



Oregon

Kate Brown, Governor

Water Resources Department

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MEMORANDUM

TO: Water Resources Commission

FROM: Racquel Rancier, Policy Manager,
Bryn Hudson, Water Policy Analyst

SUBJECT: Agenda Item D, June 3, 2021
Water Resources Commission Meeting

Legislative and Budget Update

I. Introduction

During this informational report, staff will provide an update on the 2021 Legislative Session.

II. Updates on the 2021 Legislative Session

Given the quickly changing nature of legislative issues, Department staff will brief the Commission with the most up-to-date information on legislation and budget items during the meeting. Information about the 2021 Legislative Session can also be viewed online at www.oregonlegislature.com by clicking on the OLIS icon.

May 28 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 mid-May, the Department's five bills are still alive. House Bill 2144 relating to transfers of stored water died in the first chamber policy committee. Senate Bill 130, relating to extending the Irrigation District Pilot Project, passed both chambers and was awaiting the Governor's signature. The following three Department bills were in the Ways and Means Committee:

- HB 2142: Water Rights Transactions and Dam Safety Fees
- HB 2143: Hydroelectric Fee Structure
- HB 2145: Modernizing Well Construction Program to Protect Groundwater

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III. Conclusion

The Constitutional Sine Die deadline for adjournment is June 27. Staff will keep the Commission apprised of important developments through the end of the Session.

Attachments:

1. Bill Tracker Report

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Report as of 5/24/2021

Bill Number	Relating To	Bill Summary (Shortened - See Link for Full)	Current Committee	Last Action
HB 2018 A	Relating to assessment of ground water resources.	Instructs Water Resources Department to enter into agreement with United States Geological Survey to produce and publish ground water budgets for all major hydrologic basins in this state, contract for person to produce report on statewide consumptive water use, expand ground water level monitoring network, measure progress in estimating and monitoring ground water levels, recharge and use and ensure that department staff members serve as community engagement coordinators.	Ways and Means (J)	04/08/21 - Referred to Ways and Means by order of Speaker.
HB 2142 INTRO	Relating to fees charged by the Water Resources Department; declaring an emergency.	Increases certain fees charged by Water Resources Department.	Ways and Means (J)	04/15/21 - Referred to Ways and Means by prior reference.
HB 2143 A	Relating to annual fees for hydroelectric projects; prescribing an effective date.	Changes annual fees for all power claimants to match annual fees for other hydroelectric projects.	Ways and Means (J)	04/15/21 - Referred to Ways and Means by prior reference.
HB 2145 A	Relating to the performance of work on wells.	Establishes Water Well Abandonment, Repair and Replacement Fund.	Ways and Means (J)	04/07/21 - Referred to Ways and Means by prior reference.
HB 2167 A	Relating to state entities.	Creates Racial Justice Council within Office of Governor.	Ways and Means (J)	05/05/21 - Referred to Ways and Means by order of Speaker.
HB 2244 A	Relating to orders issued by the Water Resources Commission or Water Resources Department for which judicial review is pending.	Provides that, if Water Resources Commission or Water Resources Department denies stay of final order under certain circumstances and petitioner requests hearing on denial, court must hold hearing not more than 21 days after request is made and denial shall remain in effect until hearing has been held and court has issued decision concerning denial.	Natural Resources and Wildfire Recovery (S)	05/24/21 - Public Hearing and Work Session scheduled.
HB 2251 A	Relating to regional water management; declaring an emergency.	Directs Water Resources Department to provide staff support to work through complex water basin issues and help implement agency priorities in priority water basins.	Ways and Means (J)	04/15/21 - Referred to Ways and Means by prior reference.

