Chapter 273

1974 REPLACEMENT PART

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273.005 [1959 c.45 §1; 1967 c.421 §95; renumbered 279.711]

273.006 Definitions. As used in this chapter, unless the context requires otherwise:

(1) "Board" means the State Land Board.

(2) "County recording officer" means the county clerk or other county officer carrying out ORS 205.130 to 205.230.

(3) "Director" means the Director of the Division of State Lands.

(4) "Division" means the Division of State Lands.

(5) "Land" includes water, water rights, easements of every nature and all appurtenances to land.

(6) "Material" includes gravel, rock, sand and silt, but does not include hard minerals subject to ORS 274.611 to 274.645, or oil, gas and sulphur subject to ORS 274.705 to 274.860.

[1967 c.421 §2 and 1967 c.616 §12; 1969 c.594 §2; 1971 c.88 §5]

273.010 [Amended by 1961 c.618 §1; 1967 c.421 §49; renumbered 273.251]

273.020 Governor as land commissioner. The Governor is Land Commissioner for the State of Oregon, and shall locate or select the lands to which the state is entitled under the laws of the United States, or otherwise. He shall be allowed all necessary expenses incurred by him in the performance of duties in this capacity prescribed by law. The Division of State Lands shall assist him as necessary in the performance of these duties.

[Amended by 1967 c.421 §50; 1967 c.616 §§1, 1a]

273.030 [Amended by 1967 c.80 §1; repealed by 1967 c.421 §50a (273.255, 273.261 and 273.265 enacted in lieu of 273.030)]

STATE LAND BOARD

273.031 State Land Board; seal. The Governor, Secretary of State and State Treasurer constitute the State Land Board. The board shall carry out the duties prescribed by section 5, Article VIII of the Oregon Constitution, and such other duties as are imposed upon it by law. The board may use a common seal.

[1967 c.421 §4 (enacted in lieu of 273.410); 1967 c.616 §2a]

273.035 Governor is chairman of board; quorum; meetings; notice. (1) The Governor shall act as chairman of the State Land Board. The board shall provide, by rule, the time and place for holding regular monthly meetings and the means whereby timely notification of cancellation of a regular meeting may be given.

(2) Two members of the board constitute a quorum to transact business and exercise all rights, duties and powers of the board.

(3) The board shall give six days' public notice by delivery personally to each member and by mail to each wire service, newspaper, radio or television station requesting such notice prior to each meeting.

(4) A special meeting may be called at any time upon notice by the Governor, or by a majority of the members of the board.

[1967 c.616 §5; 1973 c.406 §1]

273.040 [Amended by 1967 c.80 §2; 1967 c.421 §54; renumbered 273.271]

DIVISION OF STATE LANDS

(Creation and General Powers)

273.041 Division of State Lands. The Division of State Lands is created, and consists of the Director of the Division of State Lands and all officers and employes of the division acting under the State Land Board. Subject to ORS 273.171, the division shall exercise all of the administrative functions exercised by the Clerk and other personnel of the State Land Board before January 1, 1968.

[1967 c.616 §4]

273.045 Administrative policies; rules. The division shall establish its administrative policies in accordance with the laws prescribing its powers and duties and the general policies formulated by the board. Acting subject to the approval of the board and in compliance with ORS chapter 183, the director shall promulgate such rules as are necessary to carry out the policies of the division and to attain maximum efficiency in its administration.

[1967 c.616 §9]

273.050 [Amended by 1967 c.421 §55; renumbered 273.275]

273.051 General powers and duties. (1) The division may cancel certificates of sale for lands owned by this state, if unlawfully obtained.

(2) The division shall:

(a) Manage, control and protect the common school grazing lands under ORS 273.805 to 273.825 so as to secure the greatest permanent value of the lands to all the people of this state, particularly for the dedicated purposes of the lands and the common

schools to which the resources of the lands are devoted.

(b) Give due consideration, in the sale, exchange or leasing of any state lands under its control, to the protection and conservation of all natural resources, including scenic and recreational resources, of such lands, so as to conserve the public health and recreational enjoyment of the people, protect property and human life, and conserve plant, aquatic and animal life.
[1967 c.421 §7; 1967 c.616 §27b]

273.055 Power to acquire and dispose of real property. If it finds it advisable in carrying out its duties, the division in the name of the State of Oregon may take title to real and personal property in fee simple or absolutely, in trust or under such other conditions as it considers advisable, and may convey title thereto or execute agreements necessary to carry out its duties.
[Formerly 273.710; 1969 c.594 §3]

273.060 [Amended by 1967 c.147 §3; 1967 c.421 §39; renumbered 273.201]

273.061 Power of eminent domain. The power of eminent domain may be exercised by the State of Oregon at the request of the division for the condemnation of property of any kind and all water rights, easements and appurtenances thereto necessary for carrying out its powers and duties.
[1967 c.421 §8]

273.065 Finality of certain actions. All acts and decisions of the division as to the legal title, and the right to a certificate of sale or deed from the state, shall be final.
[1967 c.421 §11]

273.070 [Amended by 1967 c.421 §40; renumbered 273.205]

273.071 Oaths; depositions; subpenas. (1) At all hearings pertaining to lands owned by the state, the director may administer oaths and take depositions. The board may issue subpenas to compel the attendance of witnesses and the production of documents or other necessary written information.

(2) If any person served with a subpena issued under this section fails to obey the subpena without legal excuse, or refuses to testify on matters on which he lawfully may be interrogated, the procedure provided in ORS 183.440 shall be followed to compel obedience.
[Formerly 273.430]

(Documents)

273.075 Deed to purchaser. When lands formerly belonging to the State of Oregon are disposed of and final payment has been made, the director shall execute and deliver to the purchaser a deed in a manner and form prescribed by the rules of the division, conveying all right, title and interest which the state may have in and to such lands, except as otherwise provided by law.
[Formerly 273.720; 1969 c.594 §4]

273.080 [Amended by 1967 c.421 §41; renumbered 273.211]

273.081 Execution of documents; recordation. The director may execute on behalf of the division all documents required to carry out its powers and duties, in the manner and form prescribed by the rules of the division. All documents so executed shall be admitted to record without acknowledgment.
[Formerly 273.450; 1969 c.594 §5]

273.085 Recording copies of documents. Copies of any document executed by the director, or executed by the State Land Board before January 1, 1968, and certified by the director, are entitled to record in the office of any county recording officer. Documents affecting the title to real property shall be recorded in the county where such real property is situated; copies of all other documents executed by the division may be recorded in any county designated by the division.
[Formerly 273.555; 1969 c.594 §6]

273.090 [Amended by 1967 c.421 §42; renumbered 273.216]

273.091 Recording fees; return of document. The person offering a copy of a document mentioned in ORS 273.085 for recording shall pay the recording fee. The division is exempt from the payment of such fees. When a copy of a document has been recorded it shall be returned by the recording officer to the director or other party at whose request it was recorded.
[Formerly 273.565]

273.095 Copies or transcripts as evidence. The record of any copy of a document recorded under ORS 273.085, or a transcript thereof certified by the county recording officer, shall be received in evidence in all courts in this state with like force and effect as the original document.
[Formerly 273.575]

273.100 [Amended by 1967 c.421 §56; renumbered 273.281]

(Finances)

273.101 Common School Fund. The division shall administer the Common School Fund as provided in ORS 327.405 to 327.480.
[1967 c.421 §20]

273.105 Distributable Income Account. (1) The Distributable Income Account is established within the Common School Fund. The division shall administer this account in accordance with section 4, Article VIII, Oregon Constitution, and applicable laws.

(2) The following moneys in the Common School Fund shall be credited to the Distributable Income Account:

(a) Moneys received under ORS 390.715 and 390.725 after deducting the administrative costs of the Department of Transportation.

(b) Interest accruing from investments of the Common School Fund.

(c) Royalties arising out of leases under ORS 274.530.

(d) Other moneys received by the division that are required by law to be deposited in the Distributable Income Account.

(3) All other moneys received by the division shall be credited to the Common School Fund.

(4) The moneys in the Distributable Income Account are appropriated continuously for apportionment according to ORS 327.410.
[1967 c.421 §21; 1969 c.338 §1; 1969 c.601 §29]

273.110 [Amended by 1967 c.421 §57; renumbered 273.285]

273.111 Swamp and Overflow Land Reclamation Fund. There are appropriated such sums of money as are necessary to carry out the purposes of ORS 274.280 to 274.310, out of the Common School Fund in an amount not to exceed the net receipts from operations under ORS 274.530. When sufficient funds become available from the proceeds of the sale or lease of reclaimed lands, all money appropriated by this section and expended pursuant to ORS 274.280 to 274.310 shall be repaid to the Common School Fund.
[Formerly 274.300; 1969 c.594 §9]

273.115 Payment of division expenses. The necessary expenses of the division, including but not limited to the salaries of the director and employes of the division and of rentals under ORS 276.412, if required, shall be paid out of the Common School Fund. The division may use so much of the Common School Fund as is necessary for:

(1) The acquisition of lands, easements, and all other interests in real property.

(2) Improvement, operation, and maintenance of property, crops, timber, fixtures and appurtenances whether granted or otherwise acquired at any time.

(3) Operations required of the division by law.
[1967 c.421 §23; 1969 c.338 §2]

273.120 [Repealed by 1967 c.421 §206]

273.121 Expenditures of funds under control of division. Notwithstanding any other provision of law, all funds under the control of the division shall be expended by warrant drawn on the State Treasurer, and then only upon proper claim approved by the director or his authorized representative submitted to the Secretary of State for audit.
[Formerly 273.445; 1969 c.594 §12]

273.125 Refund of moneys. Whenever it appears to the division that any moneys have been erroneously paid to it, the division may make an appropriate refund.
[Formerly 273.470]

273.130 [Amended by 1967 c.421 §58; renumbered 273.290]

273.131 Compromise or release of claims. The division may, whenever in its judgment such course is to the best interest of the state, compromise, settle, release and discharge any mortgage, judgment or other claim in favor of the State of Oregon, and arising out of the sale or lease of property within the jurisdiction of the division, upon such terms as the division may direct.
[Formerly 273.460]

(Cooperation with Other Agencies and Governmental Entities)

273.135 Agreements with other agencies for special services; costs; interagency services. (1) The division may enter into written agreements with any governmental agency for the performance of specialized, technical, professional, administrative or other services and for the furnishing of facilities and materials to carry out provisions of law applicable to the division, except those services relating primarily to the management of grazing lands, which shall continue to be performed directly by the division. The activities and programs performed under such agreements remain subject to supervision and control by the division.

(2) All expenses incurred by a governmental agency in performing services and furnishing facilities and materials under an agreement entered into pursuant to subsection (1) of this section shall be paid by the division to such performing agency in the manner other claims are paid. Payments by

the division pursuant to this section and ORS 273.141 shall be made from moneys available to the division for the payment of its expenses. Before making any deposit to the credit of the Common School Fund, or any other fund or account managed by the division, the division may first deduct all expenses incurred pursuant to agreements entered into under this section and ORS 273.141.

(3) Any state agency authorized under ORS 283.110 to furnish services, facilities and materials to other state agencies may in like manner furnish such services, facilities and materials to the division under written agreement pursuant to this section. All moneys received by a state agency in payment for services, facilities and materials rendered under a written agreement with the division may be paid, deposited and credited in like manner as provided in subsection (2) of ORS 283.110, or credited to the account from which the cost of the services, facilities and materials was originally paid.
[Formerly 273.585]

273.140 [Amended by 1967 c.421 §59; renumbered 273.295]

273.141 Nature of services to be performed by certain other agencies. In order to provide the division with the specialized assistance necessary to its operations and the transaction of its business, and in addition to other agreements that may be entered into under ORS 273.135, the division may enter into written agreements with the state agencies designated in this section for the operation of programs and activities assigned to the division. Subject to final review and approval by the division:

(1) The State Forestry Department may perform the functions of the division that relate to forest resources.

(2) The Oregon State Department of Geology and Mineral Industries may perform the functions of the division that relate to mineral resources.

(3) The Director of Veterans' Affairs may perform the functions of the division that relate to investment of funds in mortgages secured by real property.

