

Senate Bill 165

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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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: This Act amends and repeals laws about the State Land Board's power to claim title to historically filled lands. (Flesch Readability Score: 62.8).

Amends the requirements for the State Land Board to assert title to historically filled lands. Repeals the provisions related to assertion of title to historically filled lands by the State Land Board that are required to be completed before December 31, 2025.

A BILL FOR AN ACT

1
2 Relating to historically filled lands; creating new provisions; amending ORS 274.915 and 274.950; and
3 repealing ORS 274.952, 274.954 and 274.956.

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

5 **SECTION 1.** ORS 274.950 is amended to read:

6 274.950. (1) Except as provided in subsection (2) of this section, the State Land Board may not
7 in any manner assert title to historically filled lands[, *as defined in ORS 274.905,*] unless, prior to
8 December 31, 2025:

9 (a) The board [*makes*] **has made** a declaration under ORS 274.954 (**2023 Edition**) that asserts
10 title to the historically filled lands; and

11 (b) Notice of the board's declaration was given as required under ORS 274.956 (**2023 Edition**).

12 (2) Subsection (1) of this section does not apply to:

13 (a) Historically filled lands[, *as defined in ORS 274.905,*] over which the State Land Board as-
14 serted title prior to January 1, 2016;

15 (b) Historically filled lands fronting upon the Pacific Ocean; [*or*]

16 (c) Lands in that portion of the Lower Willamette River that includes the Portland Harbor
17 Superfund Site; **or**

18 **(d) Historically filled lands within city limits zoned to allow for commercial, industrial**
19 **or marine industrial uses on December 31, 2025.**

20 (3) Nothing contained in [*ORS 274.950 to 274.956*] **this section** shall divest the State of Oregon
21 of its rights to minerals, oil, gas and sulfur.

22 **(4) The Department of State Lands shall record a notice of historically filled lands with**
23 **the county clerk of each county in this state. The notice shall:**

24 **(a) Include a summary of state-owned submerged and submersible lands within the**
25 **county where historically filled lands may be located;**

26 **(b) State that the board may not assert title to any historically filled lands unless the**
27 **requirements of subsection (1) of this section have been satisfied or an exception described**
28 **in subsection (2) of this section applies;**

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 (c) State that the state’s ownership of the submerged and submersible lands adjacent to
2 historically filled lands is the line of ordinary high water; and

3 (d) Provide contact information for the department for questions or inquiries related to
4 historically filled lands.

5 (5) As used in this section, “historically filled lands” has the meaning given that term in
6 ORS 274.905.

7 **SECTION 2.** ORS 274.952, 274.954 and 274.956 are repealed.

8 **SECTION 3.** The Department of State Lands shall record a notice of historically filled
9 lands that satisfies the requirements of ORS 274.950 (4) with the county clerk of each county
10 in this state no later than December 31, 2028.

11 **SECTION 4.** ORS 274.915 is amended to read:

12 274.915. (1) Except as otherwise provided in ORS 274.905 to 274.940, the Department of State
13 Lands may sell, lease or trade submersible or submerged lands owned by the state in the same
14 manner as provided for submersible lands in this chapter or ORS chapter 273.

15 (2) Except as otherwise provided in ORS 274.905 to 274.940, the department may sell, lease or
16 trade new lands created upon submersible or submerged lands owned by the state in the same
17 manner as provided for lands acquired as an investment for the Common School Fund in ORS
18 273.117 or ORS chapter 273.

19 (3) Except as otherwise provided in ORS 274.905 to 274.940 and 274.950 [to 274.956], the State
20 Land Board shall adopt rules under which the department may sell, lease or trade historically filled
21 lands owned by the state.

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