



# Oregon

Tina Kotek, Governor

## Water Resources Department

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### MEMORANDUM

**TO:** Water Resources Commission

**FROM:** Bryn Hudson, Legislative Coordinator  
Lisa Snyder, Administrative Services Division Administrator  
Danielle Gonzalez, Policy Manager

**SUBJECT:** Agenda Item B, June 15, 2023  
Water Resources Commission

### 2023 Legislative Session Update

#### I. Introduction

During this informational report, staff will provide an update on the 2023 Legislative Session.

#### II. Background

Department staff will brief the Commission with the most up-to-date information on legislation and budget items during the meeting. Information about the 2023 Legislative Session is online at [www.oregonlegislature.com](http://www.oregonlegislature.com) and then clicking on the OLIS icon.

May 19 was the last day for measures to move out of second chamber committees; however, deadlines do not apply to measures in the Ways and Means, Revenue, and Rules Committees. See attachment 1 for the status of water-related legislation as of May 22. The Department will not know the full scope of its budget until the end of session; however, staff will provide an overview of what is known about the budget during the meeting.

#### III. Conclusion

The Constitutional Sine Die deadline for adjournment is June 25. Staff will keep the Commission apprised of important developments through the end of the Session.

#### Attachments:

1. Status of water-related legislation

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Bill Number	Relating To	Bill Summary	Current Committee
<a href="#">HB 2206 A</a>	Relating to the creation of credits for the restoration of salmon habitat; prescribing an effective date.	Directs Department of State Lands, in consultation with State Department of Fish and Wildlife, to develop salmon credit pilot program to encourage voluntary restoration of salmonid habitat in Coquille and Coos watershed basins.	Ways and Means (J)
<a href="#">HB 2647 A</a>	Relating to water quality.	Declares harmful algal blooms to be menace to public health and welfare.	Ways and Means (J)
<a href="#">HB 2765</a> <a href="#">INTRO</a>	Relating to treated wastewater discharged by the South Suburban Sanitary District; declaring an emergency.	Grants to South Suburban Sanitary District exclusive right to use and sell treated wastewater discharged by district into Klamath River or tributaries.	Rules (H)
<a href="#">HB 2813 A</a>	Relating to sources of drinking water; prescribing an effective date.	Directs Oregon Watershed Enhancement Board to establish grant program to provide grants to water suppliers to protect, restore or enhance sources of drinking water.	Ways and Means (J)
<a href="#">HB 2867 A</a>	Relating to desalination; prescribing an effective date.	Establishes Task Force on Desalination.	Ways and Means (J)
<a href="#">HB 2929 A</a>	Relating to the enforcement of water laws.	Authorizes Water Resources Department to seek injunctive relief if person has engaged, or is about to engage, in activity that is or will be violation of certain water laws.	Natural Resources (S)
<a href="#">HB 2971 A</a>	Relating to voluntary in-stream leasing of water rights; prescribing an effective date.	Provides that specially assessed irrigated farmland may not be disqualified from special assessment if landowner has active in-stream lease for water rights appurtenant to such irrigated farmland and farmland is being used according to accepted farming practices that are mode of operation customarily utilized in conjunction with farm use.	Revenue (H)
<a href="#">HB 3097 EN</a>	Relating to certificates to use water for hydroelectric purposes within an artificial delivery system.	Provides that municipal corporation or people's utility district may apply for certificate to use water for hydroelectric purposes within piped conduit in artificial delivery system that is delivering water for municipal uses even if municipal corporation or people's utility district is not holder of underlying municipal water right, with permission of holder of underlying municipal water right.	

