

House Bill 2264

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Joint Interim Committee on Judiciary for Office of the Legislative Counsel)

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**.

Directs State Land Board to periodically revise asset management plan and to biennially report to legislature on implementation of plan. Makes technical changes to several statutes relating to state lands. Repeals provisions relating to Space Age Industrial Park. Repeals provisions relating to State Land Board and Department of State Lands responsibility over formerly submerged and submersible lands.

A BILL FOR AN ACT

1
2 Relating to state lands; amending ORS 270.100, 273.245, 273.251, 273.775 and 273.855; and repealing
3 ORS 273.382, 273.384, 273.386, 273.388, 274.960, 274.963, 274.965, 274.967, 274.970, 274.975, 274.977,
4 274.980, 274.983 and 274.985.

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

6 **SECTION 1.** ORS 273.245 is amended to read:

7 273.245. [*Not later than January 1, 1996,*] The State Land Board shall adopt **and periodically**
8 **revise** an asset management plan [*in accordance with this section*]. **The board shall use the asset**
9 **management plan** to guide management and disposition of real estate under the board's jurisdic-
10 tion. **The asset management plan shall provide a schedule for disposition of state lands when**
11 **the proper disposition involves the sale, exchange or transfer of management responsibility**
12 **from the Department of State Lands to other entities.** The department [*of State Lands*] shall
13 provide a report to [*each regular session of*] the Legislative Assembly **by January 31 of each odd-**
14 **numbered year** on the [*progress of implementing*] **implementation of** the asset management plan.
15 [*The asset management plan required by this section shall provide a schedule for disposition of state*
16 *lands when the proper disposition, as determined, involves the sale, exchange or transfer of manage-*
17 *ment responsibility from the Department of State Lands to other entities.*]

18 **SECTION 2.** ORS 273.251 is amended to read:

19 273.251. Unless the context or a specially applicable definition requires otherwise, **as used in**
20 **this chapter,** state lands are classified [*as follows*] **and described by the following terms:**

21 (1) "Agricultural college lands." **"Agricultural college lands"** are lands granted to the state
22 by the Act of July 2, 1862 (12 Stat. 503), and otherwise, for the support and maintenance of Oregon
23 State University.

24 (2) "Farmlands." **"Farmlands"** are lands acquired by deed, gift, operation of law, or by the
25 foreclosure of mortgages taken to secure loans from the common school, agricultural college, uni-
26 versity or other funds.

27 (3) "Indemnity lands." **"Indemnity lands"** are lands selected to satisfy losses in sections 16 and
28 36, as provided by sections 851 and 852 of title 43, United States Code, as amended, or any other
29 laws of the United States.

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 (4) "School lands." **"School lands" are:**

2 (a) Sections 16 and 36 in each township granted to the state by the Act of February 14, 1859 (11
3 Stat. 383).

4 (b) Lands selected for internal improvements under the Act of September 4, 1841 (5 Stat. 455),
5 and diverted for common schools with the consent of Congress by the Joint Resolution of February
6 9, 1871 (16 Stat. 595).

7 (c) Lands selected for capitol building purposes under the Act of February 14, 1859 (11 Stat. 383).

8 (d) Lands included in the South Slough National Estuarine Research Reserve as described in
9 ORS 273.553.

10 (5) "Swamp lands." **"Swamp lands" are** lands claimed by the state under the Act of September
11 28, 1850 (9 Stat. 519), and extended to the State of Oregon by the Act of March 12, 1860 (12 Stat.
12 3).

13 (6) "Submerged lands." **"Submerged lands" has the meaning given that term in** [*lands de-*
14 *defined as submerged by*] ORS 274.005.

15 (7) "Submersible lands." **"Submersible lands" has the meaning given that term in** [*lands*
16 *defined as submersible by*] ORS 274.005.

17 (8) "University lands." **"University lands" are** lands granted to the state under the Act of
18 February 14, 1859 (11 Stat. 383), for the support and maintenance of the University of Oregon.

19 **SECTION 3.** ORS 273.775 is amended to read:

20 **273.775. As used in ORS 273.551 and 273.775 to 273.790:**

21 (1) "Mineral" includes oil, gas, sulfur, coal, gold, silver, copper, lead, cinnabar, iron, manganese
22 and other metallic ore, and any other solid, liquid or gaseous material or substance excavated or
23 otherwise developed for commercial, industrial or construction use from natural deposits situated
24 within or upon state lands, including mineral waters of all kinds.

25 (2) "Geothermal resources" [*shall have*] **has** the [*same*] meaning given **that term** in ORS 522.005.

26 **SECTION 4.** ORS 273.855 is amended to read:

27 273.855. (1) ORS 273.850 (1) and (2) apply with respect to any lands described therein only when
28 the Board of County Commissioners of Clatsop County executes and delivers a deed remising, re-
29 leasing and forever quitclaiming all rights, title and interest that may remain or be vested in such
30 county with respect to such lands, to a person or governmental entity that has been found under
31 subsections (3), (4) and (5) of this section and ORS 273.860 to 273.880 to have such possession of the
32 lands as of the time of application for a deed under ORS 273.850 to 273.890 as would bar an action
33 or suit for recovery of the lands by a private person under no disability holding legal title thereto.
34 However, in the case of lands heretofore or hereafter acquired by Clatsop County through foreclo-
35 sure for delinquent ad valorem taxes or otherwise, ORS 273.850 (1) and (2) apply with respect to any
36 lands described therein when it has been found under subsections (3), (4) and (5) of this section and
37 ORS 273.860 to 273.880 that Clatsop County or its predecessor in interest with respect to such lands
38 has such possession of the lands as would bar an action or suit for recovery of the lands by a pri-
39 vate person under no disability holding legal title thereto.

