

**Enrolled**  
**Senate Bill 126**

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Kate Brown for Department of State Lands)

CHAPTER .....

AN ACT

Relating to expanding estuarine research reserve management area; amending ORS 273.251, 273.553, 273.554, 273.558 and 327.405.

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

**SECTION 1.** ORS 273.553 is amended to read:

273.553. (1) It is the policy of the State of Oregon to maintain [*the South Slough of Coos Bay, from Valino Island southward, inclusive, as a national*] **an estuarine research reserve[,]** **in partnership with the National Oceanic and Atmospheric Administration. The estuarine research reserve management area includes:**

(a) **Lands** acquired as the South Slough Estuary Sanctuary pursuant to chapter 415, Oregon Laws 1975, [*as the first estuarine sanctuary in the United States to be created under Section 312 of the Coastal Zone Management Act of 1972 (P.L. 92-583) and redesignated*] **designated** as the South Slough National Estuarine Research Reserve by federal law (P.L. 99-272)[.]; **and**

(b) **Lands owned or managed by the Department of State Lands that the department determines contribute to the management policy of subsection (2) of this section.**

(2) The management policy for the **estuarine research reserve management area** is to:

(a) Maintain the integrity of the [*estuary*] **South Slough National Estuarine Research Reserve;**

(b) Protect the [*estuary*] **reserve** from uses and activities, both within and beyond its boundaries, that may alter or affect the ecosystem and its natural dynamic processes; and

(c) Preserve the [*area*] **reserve** for long-term scientific and educational uses.

[(2)] **(3)** [*Responsibility for completing purchase of the South Slough National Estuarine Research Reserve is vested with the Department of State Lands.*] The department acts for the State of Oregon in any transaction respecting the purchase of acreage for the reserve on or after October 4, 1977. **The department may acquire lands for the reserve management area.**

[(3)] **(4)** Except as necessary to achieve the policy set forth in subsection [(1)] **(2)** of this section and any standards established in the Coastal Zone Management Act of 1972 (P.L. 92-583) or any rules, regulations or agreements adopted pursuant thereto, the **estuarine research reserve management area** is open to the public. However, to protect the estuarine ecosystems, public use of the reserve **management area** may be limited and controlled by the South Slough National Estuarine Research Reserve Management Commission in consultation with any technical management team established pursuant to an agreement between the State of Oregon and the Office [*of Ocean and Coastal Resource*] **for Coastal** Management of the National Oceanic and Atmospheric Adminis-

tration of the United States Department of Commerce. The commission shall adopt rules to carry out the intent of this subsection.

[(4)] (5) The South Slough National Estuarine Research Reserve Management Commission shall administer the reserve **management area**, subject to any agreement respecting the **South Slough National Estuarine Research Reserve** between the State of Oregon and the federal Office [*of Ocean and Coastal Resource*] **for Coastal Management**.

[(5)] (6) The agency that acquired title to the reserve **management area** shall cause title to be cleared in the name of the State of Oregon.

**SECTION 2.** ORS 273.554 is amended to read:

273.554. (1) For the purpose of providing for the administration of the [*South Slough National*] estuarine research reserve **management area** in a manner consistent with the provisions of ORS 273.553, there is created the South Slough National Estuarine Research Reserve Management Commission. The commission shall have the authority, in accordance with the policies formulated by the State Land Board, to:

(a) Conduct the day-to-day operation and management of the [*South Slough National Estuarine Research*] reserve **management area** with the administrative support of the Department of State Lands;

(b) Appoint a manager and other staff necessary to carry out this section; and

(c) Apply for, receive and expend moneys from the federal government and from this state or any agency thereof for the purpose of carrying out this section.

(2) In accordance with applicable provisions of ORS chapter 183, the commission may adopt rules necessary to:

(a) Carry out the commission's responsibilities pursuant to ORS 273.553; and

(b) Implement a system of fees to recover the costs of carrying out the management established in ORS 273.553, including fees for use of facilities at the reserve **management area**, fees for research activities conducted at the reserve **management area**, visitor activities fees and parking fees.

(3) The commission shall consist of nine members appointed by the Governor as follows:

(a) A representative of common schools in the area of the **South Slough National Estuarine Research Reserve**;

(b) One authorized representative of the Coos County Board of Commissioners;

(c) One authorized representative of the governing body of the Oregon International Port of Coos Bay;

(d) The Director of the Department of State Lands or a designee thereof;

(e) One authorized representative of the federal Office [*of Ocean and Coastal Resource*] **for Coastal Management**;

(f) Two representatives with an interest in marine science, one from the University of Oregon Institute of Marine Biology at Charleston and one from Oregon State University;

(g) One member selected from the general public at large; and

(h) One representative of Oregon Indian tribes appointed after consultation with the Commission on Indian Services.

(4) The members appointed by the Governor under subsection (3)(a), (f), (g) and (h) of this section shall serve for terms of four years and members appointed under subsection (3)(b) and (c) of this section shall serve for terms of two years. The Director of the Department of State Lands or the designee of the director, if appointed in place of the director, shall serve as the permanent chairperson of the commission. The commission shall select one of its members as vice chairperson. The chairperson and vice chairperson shall have duties and powers necessary for the performance of the functions of such offices as the commission determines. The vice chairperson shall act as the chairperson of the commission in the absence of the chairperson. The vice chairperson shall serve for a term of one year, subject to reelection by the commission.

(5) Each member of the commission shall have one vote, except that the member who is the authorized representative of the federal Office [*of Ocean and Coastal Resource*] **for Coastal Man-**

agement shall be a nonvoting member. A majority of the commission constitutes a quorum for the transaction of business.

