

A-Engrossed
House Bill 3371

Ordered by the House April 10
Including House Amendments dated April 10

Sponsored by Representatives REARDON, LEIF; Representative WILDE

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.

Requires Department of State Lands to consider potential risks in entering into agreements for authorized use of submerged and submersible lands and allows department to require risk mitigation or insurance.

Clarifies rights on state lands regarding abandoned and derelict vessels and structures. Limits time until property is considered abandoned if on state lands and in unauthorized vessels.

A BILL FOR AN ACT

1
2 Relating to the use of real property of the state; creating new provisions; and amending ORS 98.336,
3 274.379 and 830.933.

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

5 **SECTION 1. Section 2 of this 2021 Act is added to and made a part of ORS chapter 274.**

6 **SECTION 2. (1) When deciding to authorize the use of submerged and submersible lands,**
7 **the Department of State Lands shall consider potential risks, including possible damage to**
8 **state lands and risks to public health and safety from proposed authorizations.**

9 **(2) In issuing a new authorization, the renewal of a current authorization or the transfer**
10 **of an existing authorization to a new entity, the department may require authorization**
11 **holders to take such actions as necessary to reduce the risks of damage to state lands or to**
12 **procure insurance policies sufficient to protect the state for the possible damage within the**
13 **authorized area.**

14 **(3) As used in this section:**

15 **(a) "Authorization holder" means a person who, with respect to submerged or**
16 **submersible lands:**

17 **(A) Holds or requests a lease, including a lease under ORS 274.040, 274.085, 274.530 or**
18 **274.873; or**

19 **(B) Holds an easement, or any other property right or exclusive right of use or access,**
20 **except for the right to construct a wharf under ORS 780.040.**

21 **(b) "Authorized area" means the area of state-owned submerged and submersible land**
22 **defined in the waterway use authorization for which the use is authorized.**

23 **(c) "Damage" means loss or harm resulting from injury to a person or property or**
24 **compensation in money for loss or injury.**

25 **SECTION 3. ORS 98.336 is amended to read:**

26 **98.336. (1) Intangible property, including uncashed warrants and wages represented by unres-**

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 ented payroll checks, held for the owner by a court, state or other government, governmental sub-
2 division or agency, public corporation, or public authority, that has remained unclaimed by the
3 owner for more than two years is presumed abandoned.

4 (2) **Except as provided in subsection (3) of this section**, tangible property held for the owner
5 by a court, state or other government, governmental subdivision or agency, law enforcement agency,
6 public corporation or public authority that has remained unclaimed by the owner for more than two
7 years is presumed abandoned.

8 (3) **Personal property that was retrieved from an unauthorized vessel on state land, as**
9 **defined in ORS 273.006, that is held for the owner by a court, state or other government,**
10 **governmental subdivision or agency, law enforcement agency, public corporation or public**
11 **authority and that has remained unclaimed by the owner for more than 30 days is presumed**
12 **abandoned.**

13 **SECTION 4.** ORS 830.933 is amended to read:

14 830.933. (1) At any time before the date specified in the notice given pursuant to ORS 830.931
15 (2), any owner may reclaim the vessel by:

16 (a) Paying all costs incurred by the enforcement agency in salvaging, towing and storing the
17 vessel; and

18 (b) Establishing to the satisfaction of the enforcement agency that the owner is able to move the
19 vessel to a place where the vessel can be lawfully kept.

20 (2) **Notwithstanding ORS 98.302 to 98.436**, if a vessel seized under ORS 830.908 to 830.948 is
21 not reclaimed in the manner provided by this section, title to the vessel and all personal property
22 found in the vessel vests in the enforcement agency, and the enforcement agency may sell or oth-
23 erwise dispose of the vessel and the property.

24 **SECTION 5.** ORS 274.379 is amended to read:

25 274.379. (1) The Department of State Lands is authorized to seize a structure on, under or over
26 state-owned submerged or submersible lands if:

27 (a) The department determines, after providing notice and opportunity for a hearing, that the
28 structure is an abandoned structure or a derelict structure; and

29 (b) The owner of the structure has failed to correct the problems identified in the notice within
30 20 days or a longer reasonable time as specified in the notice provided under the rules adopted un-
31 der ORS 274.385 or within any additional time that may be granted by the department.

32 (2)(a) The notice required under subsection (1) of this section must:

33 (A) Identify, with specificity, the department's proprietary interest in and jurisdiction over the
34 state-owned submerged or submersible lands that the structure is on, under or over;

35 (B) Identify any person that the department has determined may have a potential interest in the
36 structure or the land upon which the structure is located; and

37 (C) Be delivered by certified mail, return receipt requested, to any person with a potential in-
38 terest in the structure or the land upon which the structure is located, as determined by the de-
39 partment after diligent investigation.

40 (b) As used in this subsection, "diligent investigation" includes but is not limited to a search
41 of the county property records.

42 (3) **Notwithstanding ORS 98.302 to 98.436**, the department may remove, salvage, store and
43 dispose of structures seized under this section.

44 (4)(a) Nothing in this section affects the ability of the department to:

45 (A) Investigate and prosecute trespasses on and damage to state lands under ORS 273.185; or

1 (B) Immediately seize without notice a structure that presents a hazard to navigation or an im-
2 minent threat to public health or safety.

3 (b) If the department seizes a structure without notice under this subsection and the department
4 wishes to salvage or dispose of the structure, the department shall provide notice as provided for
5 in the rules adopted under ORS 274.385.

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