



Oregon

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State Land Board

State Land Board

Regular Meeting
February 9, 2010
Agenda Item 1c

Theodore R. Kulongoski
Governor

Kate Brown
Secretary of State

Ben Westlund
State Treasurer

SUBJECT

Request for authorization to submit 2011 legislative concepts to the Department of Administrative Services (DAS).

ISSUE

Whether the State Land Board should authorize the Department of State Lands (DSL) to submit the Department's 2011 legislative concepts to DAS for drafting in preparation for pre-session filing. The legislative concepts relate to the Department's land management and the Natural Heritage Program.

AUTHORITY

ORS 273.041; directing the Department to exercise all of the administrative functions of the State Land Board.

ORS 171.130; allowing the Governor and DAS to pre-session file certain state agency bills.

BACKGROUND

The DAS schedule for legislative concepts requires all agencies to submit their proposals to DAS for review by April 2010. DAS and the Governor's Office complete a review and forward approved concepts to Legislative Counsel (LC) for drafting. Agencies must supply final details to LC by mid-July. Agencies must submit LC drafts to DAS for final approval in early December to meet the mid-December deadline for pre-session filing. During this period, there are multiple opportunities to fine-tune or withdraw any concept. During the development and drafting of these concepts, DSL will discuss the concepts with other agencies and interest groups and refine the concepts in response to input we receive.

We also will provide updates on legislative concept development at Land Board meetings through December 2010. We intend to request the Board's approval for pre-session filing of the final concepts at the October 12, 2010 Land Board meeting.



PROPOSED AGENCY LEGISLATIVE CONCEPTS

Land Management

This concept will add in-lieu lands to the ORS Chapter 92 definition of "lawfully established unit of land." Recent land use decisions in Deschutes County affect the Department's ability to manage and develop in-lieu lands acquired from the Bureau of Land Management (BLM). Through a technicality in state subdivision law (ORS 92), some in-lieu lands may not qualify as a "lawfully established unit of land." Thus far, efforts to engage the BLM to remedy the situation have been unsuccessful. Consequently, various DSL in-lieu lands in Deschutes County have uncertain legal and development status. While all remedies are being pursued, this legislative concept would resolve the issue. Other counties are now considering this issue, as the effect may be more widespread. Deschutes County has convened an ad hoc committee of stakeholders to consider corrective legislative concepts. The Department plans to continue to work with Deschutes County, the BLM and other stakeholders.

Natural Heritage Program

This proposal would move the Natural Heritage Program to the Oregon Parks and Recreation Department (Parks Department). The Parks Department manages land for preservation and recreation, making Parks a natural location for this program. Additionally, many of the sites currently on the Natural Heritage register are state parks or natural areas managed by the Parks Department.

As currently envisioned, registration would be done through the Oregon Parks and Recreation Commission rather than the Land Board. The Natural Heritage Advisory Council would be eliminated, and replaced by authority for the director of the Parks Department to appoint a specialized advisory committee for natural heritage purposes.

Authority to receive grants for listed invertebrates under Section 6 of the federal Endangered Species Act would be transferred to the Parks Department if this legislation were successful, although this authority is not in Oregon statutes.

RECOMMENDATION

The Department recommends the Land Board authorize the agency to submit the 2011 legislative concepts to the Department of Administrative Services for drafting in preparation for pre-session filing.