

# Senate Bill 793

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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 directs the Director of the Department of State Lands to establish fees and rates for easements on state land. (Flesch Readability Score: 64.6).

Directs the Director of the Department of State Lands to establish application fees and compensation rates for easements on state land.

Directs the Department of State Lands to submit a progress report to committees of the Legislative Assembly by February 15, 2027.

Takes effect on the 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to easements on state land; creating new provisions; amending ORS 273.058 and 758.010;  
3 and prescribing an effective date.

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

5 **SECTION 1.** ORS 273.058 is amended to read:

6 273.058. *[(1) Notwithstanding ORS 758.010, the Department of State Lands may establish and im-*  
7 *pose a one-time application fee on a person applying for an easement to construct a water, gas, electric*  
8 *or communication service line, fixture or other facility on state land in the following amounts:]*

9 *[(a) On state land other than that described in paragraph (b) of this subsection, \$750.]*

10 *[(b) On state land located within the territorial sea, \$5,000.]*

11 *[(2) The department may not impose an application fee established under subsection (1) of this*  
12 *section more than once per application for an easement to construct a water, gas, electric or communi-*  
13 *cation service line, fixture or other facility.]*

14 **(1) The Director of the Department of State Lands, in accordance with ORS chapter 183,**  
15 **shall establish by rule:**

16 **(a) Application fees for easements to construct, maintain and decommission water, gas,**  
17 **electric, communication or telecommunication service lines, fixtures or other facilities on**  
18 **state land.**

19 **(b) Renewal fees for easements described in paragraph (a) of this subsection.**

20 **(c) Compensation rates for easements to construct, maintain and decommission water,**  
21 **gas, electric, communication or telecommunication service lines, fixtures or other facilities**  
22 **on state land.**

23 **(2) Application and renewal fees adopted under subsection (1) of this section shall be**  
24 **reasonably calculated to offset the costs to the Department of State Lands of granting and**  
25 **renewing easements described in subsection (1) of this section.**

26 **(3) For purposes of this section, an application for an easement to construct, maintain and**  
27 **decommission a water, gas, electric, [or] communication or telecommunication service line must**

**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 include all crossings of state land within a county. However, if the applicant applies for an easement  
 2 to construct, **maintain and decommission** a water, gas, electric, [or] communication **or telecom-**  
 3 **munication** service line for a single crossing of contiguous state land involving two counties, the  
 4 applicant may submit one application and the department may charge the applicant only one appli-  
 5 cation fee.

6 **SECTION 2.** ORS 758.010 is amended to read:

7 758.010. (1) Except within cities, **and subject to fees and compensation rates established**  
 8 **under ORS 273.058**, any person has a right and privilege to construct, maintain and operate its  
 9 water, gas, electric, [or] communication **or telecommunication** service lines, fixtures and other fa-  
 10 cilities along the public roads in this state, as defined in ORS 368.001, or across rivers or over any  
 11 lands belonging to state government[, *as defined in ORS 174.111,*] free of charge, and over lands of  
 12 private individuals, as provided in ORS 772.210. Such lines, fixtures and facilities shall not be con-  
 13 structed so as to obstruct any public road or navigable stream.

14 (2) A county governing body and the Department of Transportation have authority to designate  
 15 the location upon roads under their respective jurisdiction, outside of cities, where lines, fixtures  
 16 and facilities described in this section may be located, and subject to ORS 758.025 may order the  
 17 location of any such line, fixture or facility to be changed when such governing body or department  
 18 deems it expedient. Any line, fixture or facility erected or remaining in a different location upon  
 19 such road than that designated in any order of the governing body or department is a public nui-  
 20 sance and may be abated accordingly.

21 (3) The state officer, agency, board or commission having jurisdiction over any land belonging  
 22 to state government[, *as defined in ORS 174.111,*] with respect to which the right and privilege  
 23 granted under subsection (1) of this section is exercised may impose reasonable requirements for the  
 24 location, construction, operation and maintenance of the lines, fixtures and facilities on such land.  
 25 The person exercising such right and privilege over any land belonging to state government[, *as*  
 26 *defined in ORS 174.111,*] shall pay the current market value for the existing forest products that are  
 27 damaged or destroyed in exercising such right and privilege. Such right and privilege of any person  
 28 is conditioned upon compliance with the requirements imposed by this subsection.

29 (4) **As used in this section, “state government” has the meaning given that term in ORS**  
 30 **174.111.**

31 **SECTION 3.** The Director of the Department of State Lands shall adopt rules establishing  
 32 fees and compensation rates described in ORS 273.058 no later than January 1, 2028.

33 **SECTION 4.** No later than February 15, 2027, the Department of State Lands shall submit  
 34 a report in the manner provided by ORS 192.245 to the committees of the Legislative As-  
 35 sembly related to the environment, land use and natural resources that describes the  
 36 department’s progress in implementing the amendments to ORS 273.058 by section 1 of this  
 37 2025 Act.

38 **SECTION 5.** (1) Notwithstanding the amendments to ORS 273.058 by section 1 of this 2025  
 39 Act, the Department of State Lands shall continue to impose the following one-time appli-  
 40 cation fees for easements to construct a facility described in ORS 273.058 until the date on  
 41 which rules establishing application fees under ORS 273.058, as amended by section 1 of this  
 42 2025 Act, first become effective:

43 (a) \$5,000, for easements on state land located within the territorial sea; and

44 (b) \$750, for easements on state land other than that described in paragraph (a) of this  
 45 subsection.

1       **(2) As used in this section, “state land” has the meaning given that term in ORS 273.006.**

2       **SECTION 6. Section 5 of this 2025 Act is repealed on January 2, 2028.**

3       **SECTION 7. This 2025 Act takes effect on the 91st day after the date on which the 2025**  
4 **regular session of the Eighty-third Legislative Assembly adjourns sine die.**

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