

Senate Bill 11

Sponsored by Senator JOHNSON (at the request of Floyd Holcom) (Pre-session filed.)

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**.

Exempts from lease requirements privately owned structures on state-owned submerged and submersible lands that were constructed prior to January 1, 1916.

A BILL FOR AN ACT

1
2 Relating to lease exemption for historic structures on submersible lands; amending ORS 274.043.

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

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

5 274.043. (1) A privately owned float or dock occupying an area of 200 square feet or less is ex-
6 empt from the leasing requirements of ORS 274.040 if:

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

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

9 (2) [*A privately owned float or dock constructed prior to September 29, 1991, and exempted under*
10 *ORS 274.042 (1989 Edition) is exempt from the provisions of ORS 274.040.*] **A privately owned**
11 **structure on state-owned submerged and submersible lands that was constructed prior to**
12 **January 1, 1916, is exempt from the provisions of ORS 274.040.**

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

15 (4) The department may authorize the following uses of state-owned submerged and submersible
16 lands without charge:

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

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

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

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

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

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

31 (5) The department is entitled to charge, in accordance with rules adopted by the department,

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 for the use of state-owned submerged and submersible lands for any environmental mitigation credit,
2 or settlement of or credit obtained as an offset against natural resource damages liability, acquired
3 by any party for habitat restoration work on state-owned land.

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

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

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