

Chapter 272

Federal Lands

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CROSS REFERENCES

Conveyances to United States of:
Irrigation district land, 545.078
Lake-bed lands, 274.510
Lands for irrigation works, 541.230
Water conservation district land, 552.270

Reclamation of desert lands, Ch. 555

272.040

Acquisition of forest lands by United States, 526.050

272.010 Eminent domain of United States to acquire title for public improvements. Whenever it is necessary for the United States to acquire title to any real property in this state belonging to any individual or corporation, for the purpose of constructing any canal, locks or any other public improvement authorized by Act of Congress and such property cannot be purchased from the owner for that purpose, any authorized agent of the United States may enter upon, examine and select a quantity of land, fully sufficient in length and breadth for such canal, locks or other public improvements, and proceed in the mode prescribed in ORS chapter 35 to have such property appropriated and the compensation therefor determined and paid.

272.020 Conveyance of site to United States for aid to navigation; jurisdiction. Whenever the United States desires to acquire title to land belonging to the state, and covered by the navigable waters of the United States, within the limits hereof, for the site of a lighthouse, beacon or other aid to navigation, and application is made by a duly authorized agent of the United States, describing the site required for one of such purposes, the Governor may convey the title to the United States, and cede to the United States jurisdiction over the same; provided, no single tract shall contain more than 10 acres. The State of Oregon shall retain concurrent jurisdiction, so far that all process, civil or criminal, issuing under the authority of the state, may be executed by the proper officers thereof upon any person amenable to the same within the limits of land so ceded, in like manner and to like effect as if this section had never been passed.

272.030 Acquisition of land for federal buildings; jurisdiction. Consent hereby is given to the United States to purchase or otherwise acquire any lands within the State of Oregon for the purpose of erecting thereon any needful public buildings, under authority of any Act of Congress. The United States may enter upon and occupy any such lands which may be purchased or otherwise acquired, and shall have the right of exclusive jurisdiction over the same except that all process, civil or criminal, issuing under authority of the laws of the State of Oregon, may be executed by the proper officers thereof upon any person amenable to the same within the limits of the land so acquired,

in like manner and to the same effect as if this section had not been passed.

272.040 Acquisition of land for national forests; retention of jurisdiction for certain purposes. (1) The legislature of the State of Oregon hereby consents, subject to the provisions of ORS 272.050, to the acquisition by the United States by purchase, gift or condemnation with adequate compensation, of such lands in the State of Oregon as in the opinion of the Government of the United States may be needed for the establishment, consolidation and extension of national forests in this state under the provisions of the Act of Congress approved March 1, 1911, and entitled "An act to enable any state to cooperate with any other state or states, or with the United States, for the protection of the watersheds of navigable streams and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended.

(2) The State of Oregon retains a concurrent jurisdiction with the United States in and over lands so acquired so far that civil processes in all cases, and such criminal processes as may issue under the authority of the State of Oregon against any person charged with the commission of any crime without or within such jurisdiction, may be executed thereon in like manner as if this consent had not been granted. The State of Oregon retains a concurrent jurisdiction to tax persons and corporations and their property and transactions on such lands so acquired; and retains concurrent jurisdiction for the purpose specified in ORS 376.505 to 376.540, subject, however, to such modification as to the detailed location of any right of way as may be necessary to protect the interests of the United States.

272.050 Board of Forest Conservation and county court to approve acquisition for national forest. Acquisition authorized under ORS 272.040 shall be contingent on the approval of the Oregon Board of Forest Conservation which hereby is created. It shall consist of the Governor, the State Forester, the chairman of the State Tax Commission and two other members to be appointed by the Governor from the county judges in office in counties of this state containing at least 400,000 acres of forest land. Before approval by such board of the acquisition of any tract, the consent of the county court of the county wherein such tract or any

portion thereof is situated must be given by an order duly made and entered in the records of such court and a certified copy thereof transmitted to the board.

272.060 Acquisition of land for federal migratory bird refuge; jurisdiction. For the purpose of more effectively cooperating with the United States in the acquisition, development and maintenance of refuges for migratory wild fowl as provided in an Act of Congress approved February 18, 1929, commonly known as the Migratory Bird Conservation Act, permission hereby is granted to the United States, to acquire by purchase, gift or lease, lands and waters within the State of Oregon, which the Secretary of Agriculture of the United States may deem necessary and suitable for the purposes provided in such Act. Jurisdiction of the State of Oregon, both civil and criminal, over persons upon areas acquired under this section shall not be affected or changed by reason of their acquisition and administration by the United States as migratory bird reservations, except so far as the punishment of offenses against the United States is concerned. Nothing in this section is intended to interfere with the operation of the game laws of the State of Oregon applying to migratory game birds in so far as they do not permit what is forbidden by federal law.

272.070 Jurisdiction over territory of Crater Lake National Park. Exclusive jurisdiction hereby is ceded to the United States over all the territory which is now or hereafter included in that tract of land in the State of Oregon set aside by an Act of Congress, approved May 22, 1902, entitled "An act reserving from the public lands in the state of Oregon, as a public park for the benefit of the people of the United States, and for the protection and preservation of the

game, fish, timber and all other natural objects therein, a tract of land herein described, and so forth" for the purposes of a national park, known and designated as Crater Lake National Park. However, the State of Oregon retains the right to serve civil or criminal process within the limits of the aforesaid park in any suits or prosecution for or on account of rights acquired, obligations incurred or crimes committed in the state but outside of said park; and further retains the right to tax persons and corporations, their franchises and property on lands included in said park.

272.080 Jurisdiction over Fort Stevens. Exclusive jurisdiction hereby is ceded to the United States over the military reservation of Fort Stevens, situated on Point Adams, in Clatsop County of this state; provided, that all process, civil or criminal, issued under authority of the laws of the State of Oregon may be executed by the proper officers thereof upon any person amenable to the same within the limits of such military reservation, in like manner and to the same effect as if this section had not been passed.

272.090 Acquisition of Oregon City canal by United States; jurisdiction. Consent hereby is given to the United States to acquire the premises and property described in the preamble of chapter 77, Oregon Laws 1913 (Oregon City canal area). The United States may enter upon and use and occupy such lands and premises and shall have the right of exclusive jurisdiction over the same; provided, that all process, civil or criminal, issuing under authority of the laws of the State of Oregon, may be executed by an officer thereof, upon any person amenable to the same within the limits of such lands and premises, and in like manner and to the same effect as if this section had not been passed.