<a href="#">HB 3099 A</a>	Relating to the Chewaucan River watershed; prescribing an effective date.	Instructs Oregon Consensus at Portland State University and Oregon State University to establish process related to water management in Chewaucan River watershed.	Ways and Means (J)
<a href="#">HB 3100 A</a>	Relating to the integrated state water resources strategy.	Establishes certain requirements concerning integrated state water resources strategy.	Ways and Means (J)
<a href="#">HB 3103 A</a>	Relating to technical assistance for agricultural water management.	Directs Oregon State University Extension Service and Oregon State University Agricultural Experiment Station to establish agricultural water management technical assistance program.	Ways and Means (J)
<a href="#">HB 3124 INTRO</a>	Relating to drought.	Requires Water Resources Department to study drought.	Rules (H)
<a href="#">HB 3130 A</a>	Relating to voluntary agreements among ground water users; declaring an emergency.	Appropriates moneys to Water Resources Department to fund staff position and allocate moneys for purposes related to voluntary agreements among ground water users in Greater Harney Valley Groundwater Area of Concern.	Ways and Means (J)
<a href="#">HB 3163 A</a>	Relating to a water planning fund; declaring an emergency.	Establishes Place-Based Water Planning Fund.	Ways and Means (J)
<a href="#">HB 3164 EN</a>	Relating to the leasing of water rights for split use.	Makes permanent provisions conditionally allowing water right lease to split use of water between existing water right and in-stream water right within same year.	
<a href="#">HB 3187 A</a>	Relating to water right examiners.	Makes individuals who possess relevant technical experience and are employed seven or more years by certain types of districts, and certain types of registered professionals, eligible to apply for certification as water right examiners.	Natural Resources (S)
<a href="#">HB 3207 A</a>	Relating to wells that supply ground water for domestic purposes.	Amends reporting requirements for real estate transaction sampling of domestic wells to require labs conducting tests to submit results to Department of Environmental Quality.	Ways and Means (J)
<a href="#">HB 3211 A</a>	Relating to water right certificates that authorize the storage of water for municipal use; declaring an emergency.	Authorizes holder of certain water right certificates that authorize storage of water for municipal use to change authorized point of diversion and place of use without losing priority of right under specified circumstances.	

<a href="#">HB 3222</a> <a href="#">INTRO</a>	Relating to water in Harney County; declaring an emergency.	Appropriates moneys from General Fund to Oregon Department of Administrative Services for distribution to High Desert Partnership for specified purposes.	Ways and Means (J)
<a href="#">HB 3231 A</a>	Relating to the development of resources to improve water reuse implementation in Oregon; prescribing an effective date.	Directs Department of Environmental Quality, in consultation with Water Resources Department, to develop recommendations and other resources to expand beneficial water reuse or recycled water programs or projects in state.	Ways and Means (J)
<a href="#">HB 3321 A</a>	Relating to community water systems.	Directs Oregon Department of Administrative Services to enter into contract with Oregon Association of Water Utilities to perform, or enter into contract with third party to perform, study of needs and vulnerabilities of small and very small community water systems, design and construct water utility training center and hire three staff to provide related support and resources.	Ways and Means (J)
<a href="#">HB 3343 A</a>	Relating to sustainable management of ground water; declaring an emergency.	Modifies qualifications for water well constructor's license.	
<a href="#">HB 3346 A</a>	Relating to protests of decisions concerning water; declaring an emergency.	Instructs Water Resources Department to take certain actions concerning backlog of protests of decisions concerning water rights and transfers and submit report on backlog to committees or interim committees of Legislative Assembly related to water no later than December 31, 2024.	Ways and Means (J)
<a href="#">HB 3349 A</a>	Relating to infrastructure; declaring an emergency.	Directs Higher Education Coordinating Commission to enter into agreement with Oregon Solutions at Portland State University to develop infrastructure funding readiness hub and enter into agreements with specified organizations to perform functions of funding navigator.	Ways and Means (J)
<a href="#">HB 3365 A</a>	Relating to district water management flexibility in Deschutes Basin; declaring an emergency.	Authorizes certain Deschutes Basin irrigation districts to temporarily allow change of place of use of water, or change in point of diversion, within Deschutes Basin irrigation districts.	Rules (H)

<a href="#">HB 3575 A</a>	Relating to water supply development projects.	Instructs Water Resources Commission to make funding decisions for loans and grants awarded from Water Supply Development Account at least twice each year.	Ways and Means (J)
<a href="#">HB 5030 INTRO</a>	Relating to lottery bonds; declaring an emergency.	Modifies amount of lottery bonds authorized to be issued for specified state agencies.	Ways and Means (J)
<a href="#">HB 5043 INTRO</a>	Relating to the financial administration of the Water Resources Department; declaring an emergency.	Appropriates moneys from General Fund to Water Resources Department for biennial expenses.	Ways and Means (J)
<a href="#">HB 5045 EN</a>	Relating to state financial administration; and declaring an emergency.	Modifies certain appropriations from General Fund to specified state agencies and Emergency Board for biennium ending June 30, 2023.	
<a href="#">SB 85 INTRO</a>	Relating to confined animal feeding operations.	Requires State Department of Agriculture to study confined animal feeding operations.	Rules (S)
<a href="#">SB 183 A</a>	Relating to the military.	Establishes Purple Star School Program within Department of Education to recognize schools that provide certain support services to military-connected students.	Ways and Means (J)
<a href="#">SB 326 A</a>	Relating to cannabis; declaring an emergency.	Requires owner of real property where site of unlawful manufacture of marijuana or unlawful production of marijuana is located to clean up waste from site upon receipt of notification from law enforcement agency.	
<a href="#">SB 398 INTRO</a>	Relating to confined animal feeding operations; prescribing an effective date.	Requires State Department of Agriculture to study confined animal feeding operations.	Rules (S)
<a href="#">SB 455 A</a>	Relating to the recharging of aquifers; declaring an emergency.	Directs Oregon Business Development Department to establish and administer grant program for aquifer recharge due diligence and forgivable loan program for aquifer recharge testing.	Ways and Means (J)
<a href="#">SB 718 A</a>	Relating to drought effects on the forfeiture of water rights.	Provides that year in which Governor declares that drought exists, or is likely to exist, within county does not count toward period of time for forfeiture of water right for nonuse for holder of water right within county.	Agriculture, Land Use, Natural Resources, and Water (H)

