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*from the desk of Senator  
Sara Gelser  
for a Hill*

STATE OF OREGON  
LEGISLATIVE COUNSEL COMMITTEE

April 1, 2015

Senator Sara Gelser  
900 Court Street NE S405  
Salem OR 97301

Re: Relationship between SB 671-A and ORS 427.340

Dear Senator Gelser:

You asked whether the provisions of ORS 427.340 would apply to the transfer of the western portion of the former Eastern Oregon Training Center site (former EOTC site) by the Oregon Department of Administrative Services (ODAS) to the City of Pendleton, as required by A-engrossed Senate Bill 671. The answer to your question is very likely yes.

ORS 427.340 establishes a Developmental Disabilities Community Housing Fund and, within that fund, a Community Housing Trust Account. Subsection (2) of that statute provides, in part:

Notwithstanding the provisions of ORS 270.150, the Department of Human Services shall negotiate with the Oregon Department of Administrative Services to apply the proceeds from the sale, transfer or lease of any surplus real property owned, operated or controlled by the Department of Human Services and used as a state training center to the [Community Housing Trust Account].

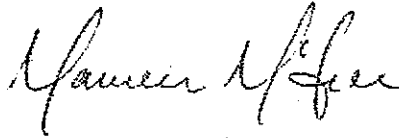
Although the term "state training center" is not defined for purposes of ORS 427.340, a related statute that references ORS 427.340 defines "state training center" as "any facility that is an intermediate care facility for the mentally retarded as defined in 42 U.S.C. 1396d(d)." ORS 427.345. Based on our conversations with you, it is our understanding that the former EOTC site fits within the definition of "state training center" provided in ORS 427.345 and that the former EOTC site is currently owned, operated or controlled by the Department of Human Services. Given that understanding, we conclude that if the former EOTC site is transferred by ODAS to the City of Pendleton pursuant to the requirements of SB 671-A, the Department of Human Services will be required to negotiate with ODAS to apply the proceeds from the transfer to the Community Housing Trust Account.

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the conduct of legislative business. Public bodies and their officers and employees should seek and rely upon the advice and opinion of the Attorney General, district attorney, county counsel, city attorney or other retained counsel. Constituents and other private persons and entities should seek and rely upon the advice and opinion of private counsel.

Very truly yours,

DEXTER A. JOHNSON  
Legislative Counsel

A handwritten signature in black ink, appearing to read "Maureen McGee". The signature is written in a cursive style with a large, looped initial "M".

By  
Maureen McGee  
Deputy Legislative Counsel