate
15 broker or agent who does not hold an elected or appointed office and
16 is not employed by any government entity.

17 “(c) The county shall procure an appraisal from a licensed appraiser
18 that is unaffiliated with the county for property described in this
19 subsection if the real market value of the property as shown on the
20 most recent tax statement exceeds \$250,000.

21 “(d) The list price shall be the highest price at which the property
22 is reasonably expected to sell.

23 “(3)(a) The county shall conduct a public, high-bid auction for sale
24 of property if:

25 “(A) After three attempts, the county is unable to enter into an
26 agreement with a real estate broker or agent for the sale of the prop-
27 erty in accordance with subsection (2)(b) of this section;

28 “(B) The real estate broker or agent described in subsection (2)(b)
29 of this section is unable to sell the property within 12 months after
30 listing the property; or

1 “(C) The property is not property described in subsection (1)(a)(A)
2 or (2)(a) of this section.

3 “(b) The property shall be sold to the highest bidder at auction,
4 provided the bid exceeds the outstanding taxes and other allowable
5 costs chargeable against the property as determined under section 8
6 (4) of this 2025 Act.

7 “(c) The auction shall include the following:

8 “(A) Advertisements in a multiple listing service for at least 30 days
9 prior to the date of the auction.

10 “(B) If a private party is engaged to operate and advertise the auc-
11 tion, a limited fee to the private party in an amount equal to three
12 percent of the surplus related to the property.

13 “(C) A minimum starting bid of two-thirds of the property’s fair
14 market value as determined under paragraph (d) of this subsection.

15 “(d) For purposes of this section, the fair market value of the
16 property shall be, as of the date on which the property was deeded to
17 the county under ORS 312.200:

18 “(A) The real market value of the property for ad valorem property
19 tax purposes as shown on the most recent tax statement; or

20 “(B) For property required to be appraised under subsection
21 (1)(a)(B) or (2)(c) of this section, the appraised value if greater than
22 the real market value.

23 “(e) The auction may include an online bidding process in which
24 bids are received electronically over the Internet in real time.

25 “(4) For property that fails to sell at auction under subsection (3)
26 of this section, the county shall conduct a public high-bid auction that
27 meets the requirements of subsection (3)(c) of this section except that
28 the minimum starting bid shall equal the outstanding taxes and other
29 allowable costs chargeable against the property.

30 “(5) For property that fails to sell at auction under subsection (4)

1 of this section, the county may forgive the amount of outstanding
2 taxes and other allowable costs chargeable to the property and retain
3 the property for public purposes or transfer title to the property to a
4 nonprofit organization for purposes of public benefit.

5 “(6) An appraisal conducted for purposes of subsection (1)(a)(B) or
6 (2)(c) of this section does not require a redetermination of the real
7 market value, maximum assessed value or assessed value of the prop-
8 erty for ad valorem property tax purposes.

9 “(7) As provided in ORS 279A.025, the Public Contracting Code does
10 not apply to any agreement that a county enters into with a real es-
11 tate broker or agent, auctioneer, appraiser or any other person for the
12 purpose of disposing of property in accordance with this section.

13 “(8) Upon sale of real property foreclosed under this chapter, the
14 county treasurer shall deposit the gross amount of the sales proceeds
15 in a separate, interest-bearing account until the amount of the surplus
16 has been determined. Interest earned on the proceeds in the account
17 shall be included in the amount to be distributed.

18 **“SECTION 7.** ORS 279A.025 is amended to read:

19 “279A.025. (1) Except as provided in subsections (2) to (4) of this section,
20 the Public Contracting Code applies to all public contracting.