(6) Members of the commission are not entitled to compensation, but in the discretion of the State Land Board may be reimbursed for actual and necessary travel and other expenses incurred by them in the performance of their official duties, subject to laws regulating travel and other expenses of state officers and employees.

**SECTION 3.** ORS 273.251 is amended to read:

273.251. Unless the context or a specially applicable definition requires otherwise, state lands are classified as follows:

(1) "Agricultural college lands." Lands granted to the state by the Act of July 2, 1862 (12 Stat. 503), and otherwise, for the support and maintenance of Oregon State University.

(2) "Farmlands." Lands acquired by deed, gift, operation of law, or by the foreclosure of mortgages taken to secure loans from the common school, agricultural college, university or other funds.

(3) "Indemnity lands." Lands selected to satisfy losses in sections 16 and 36, as provided by sections 851 and 852 of title 43, United States Code, as amended, or any other laws of the United States.

(4) "School lands":

(a) Sections 16 and 36 in each township granted to the state by the Act of February 14, 1859 (11 Stat. 383).

(b) Lands selected for internal improvements under the Act of September 4, 1841 (5 Stat. 455), and diverted for common schools with the consent of Congress by the Joint Resolution of February 9, 1871 (16 Stat. 595).

(c) Lands selected for capitol building purposes under the Act of February 14, 1859 (11 Stat. 383).

(d) Lands included in the South Slough National Estuarine Research Reserve as described in ORS 273.553 (1)(a).

(5) "Swamp lands." Lands claimed by the state under the Act of September 28, 1850 (9 Stat. 519), and extended to the State of Oregon by the Act of March 12, 1860 (12 Stat. 3).

(6) "Submerged lands." Lands defined as submerged by ORS 274.005.

(7) "Submersible lands." Lands defined as submersible by ORS 274.005.

(8) "University lands." Lands granted to the state under the Act of February 14, 1859 (11 Stat. 383), for the support and maintenance of the University of Oregon.

**SECTION 4.** ORS 327.405 is amended to read:

327.405. The Common School Fund shall be composed of the proceeds from the sales of the 16th and 36th sections of every township or of any lands selected in lieu thereof; all the moneys and clear proceeds of all property that may accrue to the state by escheat or forfeiture; the proceeds of all gifts, devises and bequests made by any person to the state for common school purposes; the proceeds of all property granted to the state when the purpose of such grant is not stated; all proceeds of the sale of submerged and submersible lands as described in ORS 274.005; all proceeds of the sale of the South Slough National Estuarine Research Reserve as described in ORS 273.553 (1)(a) in the event such property is sold; all proceeds of the sale of the 500,000 acres of land to which this state is entitled by an Act of Congress approved September 4, 1841, and of all lands selected for capitol building purposes under Act of Congress approved February 14, 1859; and all proceeds derived from the investment of moneys that compose the fund. All such proceeds shall become a part of the fund. Except as otherwise provided by law, the income from the fund shall be applied exclusively to the support and maintenance of common schools in each school district. All lawful claims for repayment of moneys under the provisions of ORS 98.302 to 98.436 and 98.992, or out of escheated estates and for attorney fees and all other expenses in any suit or proceeding relating to escheated estates shall be audited by the Department of State Lands and paid from the Common School Fund Account.

**SECTION 5.** ORS 327.405, as amended by section 66, chapter 678, Oregon Laws 2019, is amended to read:

327.405. (1) The Common School Fund shall be composed of the proceeds from the sales of the 16th and 36th sections of every township or of any lands selected in lieu thereof; all the moneys and clear proceeds of all property that may accrue to the state by escheat or forfeiture; the proceeds of all gifts, devises and bequests made by any person to the state for common school purposes; the proceeds of all property granted to the state when the purpose of such grant is not stated; all proceeds of the sale of submerged and submersible lands as described in ORS 274.005; all proceeds of the sale of the South Slough National Estuarine Research Reserve as described in ORS 273.553 (1)(a) in the event such property is sold; all proceeds of the sale of the 500,000 acres of land to which this state is entitled by an Act of Congress approved September 4, 1841, and of all lands selected for capitol building purposes under Act of Congress approved February 14, 1859; and all proceeds derived from the investment of moneys that compose the fund. All such proceeds shall become a part of the fund. Except as otherwise provided by law, the income from the fund shall be applied exclusively to the support and maintenance of common schools in each school district.

(2) The State Treasurer shall audit all lawful claims for repayment of moneys under ORS 98.302 to 98.436 and 98.992, or out of escheated estates and funds, including attorney fees and all other expenses in any suit or proceeding relating to escheated estates and shall pay each lawful claim from the Common School Fund Account.

**SECTION 6.** ORS 273.558 is amended to read:

273.558. (1) Violation of a rule adopted under ORS 273.553 [(3)] (4) is a Class D violation for each day of violation.

(2) In addition to all other remedies, when it appears to the South Slough National Estuarine Research Reserve Management Commission that a person has engaged in, or is engaging in, any act that violates a rule adopted under ORS 273.553 [(3)] (4), the commission may direct the Attorney General to apply to the court for an injunction restraining the person from violating such rule.

**Passed by Senate March 17, 2021**

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

**Passed by House May 20, 2021**

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Tina Kotek, Speaker of House

**Received by Governor:**

.....M.,....., 2021

**Approved:**

.....M.,....., 2021

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Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2021

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Shemia Fagan, Secretary of State