

SB 74-2
(LC 1273)
3/12/25 (STN/ps)

Requested by SENATE COMMITTEE ON NATURAL RESOURCES AND WILDFIRE

**PROPOSED AMENDMENTS TO
SENATE BILL 74**

1 In line 2 of the printed bill, after “waterways” insert “; creating new
2 provisions; and amending ORS 274.408”.

3 Delete lines 4 through 8 and insert:

4 **“SECTION 1. Section 2 of this 2025 Act is added to and made a part
5 of ORS 274.400 to 274.412.**

6 **“SECTION 2. (1) Notwithstanding common law principles of
7 accretion and avulsion, the Department of State Lands may include
8 in a report under ORS 274.404 a finding that the state’s interest in a
9 waterway should extend to the current submerged and submersible
10 lands within the waterway.**

11 **“(2) Upon the adoption of a report described in subsection (1) of this
12 section, the State Land Board may find in a declaration under ORS
13 274.406 that the boundary of the waterway should remain ambulatory
14 and change with future accretion.**

15 **“(3) The department may negotiate an exchange of deeds with any
16 property owner affected by a declaration described in subsection (2)
17 of this section. In any negotiation with an affected property owner, the
18 department shall prioritize the goal of state ownership of the existing
19 waterway and need not seek an equal exchange of property values.**

20 **“(4) If the declaration of ownership approved by the board under
21 ORS 247.406 is filed with the county clerk for recording, then the**

1 **county clerk shall record the declaration in the deed records of the**
2 **county where the waterway is located.**

3 **“SECTION 3.** ORS 274.408 is amended to read:

4 “274.408. Immediately following a declaration made by the State Land
5 Board pursuant to ORS 274.406, the board shall:

6 “(1) Cause reasonable public notice of the declaration to be given to in-
7 terested parties. The notice shall:

8 “(a) Describe the land or waterway affected and the nature and extent of
9 the state’s claim. Such notice need not describe the land or waterway in le-
10 gal terms, but by the use of common descriptions or maps shall be designed
11 to identify the land or waterway in a manner intelligible to the layperson
12 and useful in establishing the [*exact*] location of the state claim [*in relation*
13 *to existing legal descriptions*].

14 “(b) Advise that any person aggrieved by the declaration may seek judi-
15 cial review of the declaration pursuant to ORS 274.412.

16 “(2) Send to each owner of record of land described in the declaration a
17 copy of the declaration made with respect to the land and a statement ad-
18 vising such owner that any aggrieved party may seek judicial review of the
19 declaration pursuant to ORS 274.412.”.

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