21 “(2) The Public Contracting Code does not apply to:

22 “(a) Contracts between a contracting agency and:

23 “(A) Another contracting agency;

24 “(B) The Oregon Health and Science University;

25 “(C) A public university listed in ORS 352.002;

26 “(D) The Oregon State Bar;

27 “(E) A governmental body of another state;

28 “(F) The federal government;

29 “(G) An American Indian tribe or an agency of an American Indian tribe;

30 “(H) A nation, or a governmental body in a nation, other than the United

1 States; or

2 “(I) An intergovernmental entity formed between or among:

3 “(i) Governmental bodies of this or another state;

4 “(ii) The federal government;

5 “(iii) An American Indian tribe or an agency of an American Indian tribe;

6 “(iv) A nation other than the United States; or

7 “(v) A governmental body in a nation other than the United States;

8 “(b) Agreements authorized by ORS chapter 190 or by a statute, charter

9 provision, ordinance or other authority for establishing agreements between

10 or among governmental bodies or agencies or tribal governing bodies or

11 agencies;

12 “(c) Insurance and service contracts as provided for under ORS 414.115,

13 414.125, 414.135 and 414.145 for purposes of source selection;

14 “(d) Grants;

15 “(e) Contracts for professional or expert witnesses or consultants to pro-

16 vide services or testimony relating to existing or potential litigation or legal

17 matters in which a public body is or may become interested;

18 “(f) Acquisitions or disposals of real property or interest in real property;

19 “(g) Sole-source expenditures when rates are set by law or ordinance for

20 purposes of source selection;

21 “(h) Contracts for the procurement or distribution of textbooks;

22 “(i) Procurements by a contracting agency from an Oregon Corrections

23 Enterprises program;

24 “(j) The procurement, transportation, sale or distribution of distilled li-

25 quor, as defined in ORS 471.001, or the appointment of agents under ORS

26 471.230 or 471.750 by the Oregon Liquor and Cannabis Commission;

27 “(k) Contracts entered into under ORS chapter 180 between the Attorney

28 General and private counsel or special legal assistants;

29 “(L) Contracts for the sale of timber from lands that the State Board of

30 Forestry, the State Forestry Department, the State Parks and Recreation

1 Commission or the State Parks and Recreation Department owns or manages;

2 “(m) Contracts for activities necessary or convenient for the sale of tim-
3 ber under paragraph (L) of this subsection, either separately from or in
4 conjunction with contracts for the sale of timber, including but not limited
5 to activities such as timber harvesting and sorting, transporting, gravel pit
6 development or operation, and road construction, maintenance or improve-
7 ment;

8 “(n) Contracts for forest protection or forest related activities, as de-
9 scribed in ORS 477.406, by the State Forester or the State Board of Forestry;

10 “(o) Contracts that the Housing and Community Services Department
11 enters into in exercising the department’s duties prescribed in ORS chapters
12 456 and 458, or procurements described in ORS 456.625 (19);

13 “(p) Contracts that the State Treasurer enters into in exercising the
14 powers of that office prescribed in ORS 178.010 to 178.090 and 276A.242 and
15 ORS chapters 286A, 287A, 289, 293, 294 and 295, including but not limited to
16 investment contracts and agreements, banking services, clearing house ser-
17 vices and collateralization agreements, bond documents, certificates of par-
18 ticipation and other debt repayment agreements, and any associated
19 contracts, agreements and documents, regardless of whether the obligations
20 that the contracts, agreements or documents establish are general, special
21 or limited, except that the State Treasurer’s public contracting for goods and
22 services is subject to ORS chapter 279B;

23 “(q) Contracts, agreements or other documents entered into, issued or es-
24 tablished in connection with:

25 “(A) The issuance of obligations, as defined in ORS 286A.100 and
26 287A.310, of a public body;

27 “(B) Program loans and similar extensions or advances of funds, aid or
28 assistance that a public body makes to a public or private body for the pur-
29 pose of carrying out, promoting or sustaining activities or programs author-
30 ized by law; or

1 “(C) The investment of funds by a public body as authorized by law, and
2 other financial transactions of a public body that by their character cannot
3 practically be established under the competitive contractor selection proce-
4 dures of ORS 279B.050 to 279B.085;

5 “(r) Contracts for employee benefit plans as provided in ORS 243.105 (1),
6 243.125 (4), 243.221, 243.275, 243.291, 243.303 and 243.565;

7 “(s) Contracts for employee benefit plans as provided in ORS 243.860 to
8 243.886; [or]

9 “(t) **Any agreement that a county enters into with a real estate**
10 **broker or agent, auctioneer, appraiser or any other person for the**
11 **purpose of disposing of property in accordance with section 6 of this**
12 **2025 Act; or**

13 “[(t)] (u) Any other public contracting of a public body specifically ex-
14 empted from the code by another provision of law.