(4) The State Treasurer may perform the functions of the division that relate to investments of funds administered by the division not described in subsection (3) of this section, and that relate to escheated property.
[Formerly 273.595]

273.145 Division powers in exchanges, settlements and indemnifications. The division may enter into contracts with any person owning lands adapted to the purposes of ORS 273.316 to 273.345 and 273.511, for the subdivision, settlement and sale of all or any portion thereof, under the direction and supervision of the division and such conditions as may be agreed to.
[Formerly 273.640; 1969 c.594 §15]

273.150 [Amended by 1967 c.421 §60; renumbered 273.300]

273.151 Cooperation with Federal Government. The division may cooperate with the Federal Government for the development, settlement, subdivision and disposition of lands belonging to the State of Oregon, or which otherwise may be made available for carrying out the purposes of ORS 273.316 to 273.345 and 273.511. In such cooperation, the division may provide the lands but the Federal Government shall provide the money necessary to meet the expenses of reclamation, subdivision, necessary improvement and equipment.
[Formerly 273.740; 1969 c.594 §16]

273.155 Cooperation of state and county agencies. The division, in carrying out its duties, may call upon all related state and county agencies, including Oregon State University and any state or county officers through whom necessary information and aid may be received. Such agencies, institution and officers shall cooperate with the division without additional compensation.
[Formerly 273.750; amended by 1969 c.594 §17]

273.160 [Amended by 1967 c.421 §61; 1967 c.616 §§14, 14a; renumbered 273.306]

(Director and Staff)

273.161 Director of division; salary of director and staff. (1) The State Land Board shall appoint a Director of the Division of State Lands to serve for a term of four years, subject to removal at the discretion of the board.

(2) Unless otherwise provided by ORS 292.505 to 292.780, the director shall receive such salary as is fixed by the board. In addition to his salary, subject to applicable law regulating travel and other expenses of state officers, the director shall be reimbursed for his actual and necessary travel and other expenses incurred in the performance of his official duties.

(3) The salaries and other expenses of the director and employes of the division

shall be paid out of revenues accruing to the Common School Fund.
[1967 c.616 §6]

273.165 Oath and bond of director. Before entering upon the duties of his office, the director shall take an oath to perform faithfully his duties. The director shall give to the state a fidelity bond, with one or more corporate sureties authorized to do business in this state, in a penal sum fixed by the board. The premium on the bond shall be paid from moneys available for the payment of expenses of the division.
[1967 c.616 §7]

273.170 [Renumbered 273.915]

273.171 Duties and authority of director. (1) The director is chief executive officer of the division, and is responsible for the administration of the laws conferring powers or imposing duties upon the division, subject to specific policies formulated by the board and review of his actions by the board.

(2) Under written policy directives adopted by the board and recorded in its minutes, the director has full authority with respect to the retention or disposition of all lands subject to the jurisdiction of the division, including but not limited to the management, sale, leasing, exchange or other conveyance of such lands.
[1967 c.616 §8]

273.175 Employes of division; compensation; fidelity bonds. Subject to any applicable provision of the State Merit System Law:

(1) The director shall appoint and discharge such personnel as he considers necessary for the efficient administration of the laws conferring powers or imposing duties upon the division. The director shall prescribe the authority, powers and duties of all employes of the division. Employes of the division are subject at all times to the direction, supervision and control of the director.

(2) Subject to the approval of the board, the director shall fix the compensation of the employes of the division.

(3) The director may require any employe of the division to give to the state a fidelity bond, with one or more corporate sureties authorized to do business in this state, in a penal sum fixed by the director. The premium on such a bond shall be paid from moneys available for the payment of expenses of the division.
[1967 c.616 §10]

273.180 [Amended by 1967 c.421 §89; renumbered 273.751]

273.181 Biennial report by director. (1) The director shall prepare a concise written report of activities during the biennium ending on June 30 of each even-numbered year, containing:

(a) A summary of the board's transactions and the division's activities.

(b) An abstract of lands, by county, administered by the division.

(c) A summary of the financial accounts of the division.

(d) Such other information or data that, in the opinion of the board or the director, will be of value to the Legislative Assembly.

(2) Upon approving the report, the board shall cause it to be submitted to the next following regular session of the Legislative Assembly.
[1967 c.616 §11]

273.185 Director to investigate trespasses on state lands; appearance before federal agencies; expenses. (1) The director shall investigate all trespasses on and damage to state lands and prosecute the same. He shall appear before appropriate agencies of the United States in all cases involving the title or claim of the state to its granted land or lands selected in lieu thereof.

(2) Expenses incurred under this section shall be paid out of the moneys available to the division for the payment of its expenses.
[Formerly 273.530]

273.190 [Amended by 1967 c.421 §90; renumbered 273.755]

273.200 [Amended by 1967 c.421 §91; renumbered 273.761]

STATE REAL PROPERTY GENERALLY

(Sale)

273.201 Bids required for sale of certain real property of state. Before offering for sale any real property or equitable interest therein owned by the state, the state agency acting for the state in such transaction shall cause it to be appraised by one or more competent and experienced appraisers. Except as provided in ORS 273.825, if such property has an appraised value exceeding $1,000, it shall not be sold to any private person except after competitive bids and after notice calling for such bids as specified by ORS 273.205.
[Formerly 273.060]

273.205 Publication of notice of sale. The state agency acting for the state in the transaction shall give the notice referred to in ORS 273.201 not less than once a week for four successive weeks by publication in one or more newspapers of general circulation in the county in which such real property is situated, and in such other newspapers as the agency considers advisable. The notice shall describe generally and by legal subdivision such property, the minimum price for which it will be sold, and a brief statement of the terms of the sale. The state agency shall reserve the right to accept or reject any bid.
[Formerly 273.070]

273.210 [Renumbered 273.555 and then 273.085]

273.211 Decision of state agency as to which is most advantageous bid is final; security for bid. (1) The decision of the state agency on the question of the most advantageous bid shall be final and conclusive, and shall not be subject to review by any court.

(2) Each bid shall be accompanied by a certified check or by sufficient bond furnished by a surety company authorized to do business in this state, in favor of the State of Oregon, in a sum not less than 10 percent of the total amount of such bid.
[Formerly 273.080]

273.216 Action taken if no satisfactory bid is received. If the provisions of ORS 273.201 and 273.205 have been complied with as to property administered by it and no satisfactory bid has been received, the state agency may, at any time during a period of six months after the advertised date of sale, sell such property in such manner as it considers appropriate. The sale price shall not be less than the minimum terms offered in the notice of sale or the highest bid received, whichever is the larger amount.
[Formerly 273.090]

273.220 [Renumbered 273.565 and then 273.091]

(Removal of Material)

273.221 [1967 c.421 §44; repealed by 1969 c.594 §63]

273.225 Application for lease to take material; form. Before any person shall take any material from any real property of the State of Oregon, except in the manner and for the purposes mentioned in ORS 274.525 or 274.550, he shall apply to the division for a lease. The application shall include a complete description of the location of the contemplated operation, the time and manner of contemplated removal, and such other pertinent information as the division may require. Upon receipt of such application the division may award a lease to the applicant and fix a royalty in the same manner provided in ORS 274.530.
[Formerly 274.540; 1969 c.594 §13]

273.230 [Renumbered 273.575 and then 273.095]

273.231 Removal without compliance with statute. (1) No person shall remove material from any real property of the State of Oregon for commercial uses without complying with ORS 273.225, 274.550 and 274.560.

(2) The establishment or placing of a dredging or digging outfit on any waters, the submersible or submerged lands of which belong to the State of Oregon, and the removal of material from the submersible or submerged lands thereof for commercial uses, without having applied for and received a lease under ORS 274.530, is a continuing trespass.
[Formerly 274.580; 1969 c.594 §18]

273.235 Division's powers to enforce statute. The division may inspect and audit books, records and accounts of each person removing material from any real property of the State of Oregon, and make other investigation and secure or receive other evidence necessary to determine whether or not the division is being paid the full amount payable to it for the removal of such material. The division may proceed by action or suit to enforce payment for all materials taken from any real property of the State of Oregon, for commercial uses, whether under lease, or otherwise, for which payment has not been made.
[Formerly 274.600]

273.240 [Renumbered 271.375]

273.241 Action to recover damages for unlawful removal of material. (1) Removal of material from any property of the State of Oregon under the control of the division by any person without lawful authority is a trespass for which the state, in addition to any action commenced under ORS 273.990, may also commence an action for damages. If damages are assessed against the defendant in any such action, the state shall be awarded double the amount of damages assessed if the trespass is wilful. Proof by

the state of its ownership of the premises is prima facie evidence that the trespass, if committed, was wilful.

(2) Any action under subsection (1) of this section must be commenced within six years from the date of the trespass or the date on which the trespass is discovered by the state, whichever last occurs.

[Formerly 274.605]

273.250 [Amended by 1967 c.421 §87; renumbered 273.705]

SALE OF STATE LANDS

273.251 Classification of state lands. Unless the context or a specially applicable definition requires otherwise, state lands are classified as follows:

(1) "Agricultural college lands." Lands granted to the state by the Act of July 2, 1862 (12 Stat. 503), and otherwise, for the support and maintenance of Oregon State University.

(2) "Farm lands." Lands acquired by deed, gift, operation of law, or by the foreclosure of mortgages taken to secure loans from the common school, agricultural college, university or other funds.

(3) "Indemnity lands." Lands selected to satisfy losses in sections 16 and 36, as provided by sections 851 and 852 of title 43, United States Code, as amended, or any other laws of the United States.

(4) "School lands":

(a) Sections 16 and 36 in each township granted to the state by the Act of February 14, 1859 (11 Stat. 383).

(b) Lands selected for internal improvements under the Act of September 4, 1841 (5 Stat. 455), and diverted for common schools with the consent of Congress by the Joint Resolution of February 9, 1871 (16 Stat. 595).

(c) Lands selected for capitol building purposes under the Act of February 14, 1859 (11 Stat. 383).

(5) "Swamp lands." Lands claimed by the state under the Act of September 28, 1850 (9 Stat. 519), and extended to the State of Oregon by the Act of March 12, 1860 (12 Stat. 3).

(6) "Submerged lands." Lands defined as submerged by ORS 274.005.

(7) "Submersible lands." Lands defined as submersible by ORS 274.005.

(8) "University lands." Lands granted to the state under the Act of February 14, 1859 (11 Stat. 383), for the support and maintenance of the University of Oregon.

[Formerly 273.010; amended by 1969 c.594 §19]

273.255 Eligibility to purchase state lands. Any individual who is 18 years of age or older and who is a citizen of the United States, or has declared his intention to become a citizen, may apply to purchase state lands.

[1967 c.421 §51 (enacted in lieu of 273.030)]

273.260 [Amended by 1967 c.421 §88; renumbered 273.711]

273.261 Applications generally. An individual eligible under ORS 273.255 may file an application with the director for the purchase of state lands other than farm lands. The application must be made in a form prescribed by the division, contain a correct and precise description of the lands applied for in accordance with a survey acceptable to the division, and be verified before an officer authorized by law to administer oaths.

[1967 c.421 §52 (enacted in lieu of 273.030)]

273.265 Application for submersible lands. (1) If application is made for the purchase of submersible lands, the applicant must cause such lands to be surveyed at his expense by a surveyor, whose selection is subject to prior approval by the division. The survey must connect with and conform to adjacent surveys acceptable to the division, so far as practicable. The applicant must submit to the division, with his application, an accurate map of the lands applied for, showing the boundaries and stating the area. The map must be verified by the surveyor before an officer authorized by law to administer oaths.

(2) Each application to purchase submersible lands must, in addition to all other requirements, contain the applicant's statement that application is made with knowledge of the character of the land applied for and the title of the state thereto, and his waiver of all claims upon the state for the return of the purchase price of the lands in the event that the lands, or any part thereof, do not belong to the state.

[1967 c.421 §53 (enacted in lieu of 273.030); 1969 c.594 §20]

273.270 [Renumbered 273.910]

273.271 Acreage purchasable. (1) An eligible individual may apply to purchase not more than 640 acres of each of the following classes of land: School, indemnity, university, agricultural college, swamp or submersible lands.

(2) This section shall not interfere with the issuance of deeds to the holders of assignments of certificates of sale as provided in ORS 273.295, nor shall the limitations of this section apply to political subdivisions in this state purchasing such lands for any public use.
[Formerly 273.040; 1969 c.594 §21]

273.275 Price of state lands; sale to highest bidder. Except as limited by ORS 273.201 to 273.241 and 274.040, and as in its judgment the interests of the state demand, the division:

(1) Shall fix the price at which all classes of state lands may be sold and the interest to be charged on deferred payments therefor under ORS 273.281, and may provide for the advertisement and sale of such lands to the highest bidder in a manner consistent with ORS 273.201 to 273.241.