<a href="#">SB 766 A</a>	Relating to cannabis; declaring an emergency.	Directs Oregon Criminal Justice Commission to award noncompetitive grants through Illegal Marijuana Market Enforcement Grant Program to Department of State Police for specified purposes related to unlawful marijuana cultivation or distribution operations.	Ways and Means (J)
<a href="#">SB 954 A</a>	Relating to crime; declaring an emergency.	Allows circuit court judge to authorize execution of search warrant outside judicial district for interrelated conduct carried on in more than one county.	
<a href="#">SB 956 A</a>	Relating to the Walla Walla River Basin.	Instructs Water Resources Department to take certain actions related to Walla Walla Water 2050 Strategic Plan.	Ways and Means (J)
<a href="#">HB 2112 EN</a>	Relating to public records.	Updates definitions and terminology used in public records law pertaining to records retention.	
<a href="#">HB 2221 INTRO</a>	Relating to declarations of emergency; prescribing an effective date.	Limits declaration of state of emergency to 30 days duration, unless extended by Legislative Assembly for additional 30 days.	Rules (H)
<a href="#">HB 2399 INTRO</a>	Relating to declarations of emergency; prescribing an effective date.	Requires that declarations and extensions of states of emergency under certain statutes be accompanied by written explanations.	Rules (H)
<a href="#">HB 2407 INTRO</a>	Relating to the Governor's emergency powers authority; prescribing an effective date.	Limits Governor's ability to exercise authority conferred on Governor during declared state of emergency to no more than 60 days' duration, unless Legislative Assembly authorizes continued state of emergency.	Rules (H)
<a href="#">HB 2650 A</a>	Relating to groups assembled to discuss policy.	Establishes requirements for work groups and task forces established by statute or member of Legislative Assembly.	Ways and Means (J)
<a href="#">HB 2805 INTRO</a>	Relating to public meetings; prescribing an effective date.	Provides that use of serial electronic written communication or use of intermediaries to communicate may constitute meeting of governing body subject to public meetings law if other specified conditions are satisfied.	Ways and Means (J)
<a href="#">HB 2806 A</a>	Relating to public meetings; declaring an emergency.	Authorizes governing body of public body to meet in executive session to consider matters relating to safety of governing body, public body staff and public body volunteers and to security of public body facilities and meeting spaces, and relating to cyber security infrastructure and responses to cyber security threats.	

<a href="#">HB 3003 INTRO</a>	Relating to a tax credit for energy produced using western juniper biomass; prescribing an effective date.	Creates income or corporate excise tax credit for electric utility that purchases electricity produced using a fuel source that is at least 50 percent qualifying western juniper biomass.	Tax Expenditures (J)
<a href="#">HB 3016 A</a>	Relating to green infrastructure; declaring an emergency.	Establishes Community Green Infrastructure Grant Program.	Ways and Means (J)
<a href="#">HB 3111 EN</a>	Relating to public records; and declaring an emergency.	Exempts from public disclosure personal information of employees and retirees maintained by retirement system operated by local government.	
<a href="#">SB 11 A</a>	Relating to public meetings of state government entities.	Requires certain executive department boards or commissions that conduct public meetings through electronic means to record and promptly publish recording on website or hosting service so that public may observe or listen to meetings free of charge.	
<a href="#">SB 22 INTRO</a>	Relating to declarations of emergency; declaring an emergency.	Requires that declarations and extensions of states of emergency under certain statutes be accompanied by written explanations.	Rules (S)
<a href="#">SB 39 INTRO</a>	Relating to administrative rules.	Requires agency to report to appropriate committee or interim committee of Legislative Assembly before permanently amending rule that was adopted or last amended less than five years earlier.	Rules (S)
<a href="#">SB 40 INTRO</a>	Relating to administrative law.	Requires agency to provide technical and legal documentation supporting statement of need required in notice of rulemaking.	Rules (S)
<a href="#">SB 41 INTRO</a>	Relating to administrative law; prescribing an effective date.	Creates Task Force on Regulatory Efficiency.	Rules (S)
<a href="#">SB 42 INTRO</a>	Relating to administrative rules.	Modifies provisions relating to fiscal impact statements for administrative rules.	Rules (S)
<a href="#">SB 43 INTRO</a>	Relating to administrative law.	Requires agencies to post certain information about rulemaking on agency websites.	Rules (S)
<a href="#">SB 160 INTRO</a>	Relating to public records.	Requires certain public bodies to reduce public records request fees by 40 percent if request is made in public interest.	Rules (S)