15 “(3) The Public Contracting Code does not apply to the contracting ac-
16 tivities of:

17 “(a) The Oregon State Lottery Commission;

18 “(b) The legislative department;

19 “(c) The judicial department;

20 “(d) Semi-independent state agencies listed in ORS 182.454, except as
21 provided in ORS 279.835 to 279.855 and 279A.250 to 279A.290;

22 “(e) Oregon Corrections Enterprises;

23 “(f) The Oregon Film and Video Office, except as provided in ORS
24 279A.100 and 279A.250 to 279A.290;

25 “(g) The Travel Information Council, except as provided in ORS 279A.250
26 to 279A.290;

27 “(h) The Oregon 529 Savings Network and the Oregon 529 Savings Board;

28 “(i) The Oregon Innovation Council;

29 “(j) The Oregon Utility Notification Center; or

30 “(k) Any other public body specifically exempted from the code by another

1 provision of law.

2 “(4) ORS 279A.200 to 279A.225 and 279B.050 to 279B.085 do not apply to
3 contracts made with qualified nonprofit agencies providing employment op-
4 portunities for individuals with disabilities under ORS 279.835 to 279.855.

5
6 **“SURPLUSES**

7
8 **“SECTION 8. Determination of surplus. (1) As used in this section,**
9 **‘surplus’ means an amount equal to the value of real property sold to**
10 **a county on foreclosure under this chapter, and disposed of by the**
11 **county in accordance with section 6 of this 2025 Act, less the allowable**
12 **costs the county may charge against the property under subsection (4)**
13 **of this section.**

14 **“(2) The amount of a surplus shall be determined within 60 days**
15 **after the date on which the gross sales proceeds from the sale of the**
16 **property are deposited in a separate, interest-bearing account under**
17 **section 6 (8) of this 2025 Act or the value of the property has otherwise**
18 **been determined under subsection (3) of this section.**

19 **“(3) For purposes of determining a surplus, the value of the prop-**
20 **erty shall be:**

21 **“(a) For property retained by the county or transferred to a**
22 **nonprofit organization under section 6 (1)(a) of this 2025 Act, the fair**
23 **market value of the property as determined under section 6 (3)(d) of**
24 **this 2025 Act.**

25 **“(b) The stated consideration on a deed from the county to a bona**
26 **fide purchaser, as defined in ORS 275.088:**

27 **“(A) For property sold by listing with a real estate broker or agent**
28 **under section 6 (2)(b) of this 2025 Act; or**

29 **“(B) For property sold at auction under section 6 (3) or (4) of this**
30 **2025 Act.**

1 “(c) For property that fails to sell at auction under section 6 (3) or
2 (4) of this 2025 Act, the amount forgiven under section 6 (5) of this 2025
3 Act.

4 “(4) In determining a surplus, the allowable costs that the county
5 may charge against the property include:

6 “(a) The amount of the judgment under ORS 312.090 and accruing
7 post-judgment interest;

8 “(b) The amount of taxes and interest on the taxes that would have
9 been due following the judgment during the redemption period and
10 through the earlier of:

11 “(A) The date on which the county sold or conveyed the property
12 to a third party; or

13 “(B) The date on which the claim is made;

14 “(c) Additional costs that the county may claim under ORS 275.275
15 (1)(a) to (c);

16 “(d) Costs to reimburse the claim of a municipal corporation that
17 has filed a claim notice under ORS 275.130;

18 “(e) Penalties allowed under ORS 312.990, or the actual costs paid
19 by the county to mitigate or abate a nuisance, including as described
20 in ORS 105.555, that was caused or permitted by the negligence or
21 neglect of the former owner; and

22 “(f) In lieu of the penalty and fee under ORS 312.120, the reasonable
23 fees related to the foreclosure and the efforts to dispose of the prop-
24 erty, including the costs of legal fees, delivering notices, county staff
25 time, court filing fees, appraisals, professional real estate commission
26 and auction fees.

