

Submitter: D Torres

On Behalf Of:

Committee: House Committee On Agriculture, Land Use, Natural Resources, and Water

Measure, Appointment or Topic: SB74

Chair & Committee Members,

I STRONGLY OPPOSE SB 74 A!

I am deeply concerned that this legislation threatens private property rights, creates legal uncertainty, and expands bureaucratic power without adequate oversight or recourse for landowners.

First, this bill gives DSL broad and unilateral authority to reinterpret the state's interests in submerged lands—potentially overriding decades of settled property ownership. By allowing the state to claim submerged or submersible lands in navigability determinations, DSL may retroactively assert ownership over lands that private parties have long used, maintained, or improved, creating immediate and costly uncertainty for farmers, ranchers, recreation businesses, and rural landowners.

Second, the bill empowers DSL to negotiate exchanges of mineral and geothermal rights—assets that often hold considerable value—without requiring clear guidelines or protections for affected property owners. This raises serious concerns about fairness, transparency, and the potential for coercion in such negotiations, especially in rural communities with fewer resources to challenge or appeal state decisions.

Third, allowing DSL to invoke complex legal doctrines like accretion and avulsion when no agreement is reached is problematic. These principles are not always easily applied and often require judicial interpretation. Handing this authority to an administrative agency increases the risk of misapplication, prolonged disputes, and erosion of public trust in due process.

This proposal, as written, significantly tilts the balance of power in favor of the state and erodes the rights of private landowners. At the very least, it should be substantially amended to include:

1. Clear, legally binding definitions of affected lands;
2. Transparent criteria for negotiations and deed exchanges;
3. A guaranteed right to independent judicial review for property owners;
4. Limits on DSL's authority to unilaterally reinterpret ownership boundaries.

Respectfully, I urge the committee to reject this bill. Private property rights are a

cornerstone of our legal system, and any changes that affect ownership and use must be approached with great care, clarity, and respect for those directly impacted.

This excerpt from this bill alone should make every landowner vote every legislator proposing such an extreme takeover of property OUT OF OFFICE! This is an extreme overreach of government.

"At any point after the beginning of the study and before the board adopts a draft report under subsection (2) of this section, the department may negotiate an exchange of deeds with any property owner that would be affected by a finding that the state's interest in the waterway should extend to the current submerged and submersible lands within the waterway. In any negotiation with an affected property owner, the department shall prioritize the goal of state ownership of the current waterway and need not seek an equal exchange of property values."