

**SENATE AMENDMENTS TO
A-ENGROSSED HOUSE BILL 3524
(INCLUDING AMENDMENTS TO RESOLVE CONFLICTS)**

By COMMITTEE ON JUDICIARY

June 9

1 On page 1 of the printed A-engrossed bill, delete lines 5 through 28.

2 On page 2, delete lines 1 through 32 and insert:

3 “**SECTION 1.** ORS 270.100 is amended to read:

4 “270.100. (1)(a) Before offering for sale any real property or equitable interest therein owned by
5 the state, the state agency acting for the state in such transaction shall report its intent of sale or
6 transfer to the Oregon Department of Administrative Services. The department, or the agency spe-
7 cifically designated by the department, shall notify other state agencies authorized to own real
8 property of the intended sale or transfer to determine whether acquisition of the real property or
9 interest therein would be advantageous to another state agency.

10 “(b)(A) The department shall give [*political subdivisions, as defined in ORS 271.005,*] the first
11 opportunity after other state agencies to acquire, purchase, exchange or lease real property to be
12 sold or disposed of by the State of Oregon[.] **to:**

13 “(i) **The following entities, on the condition that the entities will develop housing on the**
14 **real property that will be occupied by families and individuals with an income no greater than**
15 **80 percent of the median family income for the county in which the real property is located:**

16 “(I) **Nonprofit organizations; and**

17 “(II) **Indian tribes, as defined in ORS 97.740; and**

18 “(ii) **Political subdivisions, as defined in ORS 271.005.**

19 “(B) The state agency responsible for selling or transferring the property may require at the
20 time of the sale or transfer that any state real property sold or transferred to a political
21 subdivision[, *as defined in ORS 271.005,*] shall be for use for a public purpose or benefit, and not be
22 for resale to a private purchaser.

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

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

29 “(2) Before acquisition of any real property or interest therein by any state agency, except for
30 highway right of way acquired by the Department of Transportation and park properties acquired
31 by the State Parks and Recreation Department and property within the approved projected campus
32 boundaries for public universities of the Oregon University System or public universities with gov-
33 erning boards listed in ORS 352.054, the state agency shall report its intent of acquisition to the
34 Oregon Department of Administrative Services. The department shall notify other state agencies

1 owning land of the intended acquisition to determine whether another state agency desires to sell
2 or transfer property [which] **that** would meet the needs of the purchasing agency. In accordance
3 with rules adopted by the Oregon Department of Administrative Services, if no other state agency
4 desires to sell or transfer property [which] **that** would meet the needs of the agency, the agency
5 may acquire the real property or interest therein, consistent with applicable provisions of law.

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

9 “(4) Subsection (3) of this section does not apply to terminal disposition of the following real
10 property:

11 “(a) Property controlled by the State Department of Fish and Wildlife;

12 “(b) State forestlands controlled by the State Forestry Department;

13 “(c) Property controlled by the Department of Transportation;

14 “(d) Property controlled by the Department of State Lands;

15 “(e) Property controlled by the Oregon University System or controlled by public universities
16 with governing boards listed in ORS 352.054;

17 “(f) Property controlled by the legislative or judicial branches of state government; and

18 “(g) Property controlled by the State Parks and Recreation Department.

19 “(5) Notwithstanding the provisions of subsection (4) of this section, prior approval by the
20 Oregon Department of Administrative Services is required for the terminal disposition of public land
21 for less than the fair market value of that land.

22 “(6) The provisions of ORS 184.634, 270.005 to 270.015, 270.100 to 270.190, 273.416, 273.426 to
23 273.436, 273.551 and 308A.709 (1) to (4) do not apply to:

24 “(a) A home or farm acquired or sold by the Department of Veterans’ Affairs under ORS 88.720,
25 406.050, 407.135, 407.145, 407.375 and 407.377.

26 “(b) Real property acquired or sold by the Housing and Community Services Department under
27 the provisions of ORS 456.515 to 456.725 or ORS chapter 458.

28 “**SECTION 1a. If Senate Bill 224 becomes law, section 1 of this 2015 Act (amending ORS**
29 **270.100) is repealed and ORS 270.100, as amended by section 1, chapter __, Oregon Laws 2015**
30 **(Enrolled Senate Bill 224), is amended to read:**

31 “270.100. (1)(a) Before offering for sale any real property or equitable interest in real property
32 that the state owns, the state agency acting for the state in the sales transaction shall report to the
33 Oregon Department of Administrative Services that the state agency intends to sell or transfer the
34 real property or the equitable interest. The department, or an agency the department specifically
35 designates, shall notify other state agencies authorized to own real property of the intended sale or
36 transfer to determine whether acquiring the real property or interest in the real property would be
37 advantageous to another state agency.