27 “(5) The county shall provide a claimant with an itemized account-
28 ing of all allowable costs deducted when determining the surplus.

29 “SECTION 9. Claim of surplus. (1) A claimant is entitled to a return
30 of a surplus, if any, in the amount determined under section 8 of this

1 2025 Act, as of the date on which the county disposes of the claimant's
2 property as described in section 8 (3) of this 2025 Act.

3 “(2) A claim for a surplus must be made with the State Treasurer
4 in the manner provided by ORS 98.392 and 98.396.

5 “(3)(a) If the estate of a deceased former owner will not be probated,
6 the State Treasurer shall allow a claim to be made by the heirs,
7 devisees or a person named as a personal representative in the de-
8 ceased former owner's will or an estate administrator appointed by the
9 State Treasurer.

10 “(b) A claim made under this subsection must include:

11 “(A) A copy of the former owner's death certificate;

12 “(B) A copy of the former owner's will, if any;

13 “(C) A statement that the estate is not being probated and that a
14 small estate affidavit is not being filed for the estate;

15 “(D) The identity of each beneficiary of the claim;

16 “(E) The proportion of the surplus distributable to each beneficiary;
17 and

18 “(F) Signatures of all beneficiaries of the claim acknowledging their
19 participation in the claim.

20 “(c) If there are multiple heirs, an heir who has occupied the
21 property as a primary residence for more than one year is presumed
22 to have authority to receive the surplus on behalf of all heirs, in the
23 absence of a written agreement among heirs or objection by a non-
24 resident heir.

25 “(4) A claimant does not have any interest in a surplus during the
26 period of redemption or any other time prior to the date on which the
27 claim arises under subsection (1) of this section.

28 “(5)(a) A person other than a claimant may claim the surplus based
29 upon a valid lien against the property or a debt of the claimant.

30 “(b) Any purported assignment of a claim to the surplus is void

1 except for an assignment made for the protection of the interests of
2 the claimant, including an assignment in a bankruptcy proceeding,
3 power of attorney or custodianship or guardianship proceedings.

4 “(6) Nothing in sections 3 to 6 and 8 to 10 of this 2025 Act extin-
5 guishes any debt obligation of a former owner that is outstanding as
6 of the date on which title to the property is conveyed to the county
7 under ORS 312.270, other than the property tax amounts that were
8 extinguished by the conveyance to the county.

9 “SECTION 10. Surplus as unclaimed property. (1) A surplus is un-
10 claimed property under ORS 98.302 to 98.436.

11 “(2)(a) Except as provided in paragraph (b) of this subsection, the
12 governing body of the county shall file the report, and deliver the
13 surplus, in the amount determined under section 8 of this 2025 Act, to
14 the State Treasurer for deposit, as provided in ORS 98.352.

15 “(b) Notwithstanding ORS 98.352 (4), the governing body shall file
16 the report and deliver the surplus within 30 days after the date on
17 which the surplus is determined.

18 “(3) The report shall include:

19 “(a) The information required under ORS 98.352 (2); and

20 “(b) An itemized accounting of all allowable costs charged against
21 the property when determining the surplus under section 8 (4) of this
22 2025 Act.

23 “(4) The State Treasurer may adopt rules governing the reports re-
24 quired under this section.

25 “(5)(a) Except as provided in paragraph (b) of this subsection, no
26 person may maintain an action for damages incurred as a result of the
27 performance of duties or exercise of authority under sections 3 to 6
28 and 8 to 10 of this 2025 Act by the State Treasurer or the respective
29 officers, employees or agents of the State Treasurer and the several
30 counties.

1 **“(b) The immunity provided in paragraph (a) of this subsection does**
2 **not apply to the liability of any person for damages resulting from**
3 **gross negligence, fraud or abuse.**

4 **“SECTION 11.** ORS 98.352 is amended to read:

5 “98.352. (1) A holder of property presumed abandoned under ORS 98.302
6 to 98.436 and 98.992 shall deliver to the State Treasurer the report described
7 in subsection (2) of this section and shall pay or deliver to the State Treas-
8 urer, for deposit in the Unclaimed Property and Estates Fund, all property
9 presumed abandoned, except that for the following funds the holder is not
10 required to deliver the funds presumed abandoned to the State Treasurer:

11 “(a) Funds transferred to the General Fund under ORS 293.455 (1)(a).

