

REVENUE: No revenue impact

FISCAL: No fiscal impact

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Action: Do Pass

Vote: 7 - 0 - 2

Yeas: Doherty, Johnson, Keny-Guyer, Smith, Thatcher, Vega Pederson, Holvey

Nays: 0

Exc.: Lively, Richardson

Prepared By: Bob Estabrook, Administrator

Meeting Dates: 4/25, 4/30

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**WHAT THE MEASURE DOES:** Exempts Housing and Community Services Department from procedure and notice requirements for disposition of certain real property held by Department and from requirement to retain mineral and geothermal rights in real property sold by Department. Declares emergency, effective on passage.

**ISSUES DISCUSSED:**

- General statutory requirements for real property disposal
- Existing exemptions
- Specific statutory direction to Housing and Community Services Department regarding property disposal

**EFFECT OF COMMITTEE AMENDMENT:** No amendment.

**BACKGROUND:** Existing statutes require state agencies to give other agencies and divisions first right to acquire real property owned by the state when the agency intends to dispose of property. Under ORS 456.625(7), Oregon Housing and Community Services (OHCS) is authorized to dispose of property in a manner the Department deems necessary to protect its interest in bond-financed mortgage lending programs. That authority has been interpreted as trumping both the general property disposal requirement to offer first right to acquire to other state agencies and the requirement that agencies retain mineral and geothermal rights in state property conveyed by an agency.

Senate Bill 204 makes explicit the exemption of OHCS from the requirement to offer property to other state agencies before proceeding with the sale of the property and specifically exempts OHCS from the requirement that an agency retain mineral and geothermal rights in the property it conveys to others.

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*This summary has not been adopted or officially endorsed by action of the committee.*  
Committee Services Form – 2013 Regular Session