HB 2257 A	Relating to voluntary reduction of ground water use; declaring an emergency.	Appropriates moneys to Water Resources Department for purposes of facilitating enrollment of lands in Harney Basin in federal Conservation Reserve Enhancement Program, funding hydrologist position and measuring ground water levels in Harney Basin.	Ways and Means (J)	04/01/21 - Referred to Ways and Means by prior reference.
HB 2298 EN	Relating to voluntary stream restoration; and declaring an emergency.	Directs State Department of Fish and Wildlife to adopt by rule and administer program for authorizing voluntary projects for stream restoration and habitat improvement through construction of environmental restoration weirs.		05/21/21 - Governor signed.
HB 2779 INTRO	Relating to clustered resource dwellings.	Authorizes counties to allow contiguous clustered nonresource dwellings on clustered development tract in lieu of approval of individual nonresource dwellings on exclusive farm use or forest lands.	Rules (H)	01/19/21 - Referred to Rules.
HB 2851 A	Relating to emergency management; declaring an emergency.	Appropriates moneys from General Fund to specified state agencies for specified purposes related to emergency management for biennium beginning July 1, 2021.	Ways and Means (J)	04/13/21 - Referred to Ways and Means by order of Speaker.
HB 3091 A	Relating to transfers of stored water; declaring an emergency.	Authorizes certain persons to petition Water Resources Department to issue declaratory ruling concerning department's authority to approve application to transfer right to store water.	Ways and Means (J)	04/16/21 - Referred to Ways and Means by prior reference.
HB 3092 A	Relating to ground water levels; prescribing an effective date.	Requires Water Resources Department to establish program for purpose of sharing cost of remediating reductions in amount of ground water available for domestic personal use in Greater Harney Valley Groundwater Area of Concern due to overallocation of ground water .	Ways and Means (J)	04/02/21 - Referred to Ways and Means by prior reference.
HB 3103 A	Relating to water uses.	Authorizes holder of water right certificate that allows storage of water to change type of use of water, subject to certain requirements.	Ways and Means (J)	04/16/21 - Referred to Ways and Means by order of Speaker.
HB 3104 EN	Relating to correction of erroneous material in Oregon law.	Makes nonsubstantive and technical changes in Oregon law.		05/19/21 - President signed.

HB 3105 A	Relating to a place-based integrated water resources strategy; prescribing an effective date.	Appropriates moneys to Water Resources Department to assist with completion of place-based integrated water resources strategy, to periodically update place-based integrated water resources strategy to inform updates to state integrated water resources strategy or to facilitate implementation of place-based integrated water resources strategy.	Ways and Means (J)	04/01/21 - Referred to Ways and Means by prior reference.
HB 3166 A	Relating to water.	Makes certain findings and declarations concerning water budgets and water use data.	Rules (H)	04/19/21 - Referred to Rules by order of Speaker.
HB 3197 A	Relating to cannabis; prescribing an effective date.	Requires marijuana testing laboratory employee to obtain worker permit from Oregon Liquor Control Commission.	Ways and Means (J)	03/29/21 - Referred to Ways and Means by prior reference.
HB 3293 EN	Relating to water project community engagement.	Authorizes provider of water project support to make support available to local organizations and local governments for purpose of developing local community engagement plans for water projects.		05/20/21 - Speaker signed.
SB 130 EN	Relating to delaying the sunset of a pilot project regarding temporary transfers of place of use within an irrigation district.	Delays sunset for pilot program allowing participating irrigation districts to change place of use for water within district boundaries without applying for temporary transfer.		05/17/21 - Governor signed.
SB 286 A	Relating to environmental justice; prescribing an effective date.	Renames Environmental Justice Task Force as Environmental Justice Council.	Ways and Means (J)	04/02/21 - Referred to Ways and Means by order of the President.
SB 289 A	Relating to environmental equity.	Prohibits person convicted of bias crime committed while on state waters or publicly owned outdoor recreation land from entering area under jurisdiction of State Parks and Recreation Department.	Judiciary (H)	05/25/21 - Work Session scheduled.
SB 391 A	Relating to accessory dwelling units in rural residential areas; declaring an emergency.	Authorizes county to allow owner of lot or parcel within rural residential zone to construct one accessory dwelling unit on lot or parcel, subject to certain restrictions.	Housing (H)	05/25/21 - Work Session scheduled.