38 “(b)(A) The department shall give [*political subdivisions, as defined in ORS 271.005,*] the first
39 opportunity after other state agencies to acquire, purchase, exchange or lease real property or an
40 interest in real property that the State of Oregon disposes of or sells **to:**

41 “(i) **The following entities, on the condition that the entities will develop housing on the**
42 **real property that will be occupied by families and individuals with an income no greater than**
43 **80 percent of the median family income for the county in which the real property is located:**

44 “(I) **Nonprofit organizations; and**

45 “(II) **Indian tribes, as defined in ORS 97.740; and**

1 **“(ii) Political subdivisions, as defined in ORS 271.005.**

2 **“(B)** The state agency responsible for selling or transferring the property or the equitable in-
3 terest may require at the time of the sale or transfer that a political subdivision must use state real
4 property or an equitable interest in real property sold or transferred to the political subdivision for
5 a public purpose or benefit, and that the political subdivision may not resell the real property or the
6 equitable interest to a private purchaser.

7 “(c) If a state agency that intends to sell or transfer real property or an equitable interest in
8 real property has not disposed of the real property or the equitable interest under paragraph (a) or
9 (b) of this subsection, the state agency shall cause the real property to be appraised by one or more
10 competent and experienced appraisers in accordance with rules the department adopts. Except as
11 provided in ORS 273.825, if the property has an appraised value exceeding \$5,000, the property or
12 an equitable interest in the property may not be sold to any private person except after notice
13 calling for such proposals as set forth in ORS 270.130.

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

15 “(2) Before a state agency acquires any real property or interest in real property, except for
16 highway right of way that the Department of Transportation acquires, park properties that the State
17 Parks and Recreation Department acquires and property within the approved projected campus
18 boundaries for public universities of the Oregon University System or public universities with gov-
19 erning boards listed in ORS 352.054, the state agency shall report to the Oregon Department of
20 Administrative Services that the state agency intends to acquire the real property or the interest
21 in real property. The department shall notify other state agencies that own land that the state
22 agency intends to acquire real property or an interest in real property to determine whether another
23 state agency desires to sell or transfer property that would meet the needs of the acquiring agency.
24 In accordance with rules the Oregon Department of Administrative Services adopts, if no other state
25 agency desires to sell or transfer property that would meet the needs of the agency that intends to
26 acquire real property or an interest in real property, the agency may acquire the real property or
27 interest in real property, consistent with applicable provisions of law.

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

31 “(4) Subsection (3) of this section does not apply to terminal disposition of the following real
32 property:

33 “(a) Property that the State Department of Fish and Wildlife controls;

34 “(b) State forestlands that the State Forestry Department controls;

35 “(c) Property that the Department of Transportation controls;

36 “(d) Property that the Department of State Lands controls;

37 “(e) Property that the Oregon University System controls or that public universities with gov-
38 erning boards listed in ORS 352.054 control;

39 “(f) Property that the legislative branch of state government controls;

40 “(g) Property that the judicial branch of state government controls; and

41 “(h) Property that the State Parks and Recreation Department controls.

42 “(5) Notwithstanding the provisions of subsection (4) of this section, prior approval by the
43 Oregon Department of Administrative Services is required for the terminal disposition of public land
44 for less than the fair market value of the public land.

45 “(6) The provisions of ORS 184.634, 270.005 to 270.015, 270.100 to 270.190, 273.416, 273.426 to

1 273.436, 273.551 and 308A.709 (1) to (4) do not apply to:

2 “(a) A home or farm that the Department of Veterans’ Affairs acquires or sells under ORS
3 88.720, 406.050, 407.135, 407.145, 407.375 or 407.377.

4 “(b) Real property that the Housing and Community Services Department acquires or sells under
5 the provisions of ORS 456.515 to 456.725 or ORS chapter 458.

6 “(c) Real property that the Oregon Health Authority or the Department of Human Services ac-
7 quires or sells under ORS 410.075 or 416.340.”.

8 On page 3, line 19, after “Transportation” insert “or to the Department of State Lands”.

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