

House Bill 2461

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D., for Department of State Lands)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows Department of State Lands by rule to provide for additional exemptions to leasing requirements relating to submersible lands.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to exemption from leasing requirements for submersible lands; amending ORS 274.043; and
3 declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 274.043 is amended to read:

6 274.043. (1) A privately owned float or dock occupying an area of 200 square feet or less is ex-
7 empt from the leasing requirements of ORS 274.040 if:

8 (a) The structure belongs to the immediately adjacent riparian landowner; and

9 (b) The float or dock is uncovered, unenclosed and open on all sides.

10 (2) A privately owned float or dock constructed prior to September 29, 1991, and exempted under
11 ORS 274.042 (1989 Edition) is exempt from the provisions of ORS 274.040.

12 **(3) The Department of State Lands by rule may provide for additional exemptions to the**
13 **leasing requirements of ORS 274.040.**

14 [(3)] **(4)** Any float or dock described in subsections [(1) and (2)] **(1) to (3)** of this section shall
15 be registered with the [Department of State Lands] **department**.

16 [(4)] **(5)** The department may authorize the following uses of state-owned submerged and
17 submersible lands without charge:

18 (a) Structures on state-owned submerged and submersible lands maintained by a drainage dis-
19 trict organized under the provisions of ORS chapter 547.

20 (b) Riprap, as defined in ORS 196.815, used to stabilize the banks along state-owned submerged
21 and submersible lands.

22 (c) Rights of way established prior to November 1, 1981, for any county road over state-owned
23 submerged and submersible lands, and rights of way established prior to November 1, 1981, for any
24 city street over state-owned submerged and submersible lands.

25 (d) Voluntary habitat restoration work on state-owned submerged and submersible lands. For
26 purposes of this paragraph, voluntary habitat restoration work does not include:

27 (A) Activities undertaken to satisfy any actual or potential legal obligation, or for which the
28 entity completing the habitat restoration work receives compensation of any kind.

29 (B) Habitat restoration work completed by an entity to satisfy an environmental mitigation ob-
30 ligation, or to generate, sell or obtain credit as an offset against actual or potential natural resource

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 damages liability.

2 [(5)] (6) The department is entitled to charge, in accordance with rules adopted by the depart-
3 ment, for the use of state-owned submerged and submersible lands for any environmental mitigation
4 credit, or settlement of or credit obtained as an offset against natural resource damages liability,
5 acquired by any party for habitat restoration work on state-owned land.

6 [(6)] (7) The uses described in subsections [(4) and (5)] (5) and (6) of this section must be reg-
7 istered in accordance with rules adopted by the department. Any person issued a registration to use
8 or occupy state-owned submerged and submersible lands under subsections [(4) and (5)] (5) and (6)
9 of this section shall indemnify and hold harmless the state from all liability and claims arising from
10 or attributable to the use or occupation.

11 [(7)] (8) The department by rule may authorize the use of specific state-owned submerged or
12 submersible lands without charge if the department determines that the use is minimally intrusive
13 to any public rights of navigation, fishery or recreation.

14 **SECTION 2. This 2015 Act being necessary for the immediate preservation of the public**
15 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
16 **on its passage.**

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