(2) May at any time withdraw any or all of such lands from sale.
[Formerly 273.050]

273.280 [Renumbered 273.905]

273.281 Payment for state lands. The division shall require applicants for the purchase of submersible lands to pay in full for such lands at the time of purchase. Applicants for the purchase of school, agricultural college, university, swamp or indemnity lands shall make payments at such times, and with such interest for deferred payments as the division may prescribe. However, the obligation may not be allowed to stand for a longer period than five years after the date of issuance of the certificate under ORS 273.285.
[Formerly 273.100; 1969 c.594 §22]

273.285 Certificate of sale to instalment purchaser; records of sale. (1) When an applicant to purchase state lands desires to make payments in instalments as provided in ORS 273.281, the division shall, upon receipt of one-fifth of the purchase price of the land applied for, deliver to the purchaser a certificate that he has contracted to purchase the lands therein described. Upon performance under the contract and upon the surrender of the certificate of sale, the purchaser, his heirs or assigns, shall be entitled to a deed issued under ORS 273.300 for the lands therein described.

(2) The division shall maintain appropriate records of each sale.
[Formerly 273.110]

273.290 Cancellation and forfeiture on default in payments. If any instalment of the purchase price of land, principal or interest, remains unpaid for one year after the same becomes due, the certificate issued under ORS 273.285 shall be canceled by order of the division. All payments thereon shall be forfeited and the land considered vacant and subject to sale as if it had not been previously contracted to be sold.
[Formerly 273.130]

273.295 Assignment of certificates of sale; deed to assignee. All assignments of certificates of sale shall be executed and acknowledged in the same manner as a deed to real estate. The assignee, upon full payment of the amount due on the purchase price, and delivery to the division of such certificate and assignment, shall receive a deed for the land described in such certificate, in his own name.
[Formerly 273.140]

273.300 Issuance of deed. Whenever any purchaser of state lands holding a certificate of sale therefor has paid three-fifths or more of the purchase price thereof, the director may execute a deed conveying the lands to such purchaser, upon the purchaser's executing:

(1) A note for the remainder of the purchase price; and

(2) A mortgage on the premises in the same form and manner as other mortgages are executed for loans from the Common School Fund under ORS 327.405 to 327.480.
[Formerly 273.150; 1969 c.594 §23]

273.305 [Formerly 273.560; 1967 c.421 §78; renumbered 273.521]

273.306 Execution and record of deeds. (1) Upon full payment of the purchase price and any accrued interest thereon the director shall execute a deed to the purchaser in a form prescribed by the rules of the division.

(2) The division shall maintain appropriate records of all deeds issued under this section.
[Formerly 273.160]

273.310 [Formerly 273.570; 1967 c.421 §79; renumbered 273.525]

273.311 Correction of deeds; refund of purchase price; refund to assignee of certificate of sale issued on fraudulent application. (1) In all cases where clerical errors have been made in deeds for any state lands sold,

upon satisfactory proof and if the rights of innocent parties have not intervened, the director may execute corrected deeds to the holders thereof.

(2) Where lands, other than submersible lands and unsurveyed or unpatented swamp lands have been sold and the state cannot convey title to the purchaser, the division shall repay the purchaser, his heirs or assigns, all sums which may have been paid to the division on the purchase price of the lands, including the interest paid upon deferred payments, upon the presentation of a proper application for repayment, satisfactory proof and the surrender of the certificate; or if deed has been issued, upon reconveyance by executed and recorded quitclaim deed of whatever title or color of title was received from the state.

(3) Where a certificate of sale has been issued by the division upon a fraudulent application and the certificate is held by assignment by a third party who had no knowledge of the fraud at the time of assignment, the division may refund to the holder such sums as were paid the division on the purchase price of the lands covered by the certificate, including the interest paid upon deferred payments, upon his making proper application to the division for repayment and surrendering for cancellation the certificate and assignment.

[Formerly 273.480; 1969 c.594 §24]

273.315 [Formerly 273.580; 1967 c.421 §80; renumbered 273.531]

EXCHANGE OF STATE LANDS

273.316 Exchanging state lands to accumulate larger tracts. (1) The division may exchange any state lands under its control for any other lands in this state for the purpose of accumulating larger and contiguous tracts of state lands. The division may enter into the necessary contracts to accomplish such purposes, subject to the rights of lessees under ORS 273.321. The exchange may be made on the basis of value or acreage, and the division may pay or accept money as part of the consideration to the extent required for a fair transaction.

(2) The object of this section is to authorize the division to exchange isolated tracts of state lands for the purpose of accumulating larger and contiguous tracts of state lands.

[Formerly 273.700; subsection (2) (1967 Replacement Part) enacted as 1967 c.421 §64; subsection (2) enacted as 1967 c.148 §2; 1969 c.594 §25]

273.320 [Formerly 273.590; 1967 c.421 §81; renumbered 273.535]

273.321 Lessees of state land to be notified prior to exchange. (1) Before exchanging any state lands for other lands under ORS 273.316, the division shall give notice to the lessees of those state lands considered for exchange by sending by certified or registered mail a notice containing a general description of the state lands considered for exchange and a listing of the names and addresses of the lessees of such lands. The notice shall state that if written protest to such exchange is received by the division not later than the 20th day after the mailing of the notice, a hearing on such exchange will be held.

(2) If the division receives, not later than the 20th day after the mailing of the notice, written protest to such exchange from a lessee of state lands considered for exchange, the division shall hold a hearing on such exchange. The hearing shall be held not earlier than the 30th day after the mailing of the notice described in subsection (1) of this section. Notice of the hearing shall be mailed by certified or registered mail to all lessees of state lands considered for exchange. At the hearing the lessees of the lands, or their representatives, may present their views on the prospective exchange.

(3) The division shall consider testimony presented at the hearing before making a protested exchange of state lands.

[Formerly 273.427]

273.325 [Formerly 273.600; 1967 c.421 §82; 1967 c.616 §§15, 15a; renumbered 273.541]

STATE LANDS UNLAWFULLY ACQUIRED

273.326 Compromise with owners of state lands unlawfully acquired; disposal of lands received through compromise. In all cases where the division believes that any lands were acquired from the state by fraud or in violation of the laws relating to the disposal thereof, it may:

(1) Enter into contracts with the persons asserting ownership thereto for the subdivision and sale thereof on conditions agreed upon by the contracting parties; or

(2) Exchange or accept in lieu thereof other lands suitable for settlement and development or valuable for timber. The division may enter into contracts for disposal and settlement of such other lands as in the

case of the lands first mentioned in this section.
[Formerly 273.660; 1969 c.594 §26]

273.330 [Formerly 273.610; repealed by 1967 c.421 §206]

273.331 Subdivision and disposal of other lands as condition of compromise. Where the lands which the division believes were acquired from the State of Oregon by fraud or in violation of the laws of the state, are held by any person owning other lands the title to which is not involved, the division may provide as a condition to the contract of settlement described in ORS 273.326 that such other lands, or such portion thereof as the division considers advisable, may also be subdivided and disposed of under the direction and supervision of the division according to the conditions agreed to.
[Formerly 273.670]

(Indemnity Lands)

273.335 Object of ORS 273.340 and 273.345. The object of ORS 273.340 and 273.345 is to make available for settlement and development the lands to which the State of Oregon is entitled as indemnity and the remaining unsold state lands, and to make available for the Common School Fund the proceeds from the sale of such lands.
[1967 c.421 §70]

273.340 Ascertainment and procurement of indemnity lands. The division shall ascertain the amount of indemnity lands to which the State of Oregon is entitled from the Federal Government and procure such lands in as large and contiguous tracts as practicable, having in view its adaptability for agriculture or its value for forestry purposes.
[Formerly 273.680]

273.345 Determination of advisability of selection of indemnity lands within national forest reserves. Before making selections under ORS 273.340, the division shall determine the advisability of making such selections in large and contiguous tracts within the national forest reserves. If it is found that such selections will be advantageous to the State of Oregon, the division shall negotiate with the appropriate agency of the United States to procure such lands. If necessary, the division may seek enactment of legislation to accomplish such object. The division may enter into all necessary contracts relating to such lands.
[Formerly 273.690]

273.350 Selection and sale of indemnity lands. (1) The director shall:

(a) Select as indemnity lands such vacant government lands as may be applied for by legal applicants, upon receipt of their applications to purchase, together with the nonmineral affidavit and filing fees, as required by the rules and regulations of the Bureau of Land Management, and a payment fixed by the division; and

(b) Upon return of a copy of the selection list approved by the appropriate officer of the United States, pay over to the State Treasurer moneys received on account of the purchase price of such lands.

(2) When such lands have been clear listed or patented to the state by the United States, the division shall issue deeds or certificates to the applicants. However, no certificate or deed shall be issued for indemnity lands until the same have been patented to the state by the United States. If the state fails to secure patent, the money so received shall be repaid to the applicant upon proper application to the division and surrender of the director's receipt.
[Formerly 273.540]

273.355 [Formerly part of 517.410; 1967 c.421 §83; renumbered 273.551]

ADJUSTING CERTAIN ERRONEOUS SALES

273.356 Definitions for ORS 273.356 to 273.375. As used in ORS 273.356 to 273.375, unless the context requires otherwise, "grantee" includes the successor in interest of a grantee.
[Derived from 1967 c.422 §1]

273.360 Applicant to relinquish claim; refund of purchase price and taxes paid. Upon the execution and delivery to the division by any grantee to whom the State Land Board prior to February 21, 1916, erroneously conveyed various parcels of land in sections 16 and 36 to which the title of the state was found by the board to be defective, of a written instrument sufficient to annul the conveyance of the state to such grantee and to relinquish all other claims against the state arising out of such conveyance, the division pursuant to ORS 273.125 shall:

(1) Refund to such grantee the purchase price paid to the state for such land, with interest at the rate of six percent per annum from the time payment was made; and

(2) Pay to the grantee an amount equal to all ad valorem taxes paid by such grantee with respect to such land before June 19, 1967, without interest.
[1967 c.422 §2; 1973 c.685 §1]

273.365 When refunds not available; source of refunds. (1) A refund is not available under ORS 273.356 to 273.375 to any grantee who received from the State Land Board a refund or other settlement with respect to such lands before June 19, 1967, or who may be holding title originally procured or subsequently conveyed by false swearing or fraudulent representation.

(2) Each refund under ORS 273.360 shall be paid to the grantee out of the revenues of the Common School Fund.
[1967 c.422 §§3, 4]

273.370 Alternative to refund. If the division finds that the property erroneously conveyed has been identified generally as private property, as evidenced by the inclusion of the property on the assessment rolls of the county in which it is located for a period of 20 years or more immediately preceding, the division may refund to the grantee an amount not to exceed any of the following values:

(1) The current fair market value of the property erroneously conveyed;

(2) The amount of the most recently issued title insurance policy carried on the property, if such a title insurance policy has been issued regularly; or

(3) The estimated current value to the division of the indemnity selection rights reconveyed to the state.
[1967 c.422 §5]

273.375 Acquisition by state of applicant's interest; price. In lieu of the procedure set out in ORS 273.360, 273.365 and 273.370, the division may acquire for the use and benefit of the State of Oregon, by purchase or exchange, the interest of any applicant to whom the certificate described in subsection (3) of ORS 273.620 (1965 Replacement Part) has been issued before June 19, 1967, or who acts under ORS 273.360, 273.365 and 273.370. The price of any such purchase or acquisition shall be paid to such applicant out of the revenues of the Common School Fund, and shall not exceed the market value of the land that otherwise would have been available to the applicant under ORS 273.620 (1965 Replacement Part).
[1967 c.422 §6]

SPACE AGE INDUSTRIAL PARK

273.380 [Formerly 184.260; repealed by 1969 c.594 §63]

273.382 Definitions for ORS 273.382 to 273.386. As used in ORS 273.382 to 273.386, unless the context requires otherwise:

(1) "Director" means the Director of Veterans' Affairs.

(2) "Lease" means the lease dated July 2, 1963, between the State of Oregon, acting by and through the State Land Board, as the lessor, and The Boeing Company, a Delaware corporation, as the lessee.

(3) "Space Age Industrial Park" means all land and property comprising the leased premises particularly described in the lease and any other land or property added thereto as provided in the lease.
[1963 (s.s.) c.7 §1; 1969 c.594 §27]

273.384 Administration of Space Age Industrial Park; disposition of income and proceeds. (1) The Space Age Industrial Park shall be managed and administered by the Director of Veterans' Affairs for the benefit of the Oregon War Veterans' Bond Sinking Fund.

