

Seventy-Eighth Oregon Legislative Assembly - 2015 Regular Session
STAFF MEASURE SUMMARY
House Committee On Rural Communities, Land Use, and Water

MEASURE: HB 2463 A
CARRIER: Rep. Gomberg

Fiscal: Fiscal impact issued

Revenue: No Revenue Impact

Action Date: 04/21/15

Action: Do Pass As Amended And Be Printed Engrossed.

Meeting Dates: 02/05, 04/14, 04/21

Vote:

Yeas: 6 - Clem, Gilliam, Gomberg, Helm, Post, Witt

Nays: 1 - McLane

Prepared By: Ian Davidson, Committee Administrator

WHAT THE MEASURE DOES:

Defines terms. 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 under specified circumstances. 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:

- Cost to cleanup submerged and submersible land
- Need to remove derelict or abandoned structures on submerged and submersible land

EFFECT OF COMMITTEE AMENDMENT:

Defines marine debris. Clarifies that marine debris may be removed and disposed of with moneys from Submerged Lands Enhancement Fund. Adds requirement for rules adopted by DSL to 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.

BACKGROUND:

With some exceptions, the submerged and submersible land (beds and banks) underlying the navigable and tidally-influenced waters in Oregon are owned by the state. In most cases, this ownership, which was granted by the federal government when Oregon became a state, extends to the line of ordinary high water or high tide. The State Land Board and Department of State Lands (DSL) oversee the lands under the territorial sea, tidally influenced land, and the non-tidally influenced beds and banks of 12 rivers and a number of lakes in the state. DSL is responsible for most of the day-to-day management of these lands.

Throughout Oregon, there are derelict and abandoned structures, vessels and other debris on submerged and submergible lands that often pose a danger to the public and interfere with the public's right to use these lands. 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.