

**Enrolled**  
**Senate Bill 19**

Sponsored by Senator FINDLEY, Representative RESCHKE, Senator LINTHICUM; Representatives LEIF, LEVY, OWENS (Presession filed.)

CHAPTER .....

AN ACT

Relating to Department of Corrections institutions; and declaring an emergency.

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

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

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

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

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

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

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

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

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

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

- (b) The county has not converted the institution to a regional correctional facility;
- (c) The ordinance is passed within one year of the transfer; and
- (d) A copy of the ordinance is delivered to the Land Conservation and Development Commission within 14 days of passage.

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

**SECTION 2.** The Department of Corrections may divide by partition the real property including and adjacent to the Two Rivers Correctional Institution, as specified by the department, to create a parcel consisting of approximately 140 acres of unimproved real property. The department may sell, exchange, lease, gift or otherwise dispose of the property under any procedures or terms as determined by the department in its discretion and notwithstanding any requirement of ORS 270.100 to 270.190. Upon request from the department, the Oregon Department of Administrative Services shall assist with the disposition of the property under this section.

**SECTION 3.** Sections 1 and 2 of this 2021 Act are repealed on January 2, 2024.

**SECTION 4.** Notwithstanding ORS 421.611 to 421.630 or 421.635 to 421.657 or any action taken under ORS 421.611 to 421.630 or 421.635 to 421.657, the Department of Corrections may sell, lease, transfer or otherwise dispose of all or part of real property or any improvements to real property that have been sited for the construction or operation of a correctional facility.

**SECTION 5.** This 2021 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect on its passage.

Passed by Senate April 22, 2021

Received by Governor:

Repassed by Senate June 25, 2021

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Approved:

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Lori L. Brocker, Secretary of Senate

.....M.,....., 2021

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Peter Courtney, President of Senate

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Kate Brown, Governor

Passed by House June 14, 2021

Filed in Office of Secretary of State:

Repassed by House June 25, 2021

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Tina Kotek, Speaker of House

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Shemia Fagan, Secretary of State