

**A-Engrossed
Senate Bill 19**

Ordered by the Senate April 19
Including Senate Amendments dated April 19

Sponsored by Senator FINDLEY, Representative RESCHKE (Presession filed.)

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.

Requires state to **offer to transfer title and assets of Warner Creek Correctional Facility to Lake County if** closed [*state correctional institution to county*]. Authorizes county to rezone institution land by ordinance. **Sunsets January 2, 2024.**

[*Takes effect on 91st day following adjournment sine die.*]

A BILL FOR AN ACT

1
2 Relating to Department of Corrections institutions.

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

4 **SECTION 1. (1) Notwithstanding ORS 270.100 to 270.190, the Department of Corrections**
5 **shall offer to convey fee simple title to the real property and improvements generally known**
6 **as the Warner Creek Correctional Facility to Lake County, no later than 180 days after the**
7 **department:**

8 (a) **Transfers all adults in custody from the facility to another Department of Corrections**
9 **institution or facility; and**

10 (b) **Provides the county with a written notice of closure applicable to the facility.**

11 (2) **The department shall offer to convey the state's interest "AS IS, WHERE IS" and**
12 **without any representation or warranty of any kind or nature by the department and without**
13 **cost to the county except as provided in subsection (4) of this section.**

14 (3) **If the county does not accept the offer within 30 days, the department may withdraw**
15 **the offer.**

16 (4) **If the county accepts the offer, the department shall convey the interest pursuant to**
17 **a statutory bargain and sale deed under ORS 93.860 and the Department of State Lands shall**
18 **release and transfer to the county all of the state's interest in the mineral or geothermal**
19 **resources notwithstanding ORS 273.775 to 273.790. The Department of Corrections'**
20 **conveyance must include all fixtures installed in the facility, except for fixtures that the**
21 **department determines are appropriate for transfer to another department institution or**
22 **facility. The county shall bear its transaction and closing costs related to the conveyance,**
23 **including any applicable recording fees, escrow fees and title insurance.**

24 (5) **As a condition of the conveyance described in this section and for the duration of the**
25 **period during which any state-issued bonds related to the real property or improvements**
26 **remain outstanding, Lake County must agree to provide written notice to the Director of the**
27 **Oregon Department of Administrative Services at least 30 days before any subsequent sale,**

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 **transfer, lease or nongovernmental use of the real property or improvements.**

2 **(6) Notwithstanding ORS 215.431, if Lake County receives title to an institution under this**
3 **section, the county, with respect to the land on which the institution is sited, may amend its**
4 **comprehensive plan or enact or amend any land use regulation without respect to statewide**
5 **planning goals to allow the use of the land for any other purpose, provided that:**

6 **(a) The enactment or amendment is passed by an ordinance of the governing body of the**
7 **county after a public hearing;**

8 **(b) The county has not converted the institution to a regional correctional facility;**

9 **(c) The ordinance is passed within one year of the transfer; and**

10 **(d) A copy of the ordinance is delivered to the Land Conservation and Development**
11 **Commission within 14 days of passage.**

12 **(7) Notwithstanding ORS 197.610 to 197.625, upon receipt of a copy of an ordinance passed**
13 **under subsection (6) of this section, the commission shall consider the ordinance to be ac-**
14 **knowledged, as that term is used in ORS chapter 197.**

15 **SECTION 2. Section 1 of this 2021 Act is repealed on January 2, 2024.**

16 **SECTION 3. Notwithstanding ORS 421.611 to 421.630 or 421.635 to 421.657 or any action**
17 **taken under ORS 421.611 to 421.630 or 421.635 to 421.657, the Department of Corrections may**
18 **sell, lease, transfer or otherwise dispose of all or part of real property or any improvements**
19 **to real property that have been sited for the construction or operation of a correctional fa-**
20 **cility.**

21 _____