40 (2) A deed executed under this section is intended only to evidence the action of the State of
41 Oregon and Clatsop County in remising, releasing and quitclaiming their rights, title and interest,
42 and does not confer any rights, title or interest on the recipient of the deed or indicate any judg-
43 ment of the State of Oregon or Clatsop County with respect to any other rights, title or interest that
44 remain or be vested in the recipient of the deed.

45 (3) Except as provided in ORS 273.870 (2) the Board of County Commissioners of Clatsop County

1 [shall] **may** not execute any deed under subsections (1) and (2) of this section, until the expiration
 2 of the time for appeal from the decision of the **county** board or of the circuit court, as the case
 3 may be.

4 (4) Before any deed to such land is executed under subsections (1) and (2) of this section, the
 5 applicant shall pay to the county treasurer a sum equal to \$10 per acre or any portion thereof.

6 (5) The county treasurer shall remit all of such moneys received under subsection (4) of this
 7 section to the State Treasurer, who shall deposit it in the Common School Fund to be credited to
 8 the Distributable Income Account.

9 **SECTION 5.** ORS 270.100 is amended to read:

10 270.100. (1)(a) Before offering for sale any real property or equitable interest therein owned by
 11 the state, the state agency acting for the state in such transaction shall report its intent of sale or
 12 transfer to the Oregon Department of Administrative Services. The department, or the agency spe-
 13 cifically designated by the department, shall notify other state agencies authorized to own real
 14 property of the intended sale or transfer to determine whether acquisition of the real property or
 15 interest therein would be advantageous to another state agency.

16 (b) The department shall give political subdivisions, as defined in ORS 271.005, the first oppor-
 17 tunity after other state agencies to acquire, purchase, exchange or lease real property to be sold
 18 or disposed of by the State of Oregon. The state agency responsible for selling or transferring the
 19 property may require at the time of the sale or transfer that any state real property sold or trans-
 20 ferred to a political subdivision, as defined in ORS 271.005, shall be for use for a public purpose or
 21 benefit, and not be for resale to a private purchaser.

22 (c) If property is not disposed of under paragraph (a) or (b) of this subsection, in accordance
 23 with rules adopted by the department, the state agency desiring to sell or transfer the property shall
 24 cause it to be appraised by one or more competent and experienced appraisers. Except as provided
 25 in ORS 273.825, if such property has an appraised value exceeding \$5,000 it shall not be sold to any
 26 private person except after notice calling for such proposals as set forth in ORS 270.130.

27 (d) The department shall adopt rules to carry out the provisions of this section.

28 (2) Before acquisition of any real property or interest therein by any state agency, except for
 29 highway right of way acquired by the Department of Transportation and park properties acquired
 30 by the State Parks and Recreation Department and property within the approved projected campus
 31 boundaries for institutions of the Department of Higher Education, the state agency shall report its
 32 intent of acquisition to the Oregon Department of Administrative Services. The department shall
 33 notify other state agencies owning land of the intended acquisition to determine whether another
 34 state agency desires to sell or transfer property which would meet the needs of the purchasing
 35 agency. In accordance with rules adopted by the Oregon Department of Administrative Services, if
 36 no other state agency desires to sell or transfer property which would meet the needs of the agency,
 37 the agency may acquire the real property or interest therein, consistent with applicable provisions
 38 of law.

39 (3) Before any terminal disposition of real property or an interest in real property, the state
 40 agency acting for the state in the transaction must secure approval of the transaction from the
 41 Oregon Department of Administrative Services.

42 (4) Subsection (3) of this section does not apply to terminal disposition of the following real
 43 property:

- 44 (a) Property controlled by the State Department of Fish and Wildlife;
- 45 (b) State forestlands controlled by the State Forestry Department;

- 1 (c) Property controlled by the Department of Transportation;
 - 2 (d) Property controlled by the Department of State Lands;
 - 3 (e) Property controlled by the Department of Higher Education;
 - 4 (f) Property controlled by the legislative or judicial branches of state government; and
 - 5 (g) Property controlled by the State Parks and Recreation Department.
- 6 (5) Notwithstanding the provisions of subsection (4) of this section, prior approval by the Oregon
7 Department of Administrative Services is required for the terminal disposition of public land for less
8 than the fair market value of that land.
- 9 (6) The provisions of ORS 184.634, 270.005 to 270.015, 270.100 to 270.190, 273.416, 273.426 to
10 273.436, 273.551 and 308A.709 (1) to (4) do not apply to a home or farm acquired, sold, or both, by
11 the Director of Veterans' Affairs under ORS 88.720, [273.388,] 406.050, 407.135, 407.145, 407.375 and
12 407.377.

13 **SECTION 6. ORS 273.382, 273.384, 273.386, 273.388, 274.960, 274.963, 274.965, 274.967, 274.970,**
14 **274.975, 274.977, 274.980, 274.983 and 274.985 are repealed.**

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