

Senate Bill 696

Sponsored by Senator BEYER

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**.

Allows board of directors of irrigation district to deny petition for exclusion under certain circumstances.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to petitions for exclusion; creating new provisions; amending ORS 545.099; and declaring
3 an emergency.

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

5 **SECTION 1.** ORS 545.099 is amended to read:

6 545.099. (1) The owners in fee of one or more tracts of land or the holders of an uncompleted
7 title to government or state lands which constitute a portion of an irrigation district may jointly
8 or severally file with the board of directors a petition requesting that those tracts be excluded and
9 taken from the district. The petition shall state the grounds upon which it is requested that the
10 lands be excluded. The petition shall also describe the boundaries of the tracts sought to be ex-
11 cluded and the lands of the petitioners which are included within those boundaries. The description
12 of the lands need not be more particular or certain than is required when the lands are entered in
13 the assessment book by the county assessor.

14 (2) Upon receipt of a petition for exclusion, the board of directors shall review the petition and
15 shall enter its order approving **or denying** the petition. The board may:

16 (a) Approve the petition subject to the requirements of ORS 545.051, 545.097 or 545.126; [*or*
17 *may*]

18 (b) Approve the petition without conditions, as the board considers appropriate; **or**

19 (c) **Deny the petition, for administrative convenience, if the lands are not subject to, or**
20 **are no longer made subject to, the charges and assessments of the district as provided in**
21 **ORS 545.091.**

22 (3) The board, as a condition of exclusion, may require the petitioners to pay all costs of ex-
23 clusion, including but not limited to recording fees, a reasonable administrative fee and all past due
24 charges and assessments of the district attributable to the petitioners and the lands of the
25 petitioners. When any district facilities, including but not limited to ditches, pipelines, headgates or
26 other waterworks, are on the lands of the petitioners, if the petitioners propose to change the use
27 of the land, the district may require the petitioners to provide measures to protect those facilities
28 and may require that appropriate easements be provided if there are none of record.

29 **SECTION 2.** **The amendments to ORS 545.099 by section 1 of this 2005 Act apply to pe-**
30 **titions for exclusion received by the board of directors on or after the effective date of this**
31 **2005 Act.**

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 **SECTION 3. This 2005 Act being necessary for the immediate preservation of the public**
2 **peace, health and safety, an emergency is declared to exist, and this 2005 Act takes effect**
3 **on its passage.**

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