12 “(b) Funds in the possession of the Child Support Program described in
13 ORS 180.345.

14 “(c) Funds described in ORS 9.725 (3) or 98.386 (2) that are held in lawyer
15 trust accounts or in the possession of the Oregon State Bar.

16 “(2) A report must include:

17 “(a) Except with respect to traveler’s checks and money orders, the name,
18 if known, and address, if known, of each person appearing from the records
19 of the holder to be the owner of any property of value of \$50 or more pre-
20 sumed abandoned under ORS 98.302 to 98.436 and 98.992;

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

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

27 “(d) The date when the property became payable, demandable, or return-
28 able, and the date of the last transaction with the owner with respect to the
29 property; and

30 “(e) Other information that the State Treasurer prescribes by rule as

1 necessary for the administration of ORS 98.302 to 98.436 and 98.992.

2 “(3) If the holder of property presumed abandoned is a successor to other
3 holders or has had a name change while holding the property, the holder
4 shall file with the report all prior known names and addresses and effective
5 dates of changes.

6 “(4) **Except as otherwise provided under section 10 (2) of this 2025**
7 **Act**, the holder shall file the report after October 1, but no later than No-
8 vember 1, of each year for accounts dormant as of June 30. Upon written
9 request from any person required to file a report, the State Treasurer may
10 postpone the reporting date. All records are exempt from public review for
11 12 months from the time the property is reportable and for 24 months after
12 the property has been remitted to the State Treasurer. All lists of records
13 or property held by a government or public authority under ORS 98.336 are
14 exempt from public review until 24 months after the property is remitted to
15 the State Treasurer.

16 “(5) If the holder of property presumed abandoned under ORS 98.302 to
17 98.436 and 98.992 knows the whereabouts of the owner and if the owner’s
18 claim is not barred by the statute of limitations, the holder shall, before
19 filing the report, communicate with the owner and take necessary steps to
20 prevent abandonment from being presumed. The holder shall exercise due
21 diligence to ascertain the whereabouts of the owner at least 60 days before
22 filing the report.

23 “(6) If the property presumed abandoned is a lawyer trust account estab-
24 lished by an attorney or law firm, the report required by this section must
25 indicate that the account is a lawyer trust account.

26 “(7) The holder shall verify the accuracy of the information contained in
27 the report. Verification must be executed by a partner if made by a part-
28 nership, by an officer if made by an unincorporated association or private
29 corporation and by the chief fiscal officer if made by a public corporation.

30

1 **“PROCEDURAL SECTIONS**

2
3 **“SECTION 12. Sections 3 to 6 and 8 to 10 of this 2025 Act are added**
4 **to and made a part of ORS chapter 312.**

5 **“SECTION 13. Applicability to new foreclosures. (1) Sections 3 to 6**
6 **and 8 to 10 of this 2025 Act and the amendments to ORS 98.352,**
7 **279A.025, 312.040 and 312.125 by sections 1, 2, 7 and 11 of this 2025 Act**
8 **apply to claims for which the claimant received notice under ORS**
9 **312.125 on or after May 25, 2023.**

10 **“(2) For claims for a surplus that could arise under section 9 of this**
11 **2025 Act with respect to which the claimant received notice under ORS**
12 **312.125 before the effective date of this 2025 Act, the notice of a surplus**
13 **required under section 3 of this 2025 Act shall be made within 60 days**
14 **after the effective date of this 2025 Act.**

15
16 **“CAPTIONS**

17
18 **“SECTION 14. The unit and section captions used in this 2025 Act**
19 **are provided only for the convenience of the reader and do not become**
20 **part of the statutory law of this state or express any legislative intent**
21 **in the enactment of this 2025 Act.**

22
23 **“EFFECTIVE DATE**

24
25 **“SECTION 15. This 2025 Act takes effect on the 91st day after the**
26 **date on which the 2025 regular session of the Eighty-third Legislative**
27 **Assembly adjourns sine die.”.**