

PRELIMINARY STAFF MEASURE SUMMARY**CARRIER:**

Senate Committee on Environment and Natural Resources

REVENUE: No revenue impact**FISCAL: Fiscal impact Issued****SUBSEQUENT REFERRAL TO:****Action:****Vote:****Yeas:****Nays:****Exc.:****Prepared By:** Beth Reiley, Administrator**Meeting Dates:** 5/13

<p>Ayes, 40; Nays, 20--Barreto, Bentz, Buehler, Esquivel, Hack, Hayden, Heard, Huffman, Johnson, Krieger, McLane, Nearman, Olson, Smith, Sprenger, Stark, Weidner, Whisnant, Whitsett, Wilson.</p>
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WHAT THE MEASURE DOES: Authorizes Department of State Lands (DSL) to seize and remove derelict or abandoned structure on, under, or over state-owned submerged land or submersible lands if: DSL determines after providing notice and opportunity for hearing, that structure is abandoned or derelict; and owner has failed to correct identified problems within reasonable time. Authorizes DSL to Establishes Submerged Lands Enhancement Fund. Clarifies that marine debris may be removed and disposed of with moneys from Submerged Lands Enhancement Fund. Directs DSL to adopt rules, including procedures for notice and opportunity for hearing prior to seizure. Requires DSL to adopt rules that include procedures related to manner by which request to department for use of money in Submerged Lands Enhancement Fund may be made and evaluated by department. Places liability of costs of removal, salvage, storage, and disposal of a seized structure with owner.

ISSUES DISCUSSED:

EFFECT OF COMMITTEE AMENDMENT: (Proposed –A2 Amendment) Specifies Department of State Lands is authorized to seize structure or vessel if owner has failed to correct problems identified in notice within 30 days or longer reasonable time as specified in notice. Removes portions of DSL rulemaking authority. Establishes Act is assed to and made part of ORS chapter 274.

BACKGROUND: State-owned submerged and submersible lands are under the management of the Department of State Lands (DSL) to protect them for ‘public trust’ uses of navigation, recreation, fisheries and commerce. DSL oversees more than 1.2 million acres of state-owned waterways, including many lakes, rivers and the Territorial Sea. Throughout Oregon, there are derelict and abandoned structures, vessels and other debris that can pose a danger to the public and interfere with the public’s right to use waterways. Currently, DSL has statutory authority to pursue these situations as trespasses, and to remove the structures.

House Bill 2463 A would authorize DSL to seize a structure on, under or over state-owned submerged or submersible lands and establish a Submerged Lands Enhancement Fund.