

House Bill 3444

Sponsored by Representative WEIDNER; Representatives HACK, POST

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**.

Requires United States to extinguish title to public lands and transfer title to public lands to state on or before December 13, 2018.

Directs Department of State Lands to study issues related to land transfer required by Act and to report on study to Legislative Assembly on or before February 1, 2017.

Sunset report requirement on January 2, 2018.

A BILL FOR AN ACT

1
2 Relating to federal lands.

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

4 **SECTION 1. Section 2 of this 2015 Act shall be known and may be cited as the Transfer**
5 **of Public Lands Act.**

6 **SECTION 2. (1) As used in this section:**

7 (a) **"Net proceeds" means the proceeds from the sale of public lands, after subtracting**
8 **expenses incident to the sale of the public lands.**

9 (b) **"Private entity" means any nongovernmental entity, including a corporation, part-**
10 **nership, company or other legal entity, or any natural person.**

11 (c) **"Public lands" means lands within the exterior limits of the State of Oregon except:**

12 (A) **Lands to which title is held by a private entity;**

13 (B) **Lands owned or held in trust by the state or a political subdivision of the state;**

14 (C) **Public lands that are designated as part of the National Wilderness Preservation**
15 **System under the Wilderness Act of 1964, 16 U.S.C. 1131;**

16 (D) **Lands with respect to which the jurisdiction is ceded to the United States as provided**
17 **in ORS 272.020, 272.030, 272.033, 272.036, 272.040, 272.050, 272.060, 272.070, 272.075, and 390.121**
18 **(3)(b);**

19 (E) **Real property or tangible personal property owned by the United States if the prop-**
20 **erty is within the boundaries of a municipality; and**

21 (F) **Lands, including water rights, held in trust by the federal government for the benefit**
22 **of Indian tribes or individual members of Indian tribes and lands within the boundaries of**
23 **Indian reservations.**

24 (2) **On or before December 31, 2018, the United States shall extinguish title to public lands**
25 **and transfer title to public lands to the state.**

26 (3) **If the state transfers title to any public lands that the state receives title to under**
27 **subsection (2) of this section, the state shall:**

28 (a) **Retain five percent of the net proceeds that the state receives from the transfer of**
29 **title; and**

30 (b) **Pay to the United States 95 percent of the net proceeds that the state receives from**

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 the transfer of title.

2 (4) In accordance with Article VIII, section 2, of the Oregon Constitution, moneys re-
3 tained by the state under subsection (3)(a) of this section shall be deposited in the Common
4 School Fund.

5 **SECTION 3.** (1) The Department of State Lands shall conduct a study to identify actions
6 necessary to:

7 (a) Administer the transfer of title of public lands to the state required under section 2
8 of this 2015 Act;

9 (b) Assume the management of public lands transferred to the state and to address is-
10 sues related to the management of multiple uses of public lands, including but not limited
11 to the management of open space, public access to lands, local planning and the sustainable
12 yield of natural resources on public lands;

13 (c) Secure, preserve and protect the state's rights and benefits related to the United
14 States' duty to extinguish title to public lands in the event that the United States does not
15 meet the requirements of section 2 of this 2015 Act;

16 (d) Determine or create a process for determining the interests, rights or uses related
17 to the following on public lands:

18 (A) Easements;

19 (B) Geothermal resources;

20 (C) Grazing;

21 (D) Mining;

22 (E) Recreation;

23 (F) Rights of entry;

24 (G) Special uses;

25 (H) Timber;

26 (I) Water; and

27 (J) Other natural resources or other resources; and

28 (e) Establish the conditions under which the state shall cede a national park to the
29 United States, which may include but not be limited to conditions under which:

30 (A) A national park shall revert to the state;

31 (B) The interests, rights or uses described in paragraph (d) of this subsection shall be
32 retained;

33 (C) Taxes, fees or charges shall be imposed on activities conducted within a national
34 park; and

35 (D) Civil or criminal process may be served on a person who is within the boundaries of
36 a national park.

37 (2) In conducting the study required under this section, the department shall gather the
38 information necessary to establish, and shall establish, a prioritized list of management
39 actions for the state and the political subdivisions of the state to perform on public lands
40 before and after the United States extinguishes title to public lands that will serve to:

41 (A) Protect public health and safety;

42 (B) Prevent catastrophic wildfire and forest insect infestation;

43 (C) Preserve watersheds;

44 (D) Preserve and enhance energy and the production of minerals;

45 (E) Preserve and improve rangeland conditions; and

1 **(F) Increase plant diversity and reduce invasive weeds on rangeland and forestland**
2 **portions of public lands.**

3 **(3) Other areas of study that may be addressed by the department include, but are not**
4 **limited to:**

5 **(a) Procedures and requirements for subjecting public lands to property taxation;**

6 **(b) Other requirements related to national forests, national monuments, national recre-**
7 **ation areas or other public lands administered by the United States; and**

8 **(c) The indemnification of a political subdivision of the state for actions taken in**
9 **furtherance of section 2 of this 2015 Act.**

10 **(4) In conducting the study under this section, the department shall consult with other**
11 **state agencies having a common interest in the management of public lands.**

12 **(5) The department shall report the results of the study, and may include recommen-**
13 **dations for legislation, to the committees of the Legislative Assembly related to the envi-**
14 **ronment and natural resources in the manner provided under ORS 192.245 not later than**
15 **February 1, 2017.**

16 **SECTION 4.** **Section 3 of this 2015 Act is repealed on January 2, 2018.**
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