

Requested by Senator FINDLEY

**PROPOSED AMENDMENTS TO
SENATE BILL 19**

1 In line 2 of the printed bill, delete “; and prescribing an effective date”.

2 Delete lines 4 through 30 and insert:

3 **“SECTION 1. (1) Notwithstanding ORS 270.100 to 270.190, the De-**
4 **partment of Corrections shall offer to convey fee simple title to the**
5 **real property and improvements generally known as the Warner Creek**
6 **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**
9 **Department of Corrections institution or facility; and**

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

12 **“(2) The department shall offer to convey the state’s interest ‘AS**
13 **IS, WHERE IS’ and without any representation or warranty of any**
14 **kind or nature by the department and without cost to the county ex-**
15 **cept as provided in subsection (4) of this section.**

16 **“(3) If the county does not accept the offer within 30 days, the de-**
17 **partment may withdraw the offer.**

18 **“(4) If the county accepts the offer, the department shall convey the**
19 **interest pursuant to a statutory bargain and sale deed under ORS**
20 **93.860 and the Department of State Lands shall release and transfer**
21 **to the county all of the state’s interest in the mineral or geothermal**

1 resources notwithstanding ORS 273.775 to 273.790. The Department of
2 Corrections' conveyance must include all fixtures installed in the fa-
3 cility, except for fixtures that the department determines are appro-
4 priate for transfer to another department institution or facility. The
5 county shall bear its transaction and closing costs related to the
6 conveyance, including any applicable recording fees, escrow fees and
7 title insurance.

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

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

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

23 “(b) The county has not converted the institution to a regional
24 correctional facility;

25 “(c) The ordinance is passed within one year of the transfer; and

26 “(d) A copy of the ordinance is delivered to the Land Conservation
27 and Development Commission within 14 days of passage.

28 “(7) Notwithstanding ORS 197.610 to 197.625, upon receipt of a copy
29 of an ordinance passed under subsection (6) of this section, the com-
30 mission shall consider the ordinance to be acknowledged, as that term

1 is used in ORS chapter 197.

2 **“SECTION 2. Section 1 of this 2021 Act is repealed on January 2,**
3 **2024.**

4 **“SECTION 3. Notwithstanding ORS 421.611 to 421.630 or 421.635 to**
5 **421.657 or any action taken under ORS 421.611 to 421.630 or 421.635 to**
6 **421.657, the Department of Corrections may sell, lease, transfer or**
7 **otherwise dispose of all or part of real property or any improvements**
8 **to real property that have been sited for the construction or operation**
9 **of a correctional facility.”.**

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