(2) Notwithstanding the provisions of any law, all net income and other net proceeds derived from the rental, sale, disposition or use of the Space Age Industrial Park (after payment of all costs and expenses incident to the maintenance and administration of the Space Age Industrial Park and costs incident to any sale or other disposition thereof) shall be deposited in the State Treasury and credited to the Oregon War Veterans' Bond Sinking Fund.
[1963 (s.s.) c.7 §9; 1969 c.594 §28]

273.386 Sale or other disposition of Space Age Industrial Park. Nothing in ORS 273.382 to 273.386 shall limit the power of the Director of Veterans' Affairs with respect to the sale or other disposition, in whole or in part, of the Space Age Industrial Park.
[1963 (s.s.) c.7 §10]

LEASE OF STATE LANDS FOR CERTAIN PRIVATE USE (Eastern Oregon Hospital and Training Center)

273.405 Lease of certain property near Eastern Oregon Hospital and Training Center authorized. (1) In accordance with ORS 273.415 to 273.435 and subject to the approval of the Governor and the Administrator of

the Mental Health Division, the Department of General Services may lease the real property described by subsection (2) of this section, or any portion thereof, to the Fort Pendleton and Indian Village, Inc., a nonprofit Oregon corporation organized under the provisions of ORS chapter 61, for use by the lessee as the site for the development, construction and operation of exhibits and facilities as examples of Oregon history for the education and recreational enjoyment of the public.

(2) The real property referred to in subsection (1) of this section is that real property owned by the State of Oregon and held by the Mental Health Division in Umatilla County, Oregon, that is adjacent to the campus of the Eastern Oregon Hospital and Training Center and that is neither presently used by the division as, nor required in the immediate future for use by the division as, a part of the campus of the Eastern Oregon Hospital and Training Center.
[1971 c.208 §1]

273.410 [Repealed by 1967 c.421 §3 (273.031 enacted in lieu of 273.410)]

273.415 Lease provisions. The lease made pursuant to subsection (1) of ORS 273.405 shall provide that:

(1) Notwithstanding ORS 283.220, the lessee pay to the Department of General Services each year during the term specified in the lease a nominal sum, as determined by the department, for the use of the leased premises; and

(2) The lessee pay to the department each year during the term of the lease 50 percent of the moneys received by the lessee from its operations upon the leased premises and from the operations of subcontractors upon the leased premises and remaining after the deduction of its expenditures incurred during the year in conducting its operations upon the leased premises, including lawful taxes paid by it, and any payments made by it during the year upon costs incurred in the development and construction of facilities and improvements upon the leased premises; and

(3) The lessee submit each year to the department an accounting of all moneys received by it as a result of its or any subcontractor's operations upon the leased premises, all expenditures made by it for costs incurred by it in its operations upon the leased premises and payments made by it upon costs incurred in the development and construction of facilities and improvements upon the leased premises; and

(4) The lessee pay or cause to be paid each year the lawful taxes levied with respect to the value of the leased premises and the value of the lease as personalty; and

(5) The lessee establish access to the leased premises separate from the access otherwise provided for the campus of the Eastern Oregon Hospital and Training Center; and

(6) The lessee provide utility services separate from the utility services provided for the campus of the Eastern Oregon Hospital and Training Center, and that the lessee pay all the costs of establishing such services and of such services furnished to it.
[1971 c.208 §2]

273.420 [Amended by 1963 c.203 §1; repealed by [1967 c.421 §206 and by 1967 c.616 §29]

273.422 Grounds for termination of lease; complaints regarding lessee's operations; lands required for use by state. (1) The Department of General Services shall terminate the lease made pursuant to subsection (1) of ORS 273.405, if:

(a) The lessee fails to initiate the development, construction and operation of its facilities and improvements upon the leased premises before the expiration of two years after the date on which the lease was executed; or

(b) The lessee fails to perform any duty or make any payment as required by the lease; or

(c) The department receives a finding as provided in subsection (2) of this section that the lessee's operations upon the leased premises unreasonably interfere with the operation of the Eastern Oregon Hospital and Training Center and a direction that the lease should be terminated in the public interest; or

(d) The department receives a direction as provided in subsection (3) of this section that the leased premises are required by the division in its operations and that the lease should be terminated in the public interest.

(2) Upon the receipt by the Administrator of the Mental Health Division of a written complaint from the Superintendent of the Eastern Oregon Hospital and Training Center that the lessee's operations upon the leased premises are unreasonably interfering with the operation of such hospital, the administrator shall investigate the complaint

and, if he believes the complaint to be justified, submit a written request to a department head designated by the Governor that the lease be terminated in the public interest. Upon receipt of such request the department head designated by the Governor shall review the request, confer with the parties, and make a finding upon the request. Such department head shall transmit a copy of his finding to the Department of General Services and, if such department head finds the request to be justified, he shall direct the department to terminate the lease.

(3) Upon a determination by the Administrator of the Mental Health Division that the leased premises are required for use by the division in carrying out its lawful duties, the administrator shall submit a written request to a department head designated by the Governor with a copy to the lessee, for the termination of the lease in the public interest. After review of the request and conference with the parties, if such department head finds that the request should be granted, he shall direct the Department of General Services to terminate the lease.

[1971 c.208 §3]

273.425 [1961 c.676 §2; repealed by 1967 c.421 §206]

273.427 [1963 c.99 §1; 1967 c.148 §4; renumbered 273.321]

273.428 Lessee's duties upon termination of lease. Upon the termination or expiration of the lease made under subsection (1) of ORS 273.405, the lessee shall remove, as far as economically practicable, all facilities and improvements constructed by the lessee upon the leased premises.

[1971 c.208 §4]

273.430 [Amended by 1967 c.421 §13; 1967 c.616 §§16, 16a; renumbered 273.071]

273.435 Disposition of lease moneys. All moneys received by the Department of General Services pursuant to the lease made under subsection (1) of ORS 273.405, shall be deposited by the department in the revolving fund established by ORS 179.160.

[1971 c.208 §5]

273.440 [1963 c.394 §1; 1967 c.421 §12; repealed by 1967 c.616 §29]

273.445 [1963 c.612 §4; 1967 c.421 §24; 1967 c.616 §17; renumbered 273.121]

(Columbia Park Hospital and Training Center)

273.446 Lease of certain property near Columbia Park Hospital and Training Center authorized. (1) In accordance with ORS 273.451 to 273.465 and subject to the approval of the Governor and the Administrator of the Mental Health Division, the Department of General Services may lease the real property described by subsection (2) of this section, or any portion thereof, to the Original Courthouse Preservation Corporation, a nonprofit Oregon corporation organized under the provisions of ORS chapter 61, for use by the lessee as the site for the relocation and restoration of Wasco County's first courthouse for the education and enjoyment of the public.

(2) The real property referred to in subsection (1) of this section is that real property owned by the State of Oregon and held by the Mental Health Division in Wasco County, Oregon, that is adjacent to the campus of the Columbia Park Hospital and Training Center and that is neither presently used by the division as, nor required in the immediate future for use by the division as, a part of the campus of the Columbia Park Hospital and Training Center.

[1973 c.755 §1]

273.450 [Amended by 1967 c.421 §15; 1967 c.616 §§18, 18a; renumbered 273.081]

273.451 Lease provisions. The lease made under subsection (1) of ORS 273.446 shall provide that:

(1) Notwithstanding ORS 283.220, the lessee pay to the Department of General Services each year during the term specified in the lease a nominal sum, as determined by the department, for the use of the leased premises;

(2) The lessee submit each year to the department an accounting of all moneys received by it as a result of its operations upon the leased premises, all expenditures made by it for costs incurred by it in its operations upon the leased premises and payments made by it upon costs incurred in the relocation and restoration of the courthouse upon the leased premises;

(3) The lessee pay or cause to be paid each year the lawful taxes levied with respect to the value of the leased premises and the value of the lease as personalty;

(4) The lessee establish access to the leased premises separate from the access otherwise provided for the campus of the

Columbia Park Hospital and Training Center; and

(5) The lessee provide utility services separate from the utility services provided for the campus of the Columbia Park Hospital and Training Center, and that the lessee pay all the costs of establishing utility services and of utility services furnished to it.
[1973 c.755 §2]

273.455 Grounds for lease termination; complaints on lessee's operations; lands required for use by state. (1) The Department of General Services shall terminate the lease made under subsection (1) of ORS 273.446, if:

(a) The lessee fails to initiate the relocation and restoration of the courthouse upon the leased premises before the expiration of two years after the date on which the lease was executed;

(b) The lessee fails to perform any duty or make any payment as required by the lease;

(c) The department receives a finding as provided in subsection (2) of this section that the lessee's operations upon the leased premises unreasonably interfere with the operation of the Columbia Park Hospital and Training Center and a direction that the lease should be terminated in the public interest; or

(d) The department receives a direction as provided in subsection (3) of this section that the leased premises are required by the division in its operations and that the lease should be terminated in the public interest.

(2) Upon the receipt by the Administrator of the Mental Health Division of a written complaint from the Superintendent of the Columbia Park Hospital and Training Center that the lessee's operations upon the leased premises are unreasonably interfering with the operation of the hospital, the administrator shall investigate the complaint and, if he believes the complaint to be justified, submit a written request to a department head designated by the Governor that the lease be terminated in the public interest. Upon receipt of the request the department head designated by the Governor shall review the request, confer with the parties and make a finding upon the request. The department head shall transmit a copy of his finding to the Department of General Services and, if the department head finds the request to be justified, he shall direct the department to terminate the lease.

(3) Upon a determination by the Administrator of the Mental Health Division that the leased premises are required for use by the division in carrying out its lawful duties, the administrator shall submit a written request to a department head designated by the Governor with a copy to the lessee, for the termination of the lease in the public interest. After review of the request and conference with the parties, if the department head finds that the request should be granted, he shall direct the Department of General Services to terminate the lease.
[1973 c.755 §3]

273.459 Lessee's duties upon termination. Upon the termination or expiration of the lease made under subsection (1) of ORS 273.446, the lessee shall remove, as far as economically practicable, all facilities and improvements constructed by the lessee upon the leased premises.
[1973 c.755 §4]

273.460 [Amended by 1967 c.421 §25; renumbered 273.131]

273.465 Disposition of lease moneys. All moneys received by the Department of General Services pursuant to the lease made under subsection (1) of ORS 273.446, shall be deposited by the department in the revolving fund established by ORS 279.742.
[1973 c.755 §5]

273.470 [Amended by 1967 c.421 §26; renumbered 273.125]

273.480 [Amended by 1967 c.421 §62; renumbered 273.311]

273.490 [Amended by 1967 c.2 §2; 1967 c.421 §33; repealed by 1967 c.616 §29]

SUBMERSIBLE AND SWAMP LANDS

273.505 Object of ORS 273.511. The object of ORS 273.511 is to ascertain and determine the title of the State of Oregon to the beds of shallow and dry lakes and the lands around lakes exposed to reliction or otherwise.
[1967 c.421 §76]

273.510 [Amended by 1967 c.421 §37; repealed by 1967 c.616 §29]

273.511 Acquisition of submersible and swamp lands; reclamation. The division shall ascertain the amount of land to which it is entitled under the Acts of Congress relative to submersible and swamp lands, acquire title thereto and enter into contracts for drainage and reclamation in order that the lands

may be available for development and settlement.
[Formerly 273.730; 1969 c.594 §29]

273.520 [Amended by 1965 c.14 §42; 1967 c.421 §38; repealed by 1967 c.616 §29]

TIMBER SALES

273.521 Sale of timber on state lands. The division may sell and dispose of the timber on lands of the State of Oregon, regardless of acreage and in such quantities to each purchaser as the division shall prescribe. All sales of timber shall be made to the highest and best bidder at public auction, or through sealed bids, as the division may determine prior to offering the timber for sale.
[Formerly 273.305]

273.525 Appraisal of timber; notice; sale conditions. (1) Before offering any timber for sale under ORS 273.521, the division shall cause the timber to be appraised in a manner that it considers appropriate.

(2) Prior to sale, notice thereof shall be given by the division for not less than four weeks by publication once each week in one or more newspapers of general circulation in the county in which such timber is situated, and in such other manner as the division considers appropriate. The notice shall designate by legal subdivision the land having such timber thereon, shall state the appraised value of such timber and the minimum price at which the same may be sold and shall contain a brief statement of the terms of sale. No sale of timber shall be made at less than the appraised value.

