

STAFF MEASURE SUMMARY**Senate Committee On Judiciary****Fiscal:** Fiscal impact issued**Revenue:** No Revenue Impact**Action Date:** 04/17/15**Action:** Do Pass With Amendments And Requesting Referral To Ways And Means.
(Printed A-Engrossed.)**Meeting Dates:** 03/30, 04/17**Vote:**

Yeas: 5 - Burdick, Gelser, Kruse, Prozanski, Thatcher

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WHAT THE MEASURE DOES:

Clarifies distinction between “historically filled lands” and “new lands” to determine ownership and transfer of ownership of lands created upon submersible or submerged lands by artificial fill or deposit. Authorizes State Land Board to adopt by rule a process for Department of State Lands to sell, lease or trade historically filled lands owned by state. Prohibits board from asserting title in historically filled lands unless certain procedures met. Directs Department of State Lands to provide progress report on identification and declaration process before September 15, 2017. Becomes operative January 1, 2016. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Historic nature of issue
- Role of State Land Board and Department of State Lands
- Difficulty in tracing deeds, titles, etc. and contentious legal issues involved
- Goal of creating a fair, reasonable, transparent and timely process
- Work and recommendations of Filled Lands Advisory Group
- Statewide identification process of relevant lands
- Funding issues
- Administrative aspects of process and needed rulemaking
- Problems with disputed title claims and notice
- Amendments still needed to clarify that an “order” is not a “final order”

EFFECT OF COMMITTEE AMENDMENT:

Clarifies notice and remedy aspects of bill.

BACKGROUND:

Ownership of certain submerged and submersible lands in Oregon has become confused over time, creating clouded land titles. By request of the 2013 Legislature, the Department of State Lands (DSL) formed the Filled Lands Advisory Group (FLAG) to develop a means of resolving state ownership interests in historically filled submerged and submersible lands. Senate Bill 912-A outlines the statutory changes needed to institute FLAG’s recommendations.

Senate Bill 912-A clarifies the distinction between “historically filled lands” and “new lands” for the purposes of determining ownership and transfer of ownership of lands created upon submersible or submerged lands by artificial fill or deposit. The bill authorizes the State Land Board (SLB) to adopt by rule a process for DSL to sell, lease or trade historically filled lands owned by the state. The bill also repeals provisions related to the study of formerly submerged and submersible lands. It establishes a process for SLB to identify and declare the state’s interest in historically filled lands and to provide notice of declaration. Senate Bill 912-A also prohibits the board from asserting title in historically filled lands unless certain procedures

are met before December 31, 2025. The bill directs DSL to provide a progress report addressing the identification and declaration process to interim committees of the Legislative Assembly related to the environment and natural resources on or before September 15, 2017. Senate Bill 912-A becomes operative January 1, 2016, but declares an emergency and is effective on passage.