<a href="#">SB 417 INTRO</a>	Relating to public records fees.	Directs public bodies to perform search, review and duplication work in responding to public records requests in least expensive manner reasonably possible.	Rules (S)
<a href="#">SB 522 A</a>	Relating to the Oregon Global Warming Commission.	Changes name of "Oregon Global Warming Commission" to "Oregon Climate Action Commission." Modifies membership and duties of commission.	Ways and Means (J)
<a href="#">SB 640 INTRO</a>	Relating to declarations of emergency.	Establishes durational limits for states of emergency declared under certain statutes.	Rules (S)
<a href="#">SB 709 INTRO</a>	Relating to public meetings.	Modifies public meeting notice requirements for meetings held in executive session.	Rules (S)
<a href="#">SB 723 INTRO</a>	Relating to administrative rules.	Requires agency, upon written request of 10 members of Legislative Assembly objecting to rule, to appear before appropriate committee or interim committee of Legislative Assembly for hearing on rule.	Rules (S)
<a href="#">SB 732 INTRO</a>	Relating to legislative approval of administrative rules; prescribing an effective date.	Modifies existing administrative rule review process to require legislative approval of newly adopted administrative rules in order for rules to take effect.	Rules (S)
<a href="#">SB 1004 INTRO</a>	Relating to administrative rules.	Provides that state agency may not adopt rules without statutory authority.	Rules (S)
<a href="#">SB 1008 INTRO</a>	Relating to administrative rules.	Requires Legislative Policy and Research Office to study methods for legislative oversight of administrative rules.	Rules (S)
<a href="#">SJR 18 INTRO</a>	Proposing amendment to Oregon Constitution relating to administrative rules.	Proposes amendment to Oregon Constitution to allow Legislative Assembly, by adoption of joint resolution, to repeal administrative rule or amendment of administrative rule adopted by executive branch agency.	Rules (S)
<a href="#">SJR 21 INTRO</a>	Proposing amendment to Oregon Constitution relating to legislative review of administrative rules.	Proposes amendment to Oregon Constitution to allow Legislative Assembly to require that each administrative rule or amendment of administrative rule adopted by executive branch agency be approved by Legislative Assembly before taking effect.	Rules (S)
<a href="#">HB 2236 INTRO</a>	Relating to greenhouse gas regulation; prescribing an effective date.	Prohibits Governor and specified state agencies from taking measures to reduce greenhouse gas emissions in Oregon unless authorized by Legislative Assembly by law enacted on or after effective date of Act.	Rules (H)



<a href="#">HB 2480</a> <a href="#">INTRO</a>	Relating to approval of state agency fees by Legislative Assembly.	Specifies that new or increased fees adopted by state agency do not become effective unless approved by three-fifths of each chamber of the Legislative Assembly.	Rules (H)
<a href="#">HB 3125</a> <a href="#">INTRO</a>	Relating to water utility ratepayer assistance.	Establishes Public Drinking Water and Sewer Ratepayer Assistance Fund.	Ways and Means (J)
<a href="#">HB 3142 A</a>	Relating to western juniper; declaring an emergency.	Directs Oregon Department of Administrative Services to provide grants to counties and soil and water conservation districts for treatment of western juniper.	Ways and Means (J)
<a href="#">HB 3181 A</a>	Relating to renewable energy development; declaring an emergency.	Directs State Department of Energy and Department of Land Conservation and Development to establish Finding Opportunities and Reducing Conflict in Energy Siting process to identify locations best suited to site renewable energy or transmission development and ways to streamline or expedite siting process for renewable energy or transmission development.	Ways and Means (J)
<a href="#">HB 3195 EN</a>	Relating to eligibility for financial assistance from the Water Pollution Control Revolving Fund.	Modifies definition of "public agency" for purposes of eligibility for financial assistance from Water Pollution Control Revolving Fund by removing requirement that agency be authorized to construct water pollution control facilities.	
<a href="#">HB 3196 A</a>	Relating to fees paid by community climate investment entities.	Authorizes Environmental Quality Commission to establish by rule fee to be paid by community climate investment entities.	Ways and Means (J)
<a href="#">HB 3208 A</a>	Relating to fees associated with water quality programs administered by the Department of Environmental Quality.	Authorizes Environmental Quality Commission to annually adjust, by up to three percent, fees associated with water quality programs administered by Department of Environmental Quality.	
<a href="#">HB 3217</a> <a href="#">INTRO</a>	Relating to environmental justice in land use planning.	Requires that statewide land use planning goal relating to citizen involvement incorporate environmental justice practices.	Agriculture, Land Use, Natural Resources, and Water (H)
<a href="#">HB 3366</a> <a href="#">INTRO</a>	Relating to Oregon agricultural heritage programs; declaring an emergency.	Appropriates moneys to Oregon Watershed Enhancement Board for deposit in Oregon Agricultural Heritage Fund for hiring related to Oregon agricultural heritage programs.	Ways and Means (J)

