

# House Bill 3220

Sponsored by COMMITTEE ON RURAL COMMUNITIES, LAND USE, AND WATER

## 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**.

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

1  
2 Relating to condemnation authority of districts; creating new provisions; amending ORS 545.239; and  
3 declaring an emergency.

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

5 **SECTION 1.** ORS 545.239 is amended to read:

6 545.239. (1) The board of directors and its agents and employees have the right to enter upon  
7 any land in the manner provided by ORS 35.220 to make surveys and may locate the necessary ir-  
8 rigation or drainage works and the line for any canals and the necessary branches for the works  
9 or canals on any lands that may be considered best for such location. The board also has the right  
10 to acquire, by lease, purchase, condemnation or other legal means, all lands, water, water rights,  
11 rights of way, easements and other property, including canals and works and the whole of irrigation  
12 systems or projects constructed or being constructed by private owners, necessary for the con-  
13 struction, use, supply, maintenance, repair and improvement of any canals and works proposed to  
14 be constructed by the board. The board also has the right to so acquire lands, and all necessary  
15 appurtenances, for reservoirs, and the right to store water in constructed reservoirs, for the storage  
16 of needful waters, or for any other purpose reasonably necessary for the purposes of the district.

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

19 (a) **May** acquire by condemnation property already devoted to public use that is less necessary  
20 than the use for which it is required by the district, whether used for irrigation or any other pur-  
21 pose, and any other properties owned by the state or any of its departments or commissions. *[In the*  
22 *acquisition of property or rights by condemnation, the board]*

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

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

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

29 **SECTION 3.** **This 2015 Act being necessary for the immediate preservation of the public**  
30 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**  
31 **on its passage.**

**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.

