

House Bill 3474

Sponsored by Representative READ

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**.

Establishes Trust Lands Transfer Commission. Directs commission to assist public bodies in obtaining property interests in trust lands. Provides process for identifying interest in trust lands and for developing transfer proposals to present to State Land Board. Authorizes commission to adopt rules.

Establishes Trust Lands Transfer Fund. Continuously appropriates moneys in fund to commission. Authorizes commission to use moneys in fund as source of financing for transfer proposals.

Authorizes board to inform commission of opportunities for transfer of certain tracts of trust land.

Appropriates moneys from General Fund to commission to carry out provisions of Act.

A BILL FOR AN ACT

1
2 Relating to state trust lands.

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

4 **SECTION 1. As used in sections 1 to 7 of this 2015 Act:**

5 (1) **"Public body" has the meaning given that term in ORS 174.109.**

6 (2) **"Trust lands" means all lands:**

7 (a) **Granted to the state for the use of schools under the Act of February 14, 1859 (11**
8 **Stat. 383);**

9 (b) **Obtained by the state as the result of an exchange of land granted to the state for**
10 **the use of schools;**

11 (c) **Obtained in lieu of originally granted land for the use of schools;**

12 (d) **Purchased with Common School Fund moneys; and**

13 (e) **Obtained through foreclosure of loans from the Common School Fund.**

14 **SECTION 2. (1) The Trust Lands Transfer Commission is established for the purpose of**
15 **developing proposals to present to the State Land Board for trust lands transfers that fur-**
16 **ther the public's interest in the conservation, access and use of the transferred lands. The**
17 **commission shall consist of five voting members appointed by the Governor who, to the**
18 **greatest extent practicable, represent geographically diverse areas of this state and who are**
19 **well-informed on the following matters:**

20 (a) **Forest management.**

21 (b) **Wildlife and habitat conservation.**

22 (c) **Recreational and scenic values.**

23 (d) **The management and disposition of real estate.**

24 (e) **Other uses of public lands.**

25 (2) **One Representative appointed by the Speaker of the House of Representatives and one**
26 **Senator appointed by the President of the Senate shall serve as nonvoting, ex officio mem-**
27 **bers of the commission.**

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 **(3) The term of office of the five members of the commission appointed by the Governor**
 2 **is four years, but each such member shall serve at the pleasure of the Governor.**

3 **(4) A vacancy in the office of any of the five members of the commission appointed by**
 4 **the Governor shall be filled by the Governor by appointment for the unexpired term.**

5 **(5) The commission shall choose its own chairperson.**

6 **(6) Members of the commission who are not members of the Legislative Assembly are**
 7 **entitled to compensation and expenses as provided in ORS 292.495. Members of the commis-**
 8 **sion who are members of the Legislative Assembly shall be paid compensation and expense**
 9 **reimbursement as provided in ORS 171.072, payable from funds appropriated to the Legisla-**
 10 **tive Assembly.**

11 **(7) The Oregon Department of Administrative Services shall provide staffing and other**
 12 **resources required by the commission to carry out the commission's duties.**

13 **(8) In accordance with applicable provisions of ORS chapter 183, the commission may**
 14 **adopt rules necessary for the performance of the commission's duties.**

15 **(9) The commission shall meet at the call of the chairperson or at such times that a**
 16 **majority of the commission members considers appropriate. The Governor may call the**
 17 **commission to meet at any time requested by the State Land Board.**

18 **SECTION 3. Notwithstanding the term of office specified by section 2 of this 2015 Act,**
 19 **of the members first appointed by the Governor to the Trust Lands Transfer Commission:**

20 **(1) One shall serve for a term ending December 31, 2016.**

21 **(2) One shall serve for a term ending December 31, 2017.**

22 **(3) One shall serve for a term ending December 31, 2018.**

23 **(4) Two shall serve for terms ending December 31, 2019.**

24 **SECTION 4. (1) The Trust Lands Transfer Commission shall:**

25 **(a) Receive and review opportunities presented to the commission by the State Land**
 26 **Board for the transfer of certain tracts of trust lands, as provided in section 5 of this 2014**
 27 **Act, and information related to those opportunities.**

28 **(b) Upon review of an opportunity for transfer of a tract of trust lands, consult with**
 29 **other state and federal agencies, political subdivisions as defined in ORS 271.005 and private**
 30 **persons with expertise in the conservation of fish and wildlife habitat, historic resources,**
 31 **recreation on public lands or land acquisition and management, as necessary, to develop a**
 32 **solicitation or other strategy for gathering applications from public bodies interested in ac-**
 33 **quiring, leasing or otherwise taking a property interest in the tract.**