<a href="#">HJR 11 INTRO</a>	Proposing amendment to Oregon Constitution relating to requiring two-thirds majority vote to pass bills declaring emergency.	Proposes amendment to Oregon Constitution to require two-thirds majority vote in favor in each chamber of Legislative Assembly to pass bills declaring emergency.	Rules (H)
<a href="#">HJR 14 INTRO</a>	Proposing amendment to Oregon Constitution relating to early implementation dates.	Proposes amendment to Oregon Constitution to replace term "declaration of emergency" with term "early implementation date" in those bills that Legislative Assembly determines need to go into effect earlier than 91st day following adjournment sine die of session at which bills are enacted.	Rules (H)
<a href="#">SB 510 INTRO</a>	Relating to the Public Records Advocate; prescribing an effective date.	Directs Public Records Advocate to estimate biennial costs to carry out duties of advocate and to allocate and assess costs among public bodies of state government.	
<a href="#">SB 538 A</a>	Relating to state agencies' acceptance of credit cards as payment.	Provides that state agency that accepts or collects payment by means of credit card or debit card may add fee or surcharge to sum of payment in amount that is reasonably calculated to offset amounts charged to or withheld from state agency for accepting credit card or debit card as payment.	
<a href="#">SB 660 INTRO</a>	Relating to approval of state agency fees by Legislative Assembly; declaring an emergency.	Specifies that new or increased fees adopted by state agency do not become effective unless approved by Legislative Assembly by law.	Rules (S)
<a href="#">SB 835 A</a>	Relating to subsurface sewage disposal.	Directs Environmental Quality Commission to adopt rules setting forth conditions for approving proposal to permanently connect accessory dwelling unit located on same lot or parcel as single-family dwelling to same subsurface sewage disposal system or alternative sewage disposal system.	Ways and Means (J)
<a href="#">SB 852 INTRO</a>	Relating to State Department of Energy program to provide assistance to environmental justice communities.	Directs State Department of Energy to establish program to provide assistance related to energy projects and activities to environmental justice communities.	Ways and Means (J)

<a href="#">SB 931 A</a>	Relating to sewage disposal system permits; prescribing an effective date.	Directs Environmental Quality Commission to adopt rules for determining whether community or area-wide sewerage system will accommodate proposed sewage discharge for purposes of sewage disposal system construction permit.	Ways and Means (J)
<a href="#">SB 1006 A</a>	Relating to the impacts of sediment on the Rogue River; prescribing an effective date.	Appropriates moneys from General Fund to Oregon Department of Administrative Services for distribution to Umpqua Fishery Enhancement Derby to facilitate salmonid habitat restoration projects .	Ways and Means (J)
<a href="#">SJR 1 INTRO</a>	Proposing amendment to Oregon Constitution relating to votes necessary to pass bills for raising revenue.	Proposes amendment to Oregon Constitution to require two-thirds majority vote in each chamber of Legislative Assembly to pass bills for raising revenue.	Rules (S)
<a href="#">SJR 5 INTRO</a>	Proposing amendment to Oregon Constitution relating to the declaration of an emergency in bills.	Proposes amendment to Oregon Constitution to require two-thirds majority vote in favor in each chamber of Legislative Assembly to pass bills declaring emergency.	Rules (S)
<a href="#">SJR 12 INTRO</a>	Proposing amendment to Oregon Constitution relating to Senate confirmation of appointments.	Proposes amendment to Oregon Constitution to prohibit holders of appointed offices that require Senate confirmation from holding over beyond conclusion of term of office or four years in office, whichever is less, unless Senate confirms appointed officer for succeeding term of office or succeeding four-year period.	Rules (S)