

HB 3371 -2 STAFF MEASURE SUMMARY

House Committee On General Government

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Sub-Referral To: Joint Committee On Ways and Means

Meeting Dates: 3/30, 4/8

WHAT THE MEASURE DOES:

Requires the Department of State Lands to consider potential risks in authorizing the use of submerged and submersible lands, including harms to natural resources and public health. Allows department to require authorized users of these lands to procure insurance policies to compensate the state for possible harms. Clarifies that personal property retrieved from an unauthorized vessel and unclaimed by the owner for more than 30 days is considered abandoned.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-2 Revised introduced language to require Department of State Lands to consider damage to state lands. Defines “damage” as loss or harm resulting from injury to a person or property or compensation in money for loss or injury. Exempts the construction of a wharf by landowner from provisions of measure.

BACKGROUND:

ORS 274.005 defines “submerged lands” as lands lying below the line of ordinary low water of all navigable waters within the boundaries of this state, whether such waters are tidal or nontidal, and “submersible lands” as lands lying between the line of ordinary high water and the line of ordinary low water of all navigable waters and all islands, shore lands or other such lands held by or granted to this state, whether such waters or lands are tidal or nontidal. Submersible lands owned by the state may be leased only to the highest bidder, bidding at least a minimum amount designated by the Department of State Lands (DSL). The department may also grant easements over submerged and submersible lands. Easements require a permit from the Water Resources Director authorizing the impoundment for beneficial use of the waters of any lake or stream, for flowage and storage of waters, and for the construction, maintenance and operation of any structures or facilities necessary for the use of the water under the terms of the permit.

Current law also authorizes the DSL to seize a structure on, under or over state-owned submerged or submersible lands if the department determines, after providing notice and opportunity for a hearing, that the structure is an abandoned structure or a derelict structure; and the owner of the structure has failed to correct the problems identified in the notice within 20 days or within any additional time granted by the department. ORS 274.376 defines “abandoned structure” as a structure that has been left without authorization on, under or over state-owned submerged or submersible lands, and “derelict structure” as a structure that is on, under or over state-owned submerged or submersible lands and that is: sunk or in imminent danger of sinking due to its dilapidated condition; obstructing a waterway; endangering life or property; or in dilapidated condition such that it is in danger of becoming an environmental hazard as evidenced by instances of leaking fuel, sewage or other pollutants.

House Bill 3371 requires the Department of State Lands to consider potential risks in authorizing the use of submerged and submersible lands, including harms to natural resources and public health, and allows the department to require authorized users of these lands to procure insurance policies to compensate the state for possible harms. The measure also clarifies that personal property retrieved from an unauthorized vessel and

unclaimed by the owner for more than 30 days is considered abandoned.

PRELIMINARY