

Senate Bill 847

Sponsored by Senator ROBLAN

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**.

Creates process for State Land Board, Department of State Lands and Legislative Assembly to coordinate transfer of certain trust lands managed for benefit of Common School Fund that have limited performance potential as assets of Common School Fund to certain other public bodies better positioned to manage lands for benefit of public.

Establishes Trust Lands Transfer Fund.

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. Sections 2 to 6 of this 2017 Act are added to and made a part of ORS chapter**
5 **273.**

6 **SECTION 2. As used in sections 2 to 6 of this 2017 Act:**

7 (1) **"State agency" means an agency of the executive department, as defined in ORS**
8 **174.112, or a public university listed in ORS 352.002.**

9 (2) **"Tribe" means a federally recognized Indian tribe in Oregon.**

10 (3) **"Trust lands" means state land:**

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

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

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

16 (d) **Purchased with Common School Fund revolving account moneys pursuant to ORS**
17 **273.413.**

18 **SECTION 3. It shall be the policy of the State of Oregon to:**

19 (1) **Identify, as appropriate, trust lands under the jurisdiction of the State Land Board**
20 **that, due to management or regulatory impediments, have limited performance potential as**
21 **assets of the Common School Fund; and**

22 (2) **Transfer the identified trust lands to state agencies, federal agencies or tribes that**
23 **are better positioned than the State Land Board to manage the lands to provide public ben-**
24 **efits associated with the public ownership of the identified trust lands.**

25 **SECTION 4. (1) The State Land Board may identify tracts of trust lands under the**
26 **board's jurisdiction that have limited performance potential as assets of the Common School**
27 **Fund and submit to the Legislative Assembly proposals to transfer the identified tracts of**
28 **trust lands to another state agency, a federal agency or a tribe.**

29 (2) **The state agency, federal agency or tribe to which identified tracts of trust lands are**
30 **to be transferred may be identified by the board in the proposal authorized under subsection**

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 (1) of this section, or may be designated by the Legislative Assembly.

2 (3) A proposal submitted to the Legislative Assembly under this section must include a
3 preliminary valuation of the property to be transferred.

4 (4) If the Legislative Assembly approves a transfer proposal submitted under subsection
5 (1) of this section and appropriates funds for that purpose, or otherwise approves a financing
6 mechanism sufficient to accomplish the transfer, the board, by and through the Department
7 of State Lands, shall transfer lands in a manner consistent with the board's trust responsi-
8 bilities. The board may use moneys in the Trust Lands Transfer Fund as a source of fi-
9 nancing for a transfer under this subsection.

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

12 (6) The board may adopt rules to carry out the provisions of sections 2 to 6 of this 2017
13 Act.

14 (7) Nothing in this section shall be construed to affect the ability of the board or the
15 department to dispose of trust lands in any manner otherwise provided for by law.

16 **SECTION 5.** The Department of State Lands may accept from any source gifts, donations
17 or bequests of moneys or property made to the State of Oregon or the department to be used
18 for specific or general purposes related to the transfer of trust lands in accordance with
19 section 4 of this 2017 Act. Subject to the terms specified in a gift, donation or bequest, the
20 State Land Board may:

21 (1) Convert a gift, donation or bequest of property into money and credit the moneys to
22 the Trust Lands Transfer Fund; or

23 (2) Otherwise authorize the use of gifts, donations or bequests for the purposes of
24 sections 2 to 6 of this 2017 Act in a manner that, in the board's judgement, best carries out
25 the intent of the gift, donation or bequest.

26 **SECTION 6.** (1) The Trust Lands Transfer Fund is established in the State Treasury,
27 separate and distinct from the General Fund. Interest earned by the Trust Lands Transfer
28 Fund shall be credited to the fund. Moneys in the fund are continuously appropriated to the
29 Department of State Lands.

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

31 (a) All moneys appropriated or transferred to the fund;

32 (b) Moneys received by the department or credited to the fund under section 5 of this
33 2017 Act; and

34 (c) Moneys contributed to the fund from any other source, public or private.

35 (3) Moneys in the fund may be used by the department as a source of financing for the
36 transfer of trust lands in accordance with section 4 of this 2017 Act.

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