(3) The timber on one or any number of legal subdivisions may be offered and sold separately, or in one body, as the division considers appropriate. In cases in which notice has been given by publication and no satisfactory bid has been received, or in cases in which the bidder fails to complete the purchase, the division may, at any time during a period of six months after the advertised date of sale, sell the timber in such manner as it considers appropriate, but the sale price shall not be less than the minimum terms offered in the notice of sale or the highest bid received, whichever is the larger amount.
[Formerly 273.310]

273.530 [Amended by 1967 c.421 §36; 1967 c.616 §§19, 19a; renumbered 273.185]

273.531 Decision by division on bids. When more than one bid has been received, or in case of doubt as to which of a number of bids is the highest and most advantageous for the state, the decision of the division is conclusive and not subject to review by the courts.
[Formerly 273.315]

273.535 Payment and bond by purchaser. A certified check for not less than 20 percent of the amount of the bid shall accompany each bid, which, in the case of the successful bidder, shall be retained by the division as a first payment. Subsequent payments shall be at stated intervals, and in advance of cutting. The successful bidder shall execute to the division a surety bond approved by the division in an amount not less than the sale value of the timber involved. The bond shall contain clauses stipulating that cutting regulations, including method of slash disposal and observance of the state forest protection laws, shall be an obligation of the bond.
[Formerly 273.320]

273.540 [Amended by 1967 c.421 §73; renumbered 273.350]

273.541 Execution and delivery of instruments. All documents required in carrying out ORS 273.521 to 273.541 shall be executed by the director, and all bonds, contracts and other instruments required by ORS 273.521 to 273.541 for the protection of the interests of the state shall be delivered to the division.
[Formerly 273.325]

273.550 [Repealed by 1967 c.81 §1]

DRILLING LEASES

273.551 Mining and drilling leases on state lands. (1) The Division of State Lands, as to any land or mineral and geothermal resource rights subject to its jurisdiction and control and without restricting, limiting or repealing any other powers and authority which it has, after consultation with the State Department of Geology and Mineral Industries and with concurrence of any state agency acting for the state with respect to surface rights in the subject land, may execute leases and contracts for the mining of gold, silver, copper, lead, cinnabar, gas and oil, other valuable minerals or geothermal resources upon conditions agreed upon by the division and the lessee.

(2) All leases may be without limitation as to time; but the division may cancel any

lease upon failure by the lessee to exercise due diligence in the prosecution of the prospecting, development or continued operation of the mine or well, and shall insert in every such lease appropriate provisions for such cancellation.

(3) The authority granted by this section and ORS 517.420 shall include the execution of leases and contracts covering submersible and submerged lands, as defined in ORS 274.005, the leasing of which is not otherwise expressly authorized by statute.

(4) Leases and contracts executed under this section and ORS 517.420 are not sales within the purview of ORS 273.201.

(5) The division may charge a reasonable fee, to be paid by the applicant, for making necessary investigations before the execution of any such lease.

(6) This section does not apply to permits or leases under ORS 274.615 to 274.645 or 274.705 to 274.860.

[Formerly 273.355; 1974 s.s. c.51 §6]

273.555 [Formerly 273.210; 1967 c.421 §16; renumbered 273.085]

273.560 [Renumbered 273.305 and then 273.521]

NATURAL AREA PRESERVES

273.562 Definitions for ORS 273.562 to 273.597. As used in ORS 273.562 to 273.597, unless the context requires otherwise:

(1) "Board" means the State Land Board.

(2) "Committee" means the Natural Area Preserves Advisory Committee created in ORS 273.572.

(3) "Natural area" includes land and water that has substantially retained its natural character and land and water that, although altered in character, is important as habitats for plant, animal or marine life, for the study of its natural historical, scientific or paleontological features, or for the appreciation of its natural features.

[1973 c.532 §2]

273.565 [Formerly 273.220; 1967 c.421 §17; renumbered 273.091]

273.567 Legislative findings; policy. (1) The Legislative Assembly finds that all public lands and waters within the state that constitute natural areas are subject to alteration by human activities unless such public lands and waters are preserved and protected for the use and benefit of the people of this state. The Legislative Assembly further finds that natural areas are valuable to the people of this state for educational and scientific uses, for habitats for plant, animal and marine species, for the preservation of the paleontological resources and the natural historic features of such public lands and waters, for public benefits from the features of such public lands and waters and for the purpose of preserving such public lands and waters as living museums of the natural heritage of this state.

(2) The Legislative Assembly, therefore, declares that it is the public policy of the State of Oregon to secure for the people of this state the benefits of an enduring resource of natural areas by establishing a system of natural area preserves and by providing for the management and protection of such natural area preserves.

[1973 c.532 §1]

273.570 [Amended by 1953 c.122 §2; renumbered 273.310 and then 273.525]

273.572 Natural Area Preserves Advisory Committee; members; appointment; term; vacancies. (1) There hereby is created a Natural Area Preserves Advisory Committee as an advisory committee to the State Land Board. The committee shall assist the board in carrying out ORS 273.562 to 273.597.

(2) The committee shall consist of seven members appointed by the Governor. Of the seven members appointed by the Governor to the committee, one member shall be an individual with an advanced degree in botany, one member shall be an individual with an advanced degree in zoology, one member shall be an individual with an advanced degree in aquatic biology, one member shall be an individual with an advanced degree in geology and three members shall be individuals interested in the preservation of natural areas in this state.

(3) In addition to the seven members appointed by the Governor, the State Wildlife Director, the State Forester, the Administrator of Highways and the Chancellor of the State Board of Higher Education or an authorized representative of each such officer, shall serve as ex officio, nonvoting members of the committee.

(4) The term of office of a member, appointed under subsection (2) of this section, is three years, but each such member serves at the pleasure of the Governor. Before the expiration of the term of each such member, the Governor shall appoint a successor whose term of office begins on July 1 next following. A member, appointed under subsection

(2) of this section, is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.
[1973 c.532 §3]

273.575 [Formerly 273.230; 1967 c.421 §18; renumbered 273.095]

273.577 Duties and powers of board. (1) In carrying out ORS 273.562 to 273.597, the board, with the advice of the committee, and within available funds, may:

(a) Adopt, in accordance with the applicable provisions of ORS chapter 183, rules that it considers necessary in carrying out ORS 273.562 to 273.597;

(b) Adopt policy guidelines for its use in the selection, acquisition, management, protection and use of public lands included within the boundaries of natural area preserves established under ORS 273.582; and

(c) Conduct a survey of lands in this state to locate lands that it considers suitable for inclusion, within a natural area preserve established under ORS 273.562 to 273.597 and maintain a registry of such lands.

(2) In carrying out ORS 273.562 to 273.597, the board may:

(a) Cooperate and contract with any federal, state or local governmental agency or private organization;

(b) Acquire by gift, devise, grant, dedication or other method, other than by the exercise of the power of eminent domain, any private or public land or interest therein for inclusion in a natural area preserve established under ORS 273.562 to 273.597;

(c) Acquire by gift, devise, grant, dedication or other method, other than by the exercise of the power of eminent domain, any personal property that the board considers necessary;

(d) Apply for and accept grants, contributions and assistance from any federal, state or local governmental agency and any private foundation; and

(e) Perform other duties considered by it to be necessary in carrying out ORS 273.562 to 273.597.
[1973 c.532 §4]

273.580 [Renumbered 273.315 and then 273.531]

273.582 Establishing preserves; orders; boundary and use changes; restrictions on preserve land use and disposition. (1) With the advice of the committee, the board, in compliance with ORS chapter 183, may:

(a) Establish, by order, natural area preserves on lands in public ownership composed of contiguous lands; and

(b) Change the boundaries of natural area preserves and alter the uses and conditions for use of such preserves upon a finding by it that such change or alteration is necessary in carrying out the purposes of ORS 273.562 to 273.597.

(2) Each order of the board establishing a natural area preserve shall contain a legal description of the lands within the preserve, the reasons for the establishment of the preserve, any conditions upon the use of the lands in the preserve and other matters that the board considers necessary. Each such order shall be in compliance with the policy guidelines adopted by the board under paragraph (b) of subsection (1) of ORS 273.577.

(3) The lands within a natural area preserve established under subsection (1) of this section shall be held for public use as may be specified by the board. Such lands may not be leased, sold, exchanged or otherwise transferred by the board except for another purpose upon a finding by the board, after consultation with the committee, of imperative and unavoidable necessity.
[1973 c.532 §5]

273.585 [1963 c.612 §2; 1967 c.421 §27; renumbered 273.135]

273.587 Conditions upon inclusion of lands within preserves. No land shall be included within a natural area unless it is either:

(1) In public ownership on October 5, 1973; or

(2) Is acquired after October 5, 1973, by gift, devise, grant, dedication or other method requiring no expenditure of public funds for the acquisition.
[1973 c.532 §9]

273.590 [Renumbered 273.320 and then 273.535]

273.592 Interagency agreements; inclusion of state-owned lands; state agencies to cooperate with board; use of state-owned lands constitutes public purpose. (1) The board may enter into agreements with any public agency, having public lands suitable for inclusion within a natural area preserve under its jurisdiction, for the inclusion of such lands within a natural area preserve.

(2) Each such agreement shall specify the term of the agreement, the uses and conditions for the use of the public land as a part of a natural area preserve and a finding

by the board and the public agency that the use of the public land subject to the agreement as a part of a natural area preserve is in the best interests of the people of this state. Each such agreement shall establish the respective responsibilities of the board and the public agency in the management and protection of such land.

(3) The board may include within the boundaries of a natural area preserve any state-owned lands under its jurisdiction.

(4) All agencies, departments, boards and commissions of this state shall cooperate with and assist the State Land Board in carrying out ORS 273.562 to 273.597.

(5) The Legislative Assembly declares that the inclusion of suitable state-owned lands within natural area preserves constitutes a valid public purpose for the use of such lands.
[1973 c.532 §§6, 7]

273.595 [1963 c.612 §3; 1967 c.421 §28; renumbered 273.141]

273.597 Natural Area Preserves Account; sources; uses. The Natural Area Preserves Account is established within the General Fund of the State Treasury. All moneys received by the board for the purposes of ORS 273.562 to 273.597 shall be paid into the State Treasury and credited to the account. All moneys in the account are continuously appropriated for the use of the board in carrying out ORS 273.562 to 273.597.
[1973 c.532 §8]

273.600 [Renumbered 273.325 and then 273.541]

SURPLUS STATE LANDS

273.605 Definitions for 273.605 to 273.695. As used in ORS 179.050, 179.055, 179.160 and 273.605 to 273.695 unless the context requires otherwise:

(1) "Department" means the Department of General Services.

(2) "Management" means supervision, rent, lease, exchange or sale.

(3) "Public land" means real property, and improvements thereon, including vacated real property, held for use by the former State Board of Control, or held or acquired for the use of the Mental Health Division, the Corrections Division, the Children's Services Division or the State Board of Education.
[1971 c.615 §1; 1973 c.772 §7; 1974 s.s. c.71 §2]

273.610 [Renumbered 273.330]

273.615 Policy. It shall be the policy of the State of Oregon to hold in state ownership no more public land than is necessary to conduct official business, with allowance for reasonably foreseeable demands of the future. The acquisition, retention and management of such public land shall be subject to a statewide plan that will encourage use of land already in state ownership and that will minimize state investment in such land.
[1971 c.615 §2]

273.620 [Amended by 1967 c.421 §74; repealed by 1967 c.422 §7]

273.625 Management of surplus public land. (1) All public land declared surplus under ORS 273.675 shall be subject to management by the Department of General Services. The department may contract with a qualified private management firm for the supervision of rentals or leases.

(2) The determination to rent, lease, exchange or sell any surplus public land shall be made by the department in the manner required by ORS 179.050, 179.055, 179.160 and 273.605 to 273.695.
[1971 c.615 §3]

273.630 [Repealed by 1967 c.421 §206]

273.635 Power to acquire, exchange or sell land; title to be taken in name of state; disposition of land sale proceeds. (1) The Department of General Services may acquire by purchase or otherwise, and may sell or exchange such public land as it may consider necessary, subject to ORS 273.645 and 273.655.

(2) Title shall be taken in the name of the State of Oregon. If title to any parcel of land held by a division is not in the name of the state, the administrator of the division shall sign all necessary documents to affect transfer of title when ordered to do so by the department.

(3) The proceeds, less costs, of any public land sold by the department shall be credited to and deposited in the General Fund.
[1971 c.615 §4]

273.640 [Amended by 1967 c.421 §30; renumbered 273.145]

273.645 Review of management policies and related activities; consultation before sale of land. (1) The Joint Committee on Ways and Means and the Emergency Board shall have continuous responsibility for reviewing the management policies and other activities of the Department of General Services under ORS 179.050, 179.055, 179.160 and

273.605 to 273.695 in order to determine compliance with legislative policies. The Joint Committee on Ways and Means and the Emergency Board shall recommend changes in the policies and activities of the department and in the legislative policies on public land, whenever it decides that such recommendations would improve the management of public land.

