

HB 2208-1
(LC 1344)
3/2/17 (HE/ps)

Requested by Representative EVANS

**PROPOSED AMENDMENTS TO
HOUSE BILL 2208**

1 On page 2 of the printed bill, delete lines 32 through 41 and insert:

2 **“SECTION 4. (1) Except as provided in subsection (3) of this section,**
3 **when the rights of access to a public road or roads have been acquired**
4 **by the state or a local government, and the property for which the**
5 **way of necessity is sought does not retain reasonable access as a result**
6 **of the acquisition of the access rights, the governing body responsible**
7 **for acquiring the rights of access, and not the petitioner, shall bear**
8 **the liability for all compensation and costs awarded under ORS 376.175.**

9 **“(2) Subsection (1) of this section applies only if the governing body**
10 **responsible for acquiring the rights of access issues the person a cer-**
11 **tificate of acknowledgment. The certificate must include the fact that**
12 **the way of necessity sought under this section conforms with the ap-**
13 **plicable land use planning goals. A certificate of acknowledgment is-**
14 **sued under this section is not subject to ORS 215.402 to 215.438 or ORS**
15 **227.160 to 227.186.**

16 **“(3) For purposes of this section, a property does not retain rea-**
17 **sonable access if, after acquisition of the rights of access by the state**
18 **or a local government, the property does not have access to a public**
19 **road, or the existing enforceable access that remains is insufficient to**
20 **allow the development and use of the property for its primary purpose,**
21 **as determined by the applicable land use regulations.”.**