34 **(c) Receive and review applications by public bodies for the acquisition or lease of a tract**
 35 **of trust lands identified for transfer by the State Land Board, and work with any public body**
 36 **whose application has been selected by the commission to develop a transfer proposal in ac-**
 37 **cordance with section 6 of this 2015 Act.**

38 **(d) Present transfer proposals to the State Land Board for its consideration.**

39 **(e) Assist in the transfer of trust lands in accordance with approved transfer proposals**
 40 **under section 5 of this 2015 Act and in a manner that ensures full value of the land is**
 41 **transferred into the Common School Fund.**

42 **(2) The commission may apply for and accept, from whatever source, appropriations,**
 43 **gifts, grants or bequests of money or real property. The commission shall deposit moneys**
 44 **received under this subsection into the State Treasury to the credit of the Trust Lands**
 45 **Transfer Fund.**

1 **SECTION 5.** (1) The State Land Board may identify and inform the Trust Lands Transfer
2 Commission of opportunities for the transfer of certain tracts of trust lands under the
3 board's jurisdiction.

4 (2) If the commission presents a transfer proposal developed under section 6 of this 2015
5 Act to the board, the board may evaluate and approve or deny the transfer proposal in
6 writing. If the board approves the proposal, the board may take actions as necessary to
7 transfer the land in accordance with the approved transfer proposal and any other applicable
8 provision of law.

9 (3) The provisions of ORS 270.100, 270.110, 270.130 and 273.275 do not apply to the transfer
10 of trust lands under this section.

11 (4) The board may adopt rules to carry out the provisions of this section.

12 (5) Except as otherwise provided, nothing in this section shall be construed to affect the
13 ability of the board or the Department of State Lands to dispose of trust lands in any manner
14 otherwise provided for by law.

15 **SECTION 6.** (1) An application to the Trust Lands Transfer Commission by a public body
16 interested in acquiring, leasing or otherwise obtaining a property interest in a tract of trust
17 lands identified for transfer by the State Land Board under section 5 of this 2015 Act shall
18 include a detailed consideration of the potential transfer and may include, but not be limited
19 to:

20 (a) A description of the intended final ownership structure for the tract and how public
21 access will be preserved by the ownership structure;

22 (b) A discussion of how the public's interests in conservation related to the tract will be
23 served or advanced by the transfer;

24 (c) An explanation of the intended uses of the land and how the public body intends to
25 preserve and enhance any ecological or public use values associated with the land;

26 (d) An analysis of the anticipated future costs of the land on an ongoing basis, and an
27 explanation of the anticipated ability of the public body to assume the costs of land man-
28 agement;

29 (e) How a transfer under the proposal will be financed in order to ensure that transfer
30 of the tract by the board under the transfer proposal will be consistent with the board's trust
31 obligations; and

32 (f) Recommendations on easements or other encumbrances that may be negotiated as
33 part of the transfer.

34 (2) If the commission selects an application, the commission shall work with the public
35 body that submitted the application to develop a transfer proposal to present to the board.

36 (3) After public notice, the commission shall receive and consider input from the public
37 in making any changes to the transfer proposal. After public notice, comment and hearing,
38 the commission may adopt a transfer proposal only upon an affirmative vote by a majority
39 of the voting commission members that a transfer under the proposal will serve the public
40 interest. Upon approval, the commission shall present the transfer proposal to the board for
41 approval as provided for under section 5 of this 2015 Act.

42 (4) The commission shall adopt rules to carry out the provisions of this section.

43 **SECTION 7.** (1) The Trust Lands Transfer Fund is established in the State Treasury,
44 separate and distinct from the General Fund. Interest earned by the Trust Lands Transfer
45 Fund shall be credited to the fund. Moneys in the fund are continuously appropriated to the

1 **Trust Lands Transfer Commission.**

2 **(2) Moneys in the fund shall consist of:**

3 **(a) All moneys received by the commission under section 4 of this 2015 Act.**

4 **(b) Unless otherwise specifically provided for by law, any gifts, donations or bequests of**
5 **moneys or property donated to this state for the use or benefit of public land conservation**
6 **if use of the moneys or property under subsection (3) of this section would be consistent with**
7 **the purpose for which the moneys or property was donated.**

8 **(3) Moneys in the fund may be used by the commission as a source of financing for**
9 **transfer proposals developed in accordance with section 6 of this 2015 Act.**

10 **SECTION 8. There is appropriated to the Trust Lands Transfer Commission, for the**
11 **biennium beginning July 1, 2015, out of the General Fund, the amount of \$_____ for the**
12 **purpose of carrying out the provisions of sections 1 to 7 of this 2015 Act.**

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