

Requested by Representative GOMBERG

**PROPOSED AMENDMENTS TO
HOUSE BILL 2603**

1 On page 1 of the printed bill, line 2, delete “creating new provisions;
2 amending ORS 274.992 and 274.994;”.

3 Delete lines 5 through 29 and delete pages 2 and 3 and insert:

4 **“SECTION 1. (1) As used in this section, ‘undersea cable’ includes**
5 **a cable used to conduct electricity or light that is placed on state-**
6 **owned submerged or submersible lands within the territorial sea and**
7 **any facilities associated with the cable.**

8 **“(2) An applicant for an easement to place an undersea cable within**
9 **the territorial sea shall acquire and maintain, until construction of the**
10 **undersea cable is completed, financial assurance to ensure that the**
11 **applicant constructs the undersea cable according to the terms and**
12 **conditions of the easement. The amount of financial assurance re-**
13 **quired under this subsection shall be an amount determined by the**
14 **Department of State Lands to be sufficient based on the scale of the**
15 **project.**

16 **“(3) At least 180 days before decommissioning an undersea cable,**
17 **the owner or operator of the undersea cable shall submit to the de-**
18 **partment for approval a decommissioning plan that includes:**

19 **“(a) A cost estimate, prepared by a person qualified by experience**
20 **and knowledge to prepare the estimate, for decommissioning the cable**
21 **and restoring the area authorized by the easement to its previous na-**

1 tural condition;

2 “(b) A detailed description of and proposed schedule for the de-
3 commissioning and restoration work, including any corrective action
4 that may be required under the easement; and

5 “(c) A proposed form of financial assurance in an amount equal to
6 the cost estimate under paragraph (a) of this subsection.

7 “(4) Within 30 days of receiving a decommissioning plan under
8 subsection (3) of this section, the department shall approve the plan
9 or request revisions to the plan or additional information. If, after
10 receiving revisions to the decommissioning plan or additional infor-
11 mation, the department rejects the plan, the owner or operator of the
12 undersea cable must within 90 days submit to the department an ap-
13 plication for an easement for the encroachment created by the
14 undersea cable.

15 “(5) The owner or operator of an undersea cable may not begin de-
16 commissioning and restoration work unless:

17 “(a) The department has approved a decommissioning plan under
18 subsection (4) of this section;

19 “(b) The owner or operator has acquired the financial assurance
20 required under subsection (3) of this section; and

21 “(c) The owner or operator has provided to the department notice
22 that the work will begin at least 60 days prior to beginning the work.

23 “(6) The financial assurance requirements established by sub-
24 sections (2) and (3) of this section may be satisfied by furnishing a fi-
25 nancial assurance instrument that is:

26 “(a) A surety bond, cash deposit or certificate of deposit; and

27 “(b) In the name of the State of Oregon.”.

28 “SECTION 2. (1) Section 1 of this 2021 Act becomes operative on
29 January 1, 2022.

30 “(2) The Department of State Lands may take any action before the

1 **operative date specified in subsection (1) of this section that is neces-**
2 **sary for the department to exercise, on and after the operative date**
3 **specified in subsection (1) of this section, all of the duties, functions**
4 **and powers conferred on the department by section 1 of this 2021 Act.**

5 **“SECTION 3. This 2021 Act takes effect on the 91st day after the**
6 **date on which the 2021 regular session of the Eighty-first Legislative**
7 **Assembly adjourns sine die.”.**

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