

SENATE AMENDMENTS TO A-ENGROSSED SENATE BILL 810

By JOINT COMMITTEE ON WAYS AND MEANS

July 5

1 On page 1 of the printed A-engrossed bill, line 2, after “ORS” insert “271.310,”.

2 In line 3, after the semicolon insert “limiting expenditures;”.

3 On page 2, delete lines 28 and 29 and insert:

4 “(d) Approval does not cause the number of subject vehicles active in the road usage charge
5 program on the date of approval to exceed 5,000, of which no more than 1,500 may have a rating
6 of less than 17 miles per gallon and no more than 1,500 may have a rating of at least 17 miles per
7 gallon and less than 22 miles per gallon, such ratings to be determined pursuant to a method es-
8 tablished by the department.”.

9 On page 16, after line 1, insert:

“EXPENDITURE LIMITATION

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12 “**SECTION 31.** Notwithstanding any other law limiting expenditures, the limitation on
13 expenditures established by section 3 (7), chapter 556, Oregon Laws 2013 (Enrolled Senate
14 Bill 5544), for the biennium beginning July 1, 2013, as the maximum limit for payment of ex-
15 penses from fees, moneys or other revenues, including Miscellaneous Receipts and federal
16 funds received as reimbursement from the United States Department of Transportation, but
17 excluding lottery funds and federal funds not described in this section, collected or received
18 by the Department of Transportation, is increased by \$2,828,339 for the road usage charge
19 program established by sections 2 to 15 of this 2013 Act.

“RAIL PROXIMATE REAL PROPERTY TRANSFERS

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22
23 “**SECTION 32.** ORS 271.310 is amended to read:

24 “271.310. (1) Except as provided in subsection (2) of this section and subject to subsection (3)
25 of this section, whenever any political subdivision possesses or controls real property not needed for
26 public use, or whenever the public interest may be furthered, a political subdivision may sell, ex-
27 change, convey or lease for any period not exceeding 99 years all or any part of the political
28 subdivision’s interest in the property to a governmental body or private individual or corporation.
29 The consideration for the transfer or lease may be cash or real property, or both.

30 “(2) If the ownership, right or title of the political subdivision to any real property set apart by
31 deed, will or otherwise for a burial ground or cemetery, or for the purpose of interring the remains
32 of deceased persons, is limited or qualified or the use of the real property is restricted, whether by
33 dedication or otherwise, the political subdivision may, after the county court or governing body
34 thereof has first declared by resolution that the real property is not needed for public use, or that
35 the sale, exchange, conveyance or lease of the real property will further the public interest, file a

1 complaint in the circuit court for the county in which the real property is located against all per-
2 sons claiming any right, title or interest in the real property, whether the interest be contingent,
3 conditional or otherwise, for authority to sell, exchange, convey or lease all or any part of the real
4 property. The resolution is prima facie evidence that the real property is not needed for public use,
5 or that the sale, exchange, conveyance or lease will further the public interest. The action shall be
6 commenced and prosecuted to final determination in the same manner as an action not triable by
7 right to a jury. The complaint shall contain a description of the real property, a statement of the
8 nature of the restriction, qualification or limitations, and a statement that the defendants claim some
9 interest therein. The court shall make such judgment as it shall deem proper, taking into consider-
10 ation the limitation, qualifications or restrictions, the resolution, and all other matters pertinent
11 thereto. Neither costs nor disbursements may be recovered against any defendant.

12 “(3)(a) At least 30 days before listing or placing real property for sale, exchange or conveyance,
13 a political subdivision shall notify the Department of Transportation of its intent to sell, exchange
14 or convey the real property if the real property is within 100 feet of a railroad right of way or is
15 within 500 feet of an at-grade rail crossing.

16 “(b) The department shall share the advance notice with private providers of rail service that
17 might be interested in obtaining the real property to facilitate the current delivery or future ex-
18 pansion of rail service. Notwithstanding the benefit of receiving advance notice, a private provider
19 of rail service may not obtain or enter into negotiations to obtain the real property until the poli-
20 tical subdivision offers the real property for sale, exchange, conveyance or lease to the general
21 public. As used in this paragraph, ‘general public’ includes private providers of rail service.

22 “(c) Paragraph (a) of this subsection does not apply:

23 “(A) To light rail corridors and any other rail corridors excluded by rule of the department;

24 “(B) **If the proposed sale, exchange or conveyance of the real property is to a provider
25 of rail service; or**

26 “(C) **To the proposed sale, exchange or conveyance of easements.**

27 “(d) The department shall adopt rules to implement this subsection. The rules may include pro-
28 visions that:

29 “(A) Identify rail corridors within which a political subdivision is not required to provide notice
30 of intention to sell, exchange or convey real property within 100 feet of a railroad right of way or
31 within 500 feet of an at-grade rail crossing.

32 “(B) Establish a process for providing advance notice to private providers of rail service.

33 “(4) Unless the governing body of a political subdivision determines under subsection (1) of this
34 section that the public interest may be furthered, real property needed for public use by any poli-
35 tical subdivision owning or controlling the property may not be sold, exchanged, conveyed or leased
36 under the authority of ORS 271.300 to 271.360, except that it may be exchanged for property that
37 is of equal or superior useful value for public use. Any such property not immediately needed for
38 public use may be leased if, in the discretion of the governing body having control of the property,
39 the property will not be needed for public use within the period of the lease.

40 “(5) The authority to lease property granted by this section includes authority to lease property
41 not owned or controlled by the political subdivision at the time of entering into the lease. A lease
42 under this subsection shall be conditioned upon the subsequent acquisition of the interest covered
43 by the lease.”.

44 In line 5, delete “31” and insert “33”.