

# House Bill 2594

Sponsored by Representative WILLIAMS (Presession filed.)

## 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**.

Requires private landowner to agree or decline to negotiate if water utility requests to negotiate acquisition by purchase or agreement of conservation easement, for purpose of protecting drinking water, over real property owned by private landowner. Provides that, if private landowner declines to negotiate or agrees to negotiate but declines offer made by water utility, Oregon Health Authority may exercise power of eminent domain to acquire conservation easement.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1 Relating to the protection of drinking water sources; and prescribing an effective date.

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

3 **SECTION 1. (1) As used in this section:**

4 (a) **"Conservation easement" means a nonpossessory interest of a holder in real property**  
5 **imposing limitations or affirmative obligations for the purpose of protecting drinking water.**

6 (b) **"Water utility" has the meaning given that term in ORS 758.300.**

7 (2) **If a water utility contacts a private landowner and requests to negotiate acquisition**  
8 **by purchase or agreement of a conservation easement over real property owned by the pri-**  
9 **ivate landowner, the private landowner shall, within 60 days, respond to the water utility by**  
10 **expressly agreeing or declining to negotiate. A private landowner that does not respond**  
11 **within 60 days shall be deemed to have declined to negotiate for purposes of this section.**

12 (3) **If a private landowner receives a request described in subsection (2) of this section**  
13 **and declines to negotiate or agrees to negotiate but declines an offer made by the water**  
14 **utility, with permission from the Director of the Oregon Health Authority, to acquire by**  
15 **purchase or agreement a conservation easement over the real property, the Oregon Health**  
16 **Authority may exercise the power of eminent domain under ORS chapter 35 to acquire a**  
17 **conservation easement over the real property.**

18 (4) **A conservation easement acquired by the authority pursuant to subsection (3) of this**  
19 **section may protect drinking water on terms determined by the authority to be in the public**  
20 **interest, including but not limited to terms that:**

21 (a) **Divert water away from the real property;**

22 (b) **Establish or increase setback requirements for vegetation near water on the real**  
23 **property; or**

24 (c) **Authorize a representative of the water utility or the authority to access water on**  
25 **the real property for water testing.**

26 (5) **Notwithstanding ORS 35.015, the authority may convey the conservation easement to**  
27 **the water utility.**

28 **SECTION 2. This 2021 Act takes effect on the 91st day after the date on which the 2021**  
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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.

1 **regular session of the Eighty-first Legislative Assembly adjourns sine die.**

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