

D R A F T

SUMMARY

Eliminates authority of irrigation districts to condemn real or personal property outside boundaries of district.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to condemnation authority of districts; creating new provisions; amending ORS 545.239; and declaring an emergency.

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

SECTION 1. ORS 545.239 is amended to read:

545.239. (1) The board of directors and its agents and employees have the right to enter upon any land in the manner provided by ORS 35.220 to make surveys and may locate the necessary irrigation or drainage works and the line for any canals and the necessary branches for the works or canals on any lands that may be considered best for such location. The board also has the right to acquire, by lease, purchase, condemnation or other legal means, all lands, water, water rights, rights of way, easements and other property, including canals and works and the whole of irrigation systems or projects constructed or being constructed by private owners, necessary for the construction, use, supply, maintenance, repair and improvement of any canals and works proposed to be constructed by the board. The board also has the right to so acquire lands, and all necessary appurtenances, for reservoirs, and the right to store water in constructed reservoirs, for the storage of needful waters, or for any other purpose reasonably necessary for the purposes of the district.

1 (2) In the acquisition of property under subsection (1) of this section, the
2 district *[has the right to]*:

3 (a) **May** acquire by condemnation property already devoted to public use
4 that is less necessary than the use for which it is required by the district,
5 whether used for irrigation or any other purpose, and any other properties
6 owned by the state or any of its departments or commissions. *[In the acqui-*
7 *sition of property or rights by condemnation, the board]*

8 (b) **May not acquire by condemnation real or personal property that**
9 **is located outside the boundaries of the district.**

10 (c) Shall proceed in the name of the district under the provisions of the
11 laws of Oregon.

12 **SECTION 2. The amendments to ORS 545.239 by section 1 of this**
13 **2015 Act apply to a condemnation for which a judgment has not been**
14 **entered on or before the effective date of this 2015 Act.**

15 **SECTION 3. This 2015 Act being necessary for the immediate pres-**
16 **ervation of the public peace, health and safety, an emergency is de-**
17 **clared to exist, and this 2015 Act takes effect on its passage.**

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