

# House Bill 2888

Sponsored by Representative ESQUIVEL; Representatives GARRARD, GILMAN, HUFFMAN, G SMITH, SPRENGER, WHISNANT (at the request of Medford Irrigation District)

## 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**.

Exempts irrigation district from duty to maintain easement held by district and from civil action for failure to maintain easement.

## A BILL FOR AN ACT

1  
2 Relating to easement owner obligations; creating new provisions; and amending ORS 105.185.

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

4 **SECTION 1.** ORS 105.185 is amended to read:

5 105.185. The provisions of ORS 105.170 to 105.185:

6 (1) Apply to all easements existing on or created after January 1, 1992; and

7 (2) Do not apply to rights of way held or used by providers of public services including, but not  
8 limited to, railroad common carriers, pipeline companies, public utilities, electric cooperatives, peo-  
9 ple's utility districts, water utility districts, municipally owned utilities, [*and*] telecommunications  
10 utilities **and irrigation districts**, when used for the sole purpose of provision of service or main-  
11 taining or repairing facilities for the provision or distribution of service.

12 **SECTION 2.** (1) **The amendments to ORS 105.185 by section 1 of this 2009 Act do not re-**  
13 **lease an irrigation district from any duty or liability created by an agreement entered into**  
14 **by the district before the effective date of this 2009 Act.**

15 (2) **The amendments to ORS 105.185 by section 1 of this 2009 Act do not affect the liability**  
16 **of an irrigation district for maintenance costs that accrued before the effective date of this**  
17 **2009 Act.**

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**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.