(2) Before any sale of public land can be made under ORS 179.050, 179.055, 179.160 and 273.605 to 273.695, the Joint Committee on Ways and Means and the Emergency Board shall be consulted.
[1971 c.615 §5]

273.650 [Repealed by 1967 c.148 §5]

273.655 Advisory committee; membership; appointment; confirmation; meetings; officers; compensation and expenses. (1) In exercising its functions under ORS 179.050, 179.055, 179.160 and 273.605 to 273.695, the Department of General Services shall be advised by an advisory committee consisting of seven members appointed by the Governor and confirmed by the Senate under ORS 171.570 or, if the Senate is not in session, temporarily confirmed by the Senate Committee on Executive Appointments under ORS 171.560.

(2) The advisory committee appointed under subsection (1) of this section shall consist of two members of the Legislative Assembly, one person licensed as a realtor in this state, two persons who serve in the executive branch of state government, one person qualified as a land use planner, and one person qualified as a real estate management expert.

(3) Members of the advisory committee shall meet at such times and places and elect such officers and make such rules for the conduct of committee business as the committee may specify.

(4) Members of the advisory committee are entitled to compensation under ORS 292.495.

(5) Expenses of the committee shall be paid from funds appropriated to the Department of General Services to carry out ORS 273.625.
[1971 c.615 §6]

273.660 [Amended by 1967 c.421 §67; renumbered 273.326]

273.665 Determination of appraised value; apportionment of management costs among affected state agencies; payment. (1) The Department of General Services shall cause the appraised value of each parcel of public land subject to its management under ORS 273.625 to be determined in the method specified in ORS 308.205. The appraisal may be performed by the county assessor, an appraiser employed by the Department of Revenue or a privately employed appraiser, as the Department of General Services considers appropriate. Any costs incurred by the Department of Revenue may be included in costs apportioned to the agencies under subsection (2) of this section.

(2) Upon determining the value of each such parcel, the Department of General Services shall apportion to each state agency its contribution to reimburse the department for the costs incurred to manage such public property in the proportion that the appraised value bears to the cost of such management in the preceding fiscal year.

(3) Such contribution shall be transferred from funds appropriated to any affected state agency to the Department of General Services by August 15 of each year. Such contribution is continuously appropriated to the Department of General Services to reimburse it for its costs incurred in managing such public land.
[1971 c.615 §7]

273.670 [Amended by 1967 c.421 §68; renumbered 273.331]

273.675 Inventory of surplus land by use classification; periodic revision. The Department of General Services shall maintain an inventory of all public land and shall classify all such land on the basis of whether it is currently being used, is reasonably anticipated to be required for use in the future, or is surplus. The department shall periodically revise the classification of public land if justified by changes in circumstances.
[1971 c.615 §8]

273.680 [Amended by 1967 c.421 §71; renumbered 273.340]

273.685 Inventory of other lands held in name of state; apportionment of inventory maintenance costs. (1) In addition to the inventory required under ORS 273.675, the Department of General Services shall also maintain an inventory of all other real estate, title of which is held in the name of the State of Oregon or an agency thereof.

(2) The department may apportion to each state agency owning land its contribution to reimburse the department for the costs

incurred in maintaining the real property inventory set forth in subsection (1) of this section.
[1971 c.615 §9]

273.690 [Amended by 1967 c.421 §72; renumbered 273.345]

273.695 Agreements for management of other lands of state agencies; reimbursement for costs. In addition to authority granted to the Department of General Services under ORS 273.625 and 273.635, the department, pursuant to an agreement under ORS 190.110, may undertake the management of any real property, and improvements thereon, that is the property of or within the management jurisdiction of any state agency. Reimbursement of department costs shall be made subject to terms of the agreement.
[1971 c.615 §10]

273.700 [Amended by 1967 c.148 §3; renumbered 273.316]

REMOVAL OF HISTORICAL AND OTHER VALUABLE MATERIALS

(Historical Materials)

273.705 Permits and conditions for removal of archaeological or historical material from state lands. (1) No person shall excavate and remove from land owned or leased by the State of Oregon or any of its agencies or institutions any materials of archaeological, historical, prehistorical or anthropological nature without first obtaining a permit from the division and the president of the University of Oregon.

(2) If examination, excavation or gathering of such material is undertaken for the benefit of recognized scientific or educational institutions with a view to promoting the knowledge of archaeology or anthropology, permits shall be regularly granted on condition that not less than one-half in number and value of all specimens obtained shall remain the property of the State of Oregon unless the officers mentioned in subsection (1) of this section expressly agree to accept a smaller proportion. Recognized institutions of higher learning in the State of Oregon, not controlled by the State Board of Higher Education, may examine, excavate or gather archaeological material and retain the same if they furnish the Oregon State Museum of Anthropology a complete catalog of such materials within six months after the time of such collection and make such materials available for research by scholars on the recommendation of the director of the Oregon State Museum of Anthropology and the approval of the president of the institution concerned. Anthropological material recovered in the course of other research by institutions under the State Board of Higher Education may, with the approval of such board, be retained by the institution upon presentation of a complete catalog of this material to the Oregon State Museum of Anthropology within six months after the date of recovery, if this material is available for study by scholars upon the recommendation of the director of the Oregon State Museum of Anthropology with the approval of the president of the institution concerned.

(3) This section shall not interfere with the making of natural history collections by individuals for scientific purposes only, if permits are obtained from the division and the president of the University of Oregon under subsection (1) of this section.
[Formerly 273.250]

273.710 [Amended by 1967 c.421 §9; renumbered 273.055]

273.711 Removal without permit. If any individual or institution excavates or removes from the land designated in ORS 273.705 any materials of archaeological, historical, prehistorical or anthropological nature without obtaining the permit mentioned in ORS 273.705, all materials and collections removed from such lands shall become the property of the State of Oregon and shall be assigned to the Oregon State Museum of Anthropology.
[Formerly 273.260]

(Semiprecious Stones; Petrified Wood)

273.715 Rules for removal of semiprecious stones and petrified wood from state lands; removal contrary to rules. (1) The division shall prescribe rules governing the exploration for and removal of semiprecious stones and petrified wood from lands owned by the State of Oregon and under the jurisdiction of the division. Such rules shall be designed to maximize the public benefit of these resources, and shall permit the free use of lands under jurisdiction of the division for collection for noncommercial purposes of reasonable quantities of petrified wood and semiprecious stones.

(2) The division, by rule, shall require payment of a reasonable fee for a permit for

the exploration for and removal of semiprecious stones and petrified wood sufficient to cover the expenses of the division incurred under this section with respect to the permit.

(3) No person shall remove petrified wood or semiprecious stones for commercial purposes or in a quantity having a value of $500 or more without a permit issued by the division under this section.

(4) If any person removes semiprecious stones or petrified wood from lands owned by the State of Oregon without a permit as required under this section or in a manner contrary to rules prescribed under this section, all the materials or objects so removed or the value of such materials or objects shall be subject to disposal by the division as property of the State of Oregon.
[1967 c.174 §2; 1973 c.642 §5]

(Goods; Money; Treasure-trove)

273.718 "Treasure-trove" defined. As used in ORS 273.722 to 273.742, "treasure-trove" means money, coin, gold, silver, precious jewels, plate and bullion found hidden in the earth or other private place where the true owner thereof is unknown.
[1973 c.642 §7]

273.720 [Amended by 1967 c.421 §14; renumbered 273.075]

273.722 Jurisdiction over transactions; rules for exploration and removal. (1) The board, through the division, shall act for the State of Oregon in any transaction with respect to goods, money or treasure-trove found on or within lands owned by the State of Oregon.

(2) The division shall prescribe rules for the exploration and removal of money, goods or treasure-trove on or within lands owned by the State of Oregon.
[1973 c.642 §8]

273.728 Permit required for exploration, removal; application; issuance, conditions; removal without permit, effect. (1) No person shall explore for any goods, money or treasure-trove on lands owned by the State of Oregon or remove any such goods, money or treasure-trove from lands owned by the State of Oregon without a permit issued by the director therefor.

(2) Each applicant for a permit to explore for and remove money, goods or treasure-trove from lands owned by the State of Oregon shall file a written application, on a form prescribed by the director, with the director. Each such application shall include the nature and amount of property to be sought and, if found, removed and the specific location where the explorations will be conducted.

(3) The director shall issue a permit for the exploration and removal of goods, money or treasure-trove and shall impose such conditions as are required under the circumstances. The conditions shall include requirements that the permittee notify the director of the discovery of any goods, money or treasure-trove having a value of more than $500, provide a description of such goods, money or treasure-trove and provide an accurate description of the place where such goods, money or treasure-trove was found.

(4) If any person removes any goods, money or treasure-trove from lands owned by the State of Oregon without a permit as required under this section, in a manner contrary to the rules prescribed under subsection (2) of ORS 273.722 or in a manner contrary to any conditions included in a permit issued therefor under subsection (3) of this section, all of the goods, money or treasure-trove so removed or the value of such goods, money or treasure-trove shall be subject to disposal by the division as property of the State of Oregon. The proceeds from any such goods, money or treasure-trove shall accrue to the Common School Fund.
[1973 c.642 §9]

273.730 [Amended by 1967 c.421 §77; renumbered 273.511]

273.733 Discovery by person without permit; notification of director. Any person who does not have a permit for the exploration for and removal of goods, money or treasure-trove from state-owned lands and who discovers goods, money or treasure-trove, having a value of more than $500, on state-owned lands shall immediately notify the director of such discovery and provide to the director, in writing, a description of such goods, money or treasure-trove and an accurate description of the site where the goods, money or treasure-trove was discovered.
[1973 c.642 §10]

273.737 Finder's duties; control by director; physical delivery to owner or division; placement in museum. (1) Upon receipt of the notification from a permittee of the finding of any goods, money or treasure-trove as required under subsection (3) of ORS 273.728 or of any notification made as required under ORS 273.733, the director

shall assume control over but not take physical custody of such goods, money or treasure-trove and make reasonable efforts to ascertain the identity of the true owner of such goods, money or treasure-trove.

(2) If the director ascertains the identity of the true owner of goods, money or treasure-trove taken into his control pursuant to subsection (1) of this section, the director shall require that the physical custody of the property be delivered to the true owner upon payment by such owner to the finder of such property of a reasonable finder's fee.

(3) Notwithstanding ORS 98.005 to 98.025, if the director, after reasonable efforts, cannot ascertain the identity of the true owner of any goods, money or treasure-trove reported as provided in subsection (3) of ORS 273.728 or ORS 273.733, the goods, money or treasure-trove shall become the property of the State of Oregon and shall be delivered by the finder to the division, subject to a claim by the finder. The proceeds from such goods, money or treasure-trove shall accrue to the Common School Fund.

(4) Upon receipt of property described in subsection (3) of this section, the director shall determine whether the property is of sufficient historical value to justify its placement in a museum for the enjoyment and educational benefit of the public. Upon a finding by the director that all or a portion of such property should be placed in a museum, the director shall designate the museum or depository for such property or portion. Upon the request of the director such property shall be delivered to him by the finder, subject to a claim by the finder.
[1973 c.642 §11]

273.740 [Amended by 1967 c.421 §31; renumbered 273.151]

273.742 Finder's claim; payment by director. With respect to property delivered to the director under subsection (3) of ORS 273.737, the finder may make a claim to the division with respect to such property and upon proof of the claim of the finder the director shall pay to the finder:

(1) The first $5,000 of the face value of any money and not more than 25 percent of the face value of such money over $5,000; or

(2) In the case of goods or treasure-trove placed in a museum upon a determination of the director under subsection (3) of ORS 273.737, the value of such goods or treasure-trove not exceeding $5,000 and not more than 25 percent of the value of the remainder of such goods or treasure-trove, to be paid by the director from moneys within the Distributable Income Account in the Common School Fund; or

(3) In the case of goods or treasure-trove not placed in a museum, the portion of such goods or treasure-trove equal to the first $5,000 of value thereof and such portion of the remainder of such goods or treasure-trove that is equal to not more than 25 percent of the value of such remainder.
[1973 c.642 §12]

273.750 [Amended by 1967 c.421 §32; renumbered 273.155]

RIGHTS OF WAY

273.751 State land grants to railroads. There is granted to all persons constructing railways built after February 21, 1891, within the boundaries of the state, and to their successors and assigns:

(1) A right of way througn any unimproved state lands, of the width of 100 feet, being 50 feet in width on each side of the center line of the road.

(2) All necessary grounds for stations, depots, shops, side tracks, turntables and water stations, not exceeding 10 acres in any one place, upon payment to the state of the sum therefor as fixed by the division.

(3) The right to take, from the lands of this state adjacent to the route lines of the road, material necessary for the construction of the roads.

