

SB 74-3
(LC 1273)
3/28/25 (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) As used in this section:**

7 **“(a) ‘Geothermal resource’ has the meaning given that term in ORS
8 522.005.**

9 **“(b) ‘Meandered lake’ has the meaning given that term in ORS
10 274.425.**

11 **“(c) ‘Mineral’ has the meaning given that term in ORS 273.775.**

12 **“(2) Notwithstanding common law principles of accretion and
13 avulsion, the Department of State Lands may include in a report un-
14 der ORS 274.404 a finding that the state’s interest in a waterway should
15 extend to the current submerged and submersible lands within the
16 waterway.**

17 **“(3) Upon the adoption of a report described in subsection (2) of this
18 section, the State Land Board may find in a declaration under ORS
19 274.406 that the boundary of the waterway should remain ambulatory
20 and change with future accretion.**

21 **“(4)(a) The department may negotiate an exchange of deeds with**

1 any property owner affected by a declaration described in subsection
2 (3) of this section. In any negotiation with an affected property owner,
3 the department shall prioritize the goal of state ownership of the cur-
4 rent waterway and need not seek an equal exchange of property val-
5 ues.

6 “(b) Notwithstanding ORS 273.780, the department may convey the
7 mineral and geothermal resource rights of property exchanged by the
8 department pursuant to this subsection.

9 “(5) If the declaration of ownership approved by the board under
10 ORS 247.406 is filed with the county clerk for recording, then the
11 county clerk shall record the declaration in the deed records of the
12 county where the waterway is located.

13 “(6) Subsection (2) of this section does not apply to a meandered
14 lake.

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

16 “274.408. Immediately following a declaration made by the State Land
17 Board pursuant to ORS 274.406, the board shall:

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

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

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

28 “(2) Send to each owner of record of land described in the declaration a
29 copy of the declaration made with respect to the land and a statement ad-
30 vising such owner that any aggrieved party may seek judicial review of the

1 declaration pursuant to ORS 274.412.”.

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