

# House Bill 3061

Sponsored by Representative RESCHKE; Representatives BARRETO, BOSHART DAVIS, CLEM, MARSH, NEARMAN, NOBLE, ZIKA, Senators BOQUIST, HANSELL, LINTHICUM, THATCHER

## 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**.

Allows political subdivision to convey real property to nonprofit, municipal or private corporation for purpose of providing broadband service. Requires instrument conveying real property to authorize reversion of property to political subdivision if property is not used to provide broadband service.

Allows political subdivision to relinquish reversionary interest in real property after less than 20 years to further public interest.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to the transfer of a political subdivision's real property; amending ORS 271.330 and 271.335;  
3 and declaring an emergency.

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

5 **SECTION 1.** ORS 271.330 is amended to read:

6 271.330. (1) Any political subdivision is granted express power to relinquish the title to any of  
7 the political subdivision's property not needed for public use to any governmental body, providing  
8 the property shall be used for not less than 20 years for a public purpose by the governmental body  
9 in the State of Oregon. These transfers for public purposes may include transfers without consider-  
10 ation of property held by counties as a result of tax foreclosures.

11 (2)(a) Any political subdivision is granted express power to relinquish the title to any of the  
12 political subdivision's property to a qualifying nonprofit corporation or a municipal corporation for  
13 the purpose of providing any of the following:

14 (A) Low income housing;

15 (B) Social services; or

16 (C) Child care services.

17 (b) As used in this subsection:

18 (A) "Qualifying nonprofit corporation" means a corporation that is a public benefit corporation  
19 as defined in ORS 65.001 (35) and that has obtained a ruling from the federal Internal Revenue  
20 Service providing that the corporation is exempt from federal income taxes under section 501(c)(3)  
21 of the Internal Revenue Code.

22 (B) "Social services" and "child care services" include but are not limited to education, training,  
23 counseling, health and mental health services and the provision of facilities and administrative ser-  
24 vices to support social services and child care services.

25 (3) Any political subdivision is granted express power to convey real property to a nonprofit or  
26 municipal corporation to be used by the nonprofit or municipal corporation for the creation of open  
27 space, parks or natural areas for perpetual public use. The instrument conveying the real property  
28 shall include a restriction on the use of the property that limits the uses of the property to those

**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 uses described in this subsection. The instrument conveying the property shall also contain a pro-  
 2 vision for the reversion of the property to the political subdivision if the property is not used in  
 3 conformance with the restriction. Real property conveyed under this subsection may include real  
 4 property held by a political subdivision as a result of tax foreclosures.

5 **(4) Any political subdivision is granted express power to convey real property to a**  
 6 **nonprofit, municipal or private corporation for the purpose of providing broadband service.**  
 7 **The instrument conveying the real property shall include a restriction on the use of the**  
 8 **property that requires the property to be used to provide broadband service. The instrument**  
 9 **conveying the property shall also contain a provision for the reversion of the property to the**  
 10 **political subdivision if the property is not used in conformance with the restriction.**

11 [(4)] (5) Transfers under this section may include transfers without consideration of property  
 12 held by counties as a result of tax foreclosures.

13 [(5)] (6) Before any county court or board of county commissioners may transfer, under sub-  
 14 section (1) of this section, any tax foreclosed lands in which the state or a political subdivision has  
 15 represented delinquent and uncollected taxes, liens or assessments, the county court or board of  
 16 county commissioners shall advertise in a newspaper of general circulation in the county for two  
 17 successive weeks the court's or the board's intention to so transfer the property. The notice shall  
 18 state when the county court will hear objections to the transfer and must specifically describe the  
 19 property intended to be transferred. After the hearing set in the notice is held and objections are  
 20 heard, the court may, in the court's sound discretion, proceed with the transfer. Except in the case  
 21 of a transfer for low income housing, real property shall be conveyed by deed, subject to a  
 22 reversionary interest retained by the granting political subdivision in the event that the property  
 23 is used for a purpose that is inconsistent with the grant. The granting political subdivision may  
 24 waive the subdivision's right to a reversionary interest at the time the property is conveyed. After  
 25 the transfer the interests of the state or any political subdivision in the land on account of uncol-  
 26 lected taxes, liens or assessments are extinguished, and the county is relieved of the necessity to  
 27 account for uncollected taxes, liens or assessments.

28 **SECTION 2.** ORS 271.335 is amended to read:

29 271.335. Any political subdivision, by resolution adopted by the governing body of the political  
 30 subdivision, may waive and relinquish any reversionary interest held by the political subdivision in  
 31 property transferred under ORS 271.330 when the transfer occurred:

32 (1) Not less than 20 years prior to the date on which the resolution is adopted[.]; or

33 (2) **Less than 20 years prior to the date on which the resolution is adopted, if the political**  
 34 **subdivision determines that waiving and relinquishing its reversionary interest is in the**  
 35 **public interest.**

36 **SECTION 3. This 2019 Act being necessary for the immediate preservation of the public**  
 37 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**  
 38 **on its passage.**