(4) The right to construct and maintain railroad bridges over any navigable waters in this state. All bridges crossing navigable waters shall be subject to such regulations, restrictions and compensation as may be fixed by the division, and shall be so constructed as not unnecessarily to interfere with navigation.
[Formerly 273.180]

273.755 Filing maps of railroad location and depot sites; division's duties. (1) Whenever a railway company mentioned in ORS 273.751, or its successors or assigns, files with the division a map of the definite location of its road lines through any state lands, the division thereafter shall except from sale such right of way and lands for purposes named in ORS 273.751.

(2) Whenever a railway company has selected a tract of state lands for any purpose mentioned in ORS 273.751, the company shall file with the division a map of the same,

with a description connected with surveys acceptable to the division. After such map has been filed, after completion of construction of a railroad through such lands and upon payment for the lands at the rate of $1 per acre, the division shall execute and deliver to the company, its successors or assigns, deeds for the tracts of lands so selected.
[Formerly 273.190]

273.760 [Repealed by 1967 c.421 §206]

273.761 Right of way for water ditches and pipes. (1) A right of way for construction of a water ditch to be used for irrigation, manufacturing or mining purposes, ditches or water pipes for conveying water to political subdivisions for domestic purposes, or for the extinguishment of fires, is granted for a distance of 25 feet on each side of such ditches or water pipes to any person who may construct such water ditches or water pipes over any submersible, swamp or school lands.

(2) A right of way for the construction and maintenance of domestic and industrial water supply mains, sanitary pressure mains and storm water outfalls is granted for a distance of 25 feet on each side of such mains and outfalls to any municipal corporation that constructs and maintains them in or over submerged or submersible lands or new lands created thereon.

(3) All deeds, leases and easements granted by the State of Oregon for any of the lands mentioned in this section shall be made subject to any vested rights of the owners of such water ditches, water pipes, mains or outfalls as may have been acquired under this section.

(4) The person or municipal corporation constructing such water ditches, water pipes, mains or outfalls shall file with the division a copy of the field notes of the survey of such ditches, water pipes, mains or outfalls, showing their location.

(5) Any construction, maintenance, relocation or extension of a main or outfall described in subsection (2) of this section shall be carried out in accordance with any applicable rules of the division.
[Formerly 273.200; 1973 c.511 §2]

273.765 Liability for costs of relocation or extension of mains and outfalls. Any person adding or removing any material to or from submerged or submersible land so as to make necessary or advisable the relocation or extension of a main or outfall described in subsection (2) of ORS 273.761 shall be liable to the municipal corporation for all expenses incurred by it in relocating or extending such main or outfall.
[1973 c.511 §1]

273.770 [Repealed by 1967 c.421 §206]

MINERAL AND GEOTHERMAL RESOURCE RIGHTS

273.775 Definitions for ORS 273.775 to 273.790. As used in ORS 273.551 and 273.775 to 273.790:

(1) "Mineral" includes oil, gas, sulfur, coal, gold, silver, copper, lead, cinnabar, iron, manganese and other metallic ore, and any other solid, liquid or gaseous material or substance excavated or otherwise developed for commercial, industrial or construction use from natural deposits situated within or upon state lands, including mineral waters of all kinds.

(2) "Geothermal resource" means a natural underground reservoir of heat, steam or hot water, that may be exploited for the production of heat energy, including but not limited to all minerals obtained from naturally or artificially injected fluid, brine or associated gas and steam in any form whatsoever, but excluding oil, hydrocarbon gas and other hydrocarbon substances and hot waters of less than 250 degrees Fahrenheit bottom hole temperature.
[1974 s.s. c.51 §3]

273.780 Certain mineral and geothermal resource rights property of state; exploration permit or lease; sale or exchange. (1) Mineral and geothermal resource rights in property owned by any state agency and mineral and geothermal resource rights retained as an interest in lands previously sold, granted or otherwise conveyed by the state or any agency thereof are property of the State of Oregon. Except as provided in ORS 273.785, proceeds therefrom shall accrue to the Common School Fund, and the State Land Board is declared to be the state agency acting for the state in any transaction respecting such mineral and geothermal resource rights.

(2) Such mineral and geothermal resource rights shall be subject to exploration permit or lease by the Division of State Lands, in accordance with rules and conditions established by law or adopted by the division.

(3) Such mineral and geothermal resource rights shall be retained by the state in the absence of a finding by the State Land

Board upon adequate facts presented to it that their sale or exchange is for the purpose of obtaining the greatest benefit for the people of this state, consistent with the conservation of lands under its jurisdiction under sound techniques of land management.
[1974 s.s. c.51 §2]

273.785 Application of ORS 273.775 to 273.790. Excluded from the operation of ORS 273.551 and 273.775 to 273.790 are:

(1) Soil, clay, stone, sand and gravel acquired or used by state agencies for the purpose of constructing or repairing roads or other state facilities, or the proceeds from such materials; and

(2) Any mineral or geothermal resource rights or proceeds therefrom acquired and held by the State Wildlife Commission pursuant to Public Law 415, 75th Congress (50 Stat. 917, 16 U.S.C. 777); or if other disposition is required by federal rules or regulations or any agreement entered into at the time of acquisition of the mineral or geothermal resource rights by the state; and

(3) Proceeds of mineral and geothermal resource rights acquired by the state pursuant to ORS 530.010 and 530.030, other than those distributed under paragraph (c) of subsection (1) of ORS 530.110.
[1974 s.s. c.51 §4]

273.790 Registry of rights under state board. The Division of State Lands shall establish and maintain a registry of mineral and geothermal resource rights placed under the jurisdiction of the State Land Board.
[1974 s.s. c.51 §5]

COMMON SCHOOL GRAZING LANDS

273.805 Definitions for and purpose of ORS 273.805 to 273.825. (1) As used in ORS 273.805 to 273.825, "common school grazing lands" means lands owned by the State of Oregon and under the control of the division that are chiefly suitable for the grazing of animals, as determined by the division, and which are within, but not limited to, the following land classifications:

(a) Lands defined by ORS 273.251 as indemnity lands, school lands or farm lands.

(b) Lands which have escheated to the state.

(2) Nothing in ORS 273.805 to 273.825 is intended to be an express or implied limitation upon the powers of the division to acquire, lease, manage, control or protect land pursuant to authority otherwise granted by law. ORS 273.805 to 273.825 and 327.430 are not the result of a legislative intent or belief that the division is without authority to acquire, lease, manage, protect or control common school grazing lands.
[1963 c.517 §§1, 5; 1967 c.421 §84]

273.810 [1963 c.517 §2; repealed by 1967 c.421 §206]

273.815 Division's powers. In order to accomplish the purpose of ORS 273.805 to 273.825, the division may, with respect to common school grazing lands:

(1) Protect the lands from fire, disease and insect pests, cooperate with others in such protection and enter into all agreements necessary or convenient therefor.

(2) Lease the lands subject to such terms and conditions as the division prescribes. Leases shall be of sufficient duration so as to encourage the rehabilitation and improvement of the lands by the lessee.

(3) Loan moneys belonging to the Common School Fund to lessees of the lands for the purpose of rehabilitating and improving the lands. The security for such loans shall be as prescribed by the division but shall not be more than equal in value to the amount loaned.

(4) Reseed or reforest the lands, including the destruction of undesirable vegetation, and cooperate with others for such reseeding or reforestation, and make all agreements necessary or convenient thereto.

(5) Require such undertakings, including performance bonds, as it considers appropriate to secure performance of any agreement or loan authorized by ORS 273.805 to 273.825.
[1963 c.517 §3; 1967 c.421 §85]

273.820 Exchange of lands. The division may exchange common school grazing lands for land of approximately equal aggregate value, when such exchange is in furtherance of the purposes of ORS 273.805 to 273.825. No exchange shall be made until the title to the lands to be received has been validated by the Attorney General. All lands received in exchange shall have the same status and be subject to the same provisions of law as lands given in exchange therefor.
[1963 c.517 §4; 1967 c.421 §86]

273.825 Purchase of lands by lessee or other person. (1) The lessee of any common school grazing land, upon its classification for sale by the division, may purchase such land at a price and on terms prescribed under subsection (2) of this section if he is an individual person, a resident of this state and owns, in fee simple, land immediately adjacent to the common school grazing land for which he has applied. For purposes of this section, lands are considered to be adjacent if their boundaries are common or intersect at a common point.

(2) Application to purchase common school grazing land under subsection (1) of this section must be made in a manner prescribed by the rules of the division. Upon receiving an application, the division shall determine whether the applicant qualifies under subsection (1) of this section. If the applicant qualifies, the division shall cause an appraisal to be made of the land for which application has been made. The division then shall fix a price for such land. ORS 273.201 to 273.241 and 273.275 does not apply to the sale of land under this subsection. The applicant shall pay not less than 10 percent of the purchase price at the time of purchase, and shall pay the remainder in 10 equal instalments, at least one instalment to be paid each year, over a period not to exceed 10 years from the time of purchase, with interest at the rate fixed by the division for purposes of ORS 327.425.

(3) If application to purchase common school grazing land is made by a person other than the lessee of such land, the division promptly shall notify the lessee by registered or certified mail. Not later than the 90th day after notice was mailed to the lessee, the lessee may make written application in a manner prescribed by the rules of the division to purchase such land. If the division determines that the lessee qualifies under subsection (1) of this section, the division shall proceed under subsection (2) of this section. If the division determines that the lessee does not so qualify, or if the lessee does not make timely application as required by this subsection, the division shall proceed to sell such land in accordance with applicable provisions of law other than this section.
[1967 c.147 §2]

SETTLEMENT OF TITLE TO CERTAIN LANDS IN CLATSOP COUNTY

273.850 State title to certain lands and improvements transferred to Clatsop County; lands not subject to board jurisdiction. (1) In the manner and under the conditions set out in ORS 273.850 to 273.890, and not withstanding any other law, the State of Oregon shall remise, release and forever quitclaim to Clatsop County all rights, title and interest that may remain or be vested in the state with respect to lands described in subsection (2) of this section and any improvements thereon (excluding bridges, wharves, quays, docks, piers, marinas or similar structures protruding above the line of ordinary high water), that are located within the following described area: Those portions of sections 12 and 13 of township 8 north, range 10 west of the Willamette Meridian, and sections 2, 7, 8, 9, 10, 11, 16, 17 and 18, and the south one-half of section 3, of township 8 north, range 9 west of the Willamette Meridian, that are within the boundaries of the City of Astoria as such boundaries existed on June 13, 1969.

(2) Subsection (1) of this section applies to lands created before May 28, 1963, by artificial fill or deposit on lands formerly submersible or submerged, if such lands were possessed under color of title by a person or governmental entity, or predecessors in interest of such person or governmental entity, throughout the period beginning when such lands were created and ending on January 1, 1970.

(3) Nothing in ORS 273.850 to 273.890 applies with respect to land that remained submerged or submersible on May 28, 1963.

(4) For purposes of section 5, Article VIII, Oregon Constitution, lands described in subsections (1) and (2) of this section are not under the jurisdiction of the State Land Board on or after January 1, 1970.
[1969 c.495 §§1, 4]

273.855 Clatsop County to transfer title to lands and improvements to certain possessors; fee on execution of deed. (1) Subsections (1) and (2) of ORS 273.850 apply with respect to any lands described therein only when the Board of County Commissioners of Clatsop County executes and delivers a deed remising, releasing and forever quitclaiming all rights, title and interest that may remain or be vested in such county with respect to such lands, to a person or governmental entity that has been found under subsections (3), (4) and (5) of this section and ORS

273.860 to 273.880 to have such possession of the lands as of the time of application for a deed under ORS 273.850 to 273.890 as would bar an action or suit for recovery of the lands by a private person under no disability holding legal title thereto. However, in the case of lands heretofore or hereafter acquired by Clatsop County through foreclosure for delinquent ad valorem taxes or otherwise, subsections (1) and (2) of ORS 273.850 apply with respect to any lands described therein when it has been found under subsections (3), (4) and (5) of this section and ORS 273.860 to 273.880 that Clatsop County or its predecessor in interest with respect to such lands has such possession of the lands as would bar an action or suit for recovery of the lands by a private person under no disability holding legal title thereto.

(2) A deed executed under this section is intended only to evidence the action of the State of Oregon and Clatsop County in remising, releasing and quitclaiming their rights, title and interest, and does not confer any rights, title or interest on the recipient of the deed or indicate any judgment of the State of Oregon or Clatsop County with respect to any other rights, title or interest that remain or be vested in the recipient of the deed.

(3) Except as provided in subsection (2) of ORS 273.870 the Board of County Commissioners of Clatsop County shall not execute any deed under subsections (1) and (2) of this section, until the expiration of the time for appeal from the decision of the board or of the circuit court, as the case may be.

(4) Before any deed to such land is executed under subsections (1) and (2) of this section, the applicant shall pay to the county treasurer a sum equal to $10 per acre or any portion thereof.

(5) The county treasurer shall remit all of such moneys received under subsection (4) of this section to the State Treasurer, who shall deposit it in the Common School Fund to be credited to the Distributable Income Account.

[1969 c.495 §§5, 11, 12, 14]

273.860 Filing fee; use of fees; additional fee to cover costs of investigation. Each applicant under subsection (1) of ORS 273.865 shall pay, at the time of filing an application, a fee of $25. Moneys received under this section shall be deposited with the county treasurer and be available for payment of the expenses of the Board of County Commissioners of Clatsop County in carrying out subsections (3), (4) and (5) of ORS 273.855 and ORS 273.860 to 273.880. In addition to such fee, if the county board determines that an investigation under subsection (2) of ORS 273.865 is necessary, it may require the applicant, prior to execution of any deed under subsection (1) of ORS 273.855, to pay an additional fee sufficient to pay the costs incurred by the county board in excess of $25 in carrying out its duties with respect to that application under subsections (3), (4) and (5) of ORS 273.855 and ORS 273.860 to 273.880.

[1969 c.495 §7]

273.865 Application for deed; investigation; deadline on application. (1) Application for a deed under subsection (1) of ORS 273.855 shall be made to the Board of County Commissioners of Clatsop County in a manner and form prescribed by the county board. The application shall include:

(a) A legal description of the lands applied for, and, as nearly as practicable, the time the land was filled or deposited;

(b) The names and addresses of persons other than the applicant who are in occupancy or, to the knowledge of the applicant, may have any claim to or interest in the lands described in the application;

(c) Evidence that the applicant, if other than a governmental entity, has paid all ad valorem taxes that were assessed with respect to the lands during the period he asserts to have possessed the lands.

(d) Evidence establishing that the applicant or his predecessors in interest have had such possession of the lands as of the time of application for a deed under ORS 273.850 to 273.890 as would bar an action or suit for recovery of the lands by a private person under no disability holding legal title thereto.

(2) The Board of County Commissioners of Clatsop County may cause an investigation to be made to determine whether the facts alleged in an application are correct.

(3) The Board of County Commissioners of Clatsop County shall not accept any applications under ORS 273.850 to 273.890 after December 31, 1971. However, this does not affect proceedings with respect to applications filed not later than December 31, 1971.

[1969 c.495 §§6, 9, 15]

273.870 Notice of deed application; protest; hearing; dual applications. (1) The Board of County Commissioners of Clatsop County shall give public notice of each application received by it under subsection (1) of

ORS 273.865, prior to its consideration thereof, by advertisement not less than once each week for four successive weeks in a newspaper of general circulation in Clatsop County. Such notice need not describe the lands applied for in legal terms, but by the use of common descriptions or maps shall be designed to identify the lands in a manner intelligible to the layman. Each notice shall indicate that a protest against the execution of the deed applied for may be filed, in a manner prescribed by the county board, with the county board not later than the 60th day after the fourth publication of the notice, or within such further time as the county board authorizes on a showing of good cause. Not later than the fifth day after the first publication of the notice, the county board shall send written notice of the application to the Division of State Lands.

(2) If no protest is received within the time provided for in subsection (1) of this section, and if the county board thereafter determines that the application conforms to the requirements of subsection (1) of ORS 273.865, the county board shall execute and deliver to the applicant a deed in accordance with subsection (1) of ORS 273.855.

(3) If protest is received within the time provided for in subsection (1) of this section, the county board shall cause a hearing to be held with respect to the protest, in a manner prescribed by its rules, prior to the making of its findings with respect to an application.

(4) If two or more applications are filed with respect to the same lands, the county board shall cause a hearing to be held at which all such applicants may appear or be represented.
[1969 c.495 §8]

273.875 Findings of board; notice; rehearing procedure. The findings of the Board of County Commissioners of Clatsop County with respect to an application shall be set out concisely in writing, and a copy served on the applicant not later than the 10th day after they are rendered. Not later than the 30th day after receipt of a copy of such findings or within such further time as the county board authorizes on a showing of good cause, an applicant may request a rehearing if the applicant was denied on grounds that there was insufficient evidence under paragraph (d) of subsection (1) of ORS 273.865. If the county board grants a rehearing, it shall give notice thereof as provided in ORS 273.870. The findings of the county board after a rehearing, or after the time for requesting a rehearing has elapsed, are final, subject only to judicial review as provided in ORS 273.880.
[1969 c.495 §10]

273.880 Judicial review procedure. (1) Jurisdiction for judicial review of actions of the Board of County Commissioners of Clatsop County under subsections (3), (4) and (5) of ORS 273.855 and ORS 273.860 to 273.880 is conferred on the circuit court for the county in which the land applied for is located. Proceedings for review shall be instituted by filing a petition not later than the 60th day after the date on which the findings of the county board became final. The petition shall state the nature of the petitioner's interest, the facts showing how the petitioner is aggrieved by the county board's decision, and the grounds on which the petitioner contends that the decision should be reversed or set aside. True copies of the petition shall be served by registered or certified mail on the county board and all other parties of record in the proceeding. No responsive pleading is required of the county board. In its discretion the court may permit other interested persons to intervene.

(2) Not later than the 30th day after service of the petition, or within such further time as the court may allow, the county board shall transmit to the court the original or a certified copy of the entire record of the proceeding under review; however, by stipulation of all parties to the review proceeding, the record may be shortened. Any party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional costs. The court may require or permit subsequent corrections or additions to the record when deemed desirable.

(3) If, before the date set for hearing, application is made to the court for leave to present additional evidence to the issues in the case, and it is shown to the satisfaction of the court that the additional evidence is material and that there were good and substantial reasons for failure to present it in the proceeding before the county board, the court may order that the additional evidence be taken before the county board on such conditions as the court deems proper. The county board may modify its findings and decision by reason of the additional evidence and, within a time to be fixed by the court, shall file with the reviewing court, to become a part of the record, the additional evidence,

together with any modifications or new findings or decision, or its certificate that it elects to stand on its original findings and decision, as the case may be.

(4) The review shall be conducted by the court without a jury as a suit in equity and shall be confined to the record, except that, in cases of alleged irregularities in procedure before the county board, not shown in the record, testimony thereon may be taken in the court. The court, on request, shall hear oral argument and receive written briefs.

(5) The court may adopt the county board's findings of fact and affirm the decision of the county board; or it may reverse and set aside the county board's decision, or reverse and remand for further proceedings, after review of all the facts disclosed by the record, and any additional facts established under subsection (4) of this section. The court thereupon shall enter its decree. In the case of reversal the court shall make special findings of fact based on evidence in the record and conclusions of law indicating clearly all respects in which the county board's decision is erroneous.

(6) Any party to the proceedings before the circuit court may appeal from the decree of that court to the Supreme Court. Such appeal shall be taken in the manner provided by law for appeals from the circuit courts in suits in equity.

[1969 c.495 §13]

273.885 State prohibited from questioning certain titles. The State of Oregon shall not call into question the title of any person possessing lands described in subsections (1) to (3) of ORS 273.850 before January 1, 1973. The State of Oregon shall not call into question the title of any person possessing lands described in subsection (1) of ORS 273.850, if an application with respect to such lands has been filed under ORS 273.850 to 273.880 and is pending before the Board of County Commissioners of Clatsop County, or with respect to which judicial review under ORS 273.880 remains available or has not been finally rendered.

[1969 c.495 §17]

273.890 Application of ORS 273.850 to 273.890 to certain lands; tax refunds prohibited. (1) Nothing in ORS 273.850 to 273.890 affects controversies among persons and governmental entities asserting proprietary rights, title and interests with respect to lands described in subsection (1) of ORS 273.850.

(2) No ad valorem taxes paid or owing with respect to lands described in subsection (1) of ORS 273.850 shall be refunded or canceled on the ground that the State of Oregon may have been the legal owner of such lands before January 1, 1970.

[1969 c.495 §§2, 3]

VALIDATING STATUTES

273.900 Confirmation of title to tide lands and tide flats. The titles to all tide lands within this state, and all tide flats not adjacent to the shore in the waters of the state, which have been heretofore sold to purchasers by the State of Oregon, where the purchaser has, in good faith, actually paid to the state the purchase price, and the same has been received by the state, and the purchaser has not purchased from the state to exceed 320 acres of that character or class of land, are hereby confirmed to all such purchasers and grantees of the state, their heirs, successors or assigns, when such tide lands have not been fraudulently obtained, and without reference to the amount of any other character of lands purchased by such purchaser theretofore from the state.

[Formerly 274.050]

Note: 1872 p. 129, as amended by 1874 p. 76 and 1876 p. 69, (subsequently repealed by 1878 p. 41 §34) provided: "The title of this state to tide or overflowed lands upon said Willamette, Coquille, Coos and Umpqua rivers is hereby granted and confirmed to the owners of the adjacent lands, or when any such tide or overflowed lands have been sold, then in that case, to the purchaser or purchasers of such tide or overflowed lands from such owner of such adjacent lands, or some previous owner thereof, as the case may be."

273.902 Confirmation of title to swamp and overflow lands; deed to claimant. (1) All the rights and title of the State of Oregon to the swamp and overflowed lands of this state, and claimed by persons who have completed settlement thereon, or who may hereafter complete settlement under the provisions of the pre-emption or homestead laws of the United States, and have obtained a patent or certificate of final proof therefor, hereby are granted and confirmed unto such claimant, his heirs or assigns, respectively.

(2) Upon application of any such claimant to the division, with proof of claim evidenced by United States patent or final certificate of proof of settlement and payment, issued from the United States Land Office, the division shall execute and deliver to such claimant, without charge, a quitclaim deed of the state's right and title to the lands so claimed.

[Formerly 274.120]

273.903 Title of certain swamp lands not to be questioned by division; prohibition against sale of certain swamp lands. The division shall not call in question the title of any person to any swamp lands which he may not have acquired by full and complete compliance with the preemption or homestead laws of the United States, nor shall the division sell to anyone any unsurveyed swamp lands, or swamp lands on which any settler shall have made and perfected bona fide legal entry under the laws of the United States. "Swamp lands," as used in this section, means lands classified as swamp lands pursuant to ORS 273.251.
[Formerly 274.130]

273.905 Confirmation of state land deeds prior to 1891. All deeds prior to February 20, 1891, to state, school, and university lands, the purchase price of which was paid to the board of commissioners for the sale of school and university lands and for the investment of the fund arising therefrom, hereby are confirmed to the grantees of the state, or to their lawful heirs or assigns, together with all rights, title or interest which the state might or could have in any of the said lands. This section shall not apply to or confirm the title to any lands which were procured by false swearing or by fraudulent representations.
[Formerly 273.280]

273.910 Confirmation of title to state lands purchased before 1918. In all cases prior to May 21, 1917, where state deeds were issued to lands claimed by this state under the laws of the United States, the legal title to which had not yet vested in the state at the date of such deeds, the after-acquired title of this state in or to such lands shall be deemed vested in such purchasers who purchased such lands in good faith, and their heirs and assigns, from the time such legal title passed or may pass out of the United States. Nothing in this section shall prevent the State of Oregon from proceeding at any time to set aside on the ground of fraud any deed made by the state, nor shall anything contained in this section be deemed to prejudice the rights of any person claiming title to any public land adversely to the State of Oregon or to the United States.
[Formerly 273.270]

273.915 Release of claims under pre-1947 deeds reserving right of way. The State of Oregon hereby remises, releases and forever quitclaims unto the grantees therein, their heirs and assigns, all rights, titles and interest that may have remained or vested in the State of Oregon under deeds executed prior to July 5, 1947, by the State Land Board wherein there was attempted to be reserved a "right of way for ditches, canals and reservoir sites for irrigation purposes, constructed, or which may be constructed, by authority of the United States."
[Formerly 273.170]

273.920 Validation of mineral leases executed and delivered before August 9, 1961. All leases and conveyances granting the right to explore or prospect for minerals or oil and gas, and for the drilling, mining and removal of the same on or from lands or mineral rights under the jurisdiction and control of any state agency, board or commission, which were executed and delivered by such agency, board or commission prior to August 9, 1961, are hereby validated and declared to be legal and enforceable.
[Formerly part of 517.410]

PENALTIES

273.990 Penalties. Violation of ORS 273.231 is a misdemeanor.
[1967 c.421 §93; 1969 c.594 §30]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G. Clifford, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on June 1, 1974.

Thomas G. Clifford
Legislative Counsel