SB 5534 INTRO	Relating to lottery bonds; declaring an emergency.	Increases amount of lottery bonds authorized to be issued for Oregon Business Development Department and Housing and Community Services Department.	Ways and Means (J)	05/07/21 - Public Hearing held.
SB 5545 INTRO	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)	03/22/21 - Public Hearing held.
SCR 17 INTRO	Establishing environmental justice framework of principles for State of Oregon.	Establishes environmental justice framework of principles for State of Oregon.	Energy and Environment (H)	05/24/21 - Work Session scheduled.
HB 2222 INTRO	Relating to public meetings.	Modifies definition of "meeting" for purposes of public meetings law to state that meeting may occur without regard to location or stated purpose for which members of governing body convene.	Rules (H)	01/19/21 - Referred to Rules.
HB 2224 INTRO	Relating to public records; prescribing an effective date.	Limits amount public body may charge for public employee time for responding to public records request.	Rules (H)	01/19/21 - Referred to Rules.
HB 2238 INTRO	Relating to private property during emergency.	Clarifies Governor's authority to use property during emergency.	Rules (H)	01/19/21 - Referred to Rules.
HB 2249 INTRO	Relating to administrative rules.	Expands definition of "rule" for purposes of Administrative Procedures Act.	Rules (H)	01/19/21 - Referred to Rules.
HB 2345 INTRO	Relating to a rural service center for economic development; declaring an emergency.	Requires Oregon Business Development Department to distribute moneys in Oregon Rural Capacity Fund to Oregon's Economic Development Districts for purpose of assisting rural jurisdictions to apply for and administer grants and other forms of funding available from any source.	Ways and Means (J)	03/17/21 - Referred to Ways and Means by prior reference.
HB 2353 INTRO	Relating to agency rulemaking.	Requires agency to include in rulemaking notice statement identifying how adoption of rule will affect racial equity.	Rules (H)	03/02/21 - Public Hearing held.
HB 2386 INTRO	Relating to independent scientific review.	Creates Oregon Independent Science Review Board.	Ways and Means (J)	04/06/21 - Referred to Ways and Means by prior reference.

HB 2416 INTRO	Relating to cannabis business practices; prescribing an effective date.	Directs State Department of Agriculture to advance design of cannabis business certification program.	Ways and Means (J)	03/11/21 - Referred to Ways and Means by prior reference.
HB 2422 INTRO	Relating to administrative rules.	Directs court that declares administrative rule invalid to award reasonable attorney fees to petitioner.	Rules (H)	01/19/21 - Referred to Rules.
HB 2459 A	Relating to video conferencing.	Includes in definition of "conversation" communication occurring through video conferencing program for purposes of statutes regulating recording of communications.	Judiciary and Ballot Measure 110 Implementation (S)	05/24/21 - Work Session scheduled.
HB 2485 INTRO	Relating to public records; declaring an emergency.	Requires state agencies to reduce public records request fees by 50 percent if request is made in public interest, and requires state agencies to entirely waive fees if public records request is in public interest and narrowly tailored.	Rules (H)	03/18/21 - Work Session held.
HB 2486 INTRO	Relating to access to emergencies; declaring an emergency.	Requires, on or after October 1, 2021, officials of public bodies to grant news media representatives access to scenes of emergencies or emergency police activity that are otherwise closed to public.	Rules (H)	05/11/21 - Public Hearing held.
HB 2488 A	Relating to addressing climate justice through land use planning; declaring an emergency.	Requires that statewide land use planning goal relating to citizen involvement address participation and engagement for disadvantaged groups.	Ways and Means (J)	04/15/21 - Referred to Ways and Means by prior reference.
HB 2520 A	Relating to the adoption of energy policies into statewide land use planning goals; declaring an emergency.	Requires Land Conservation and Development Commission to adopt rules no later than July 1, 2022, by which county may justify exception to statewide land use planning goals for development of renewable energy facilities .	Ways and Means (J)	04/16/21 - Referred to Ways and Means by order of Speaker.
HB 2560 A	Relating to expanding remote participation of public in self-government through use of technology.	Requires governing body of public body, to extent reasonably possible, to make all meetings accessible remotely through technological means and provide opportunity for members of general public to remotely submit oral and written testimony .	Rules (S)	05/04/21 - Work Session held.
HB 2605 A	Relating to tsunami risk.	Imposes tsunami design standards for certain buildings and other structures.	Housing and Development (S)	05/25/21 - Work Session scheduled.

HB 2658 INTRO	Relating to administrative rules.	Directs Legislative Policy and Research Director to study methods for legislative oversight of administrative rules and report to appropriate committee or interim committee of Legislative Assembly no later than September 15, 2022.	Rules (H)	01/19/21 - Referred to Rules.
HB 2659 INTRO	Relating to public meetings.	Expands duties of Oregon Government Ethics Commission to conduct investigations, make findings and impose penalties for violations of public meetings law.	Rules (H)	01/19/21 - Referred to Rules.
HB 2722 A	Relating to wildfires; declaring an emergency.	Directs Public Utility Commission to convene workshops on best practices regarding wildfires.	Ways and Means (J)	04/19/21 - Referred to Ways and Means by prior reference.
HB 2788 A	Relating to the Department of Justice.	Prohibits Department of Justice from charging officers and agencies of state government for assistance rendered.	Ways and Means (J)	04/08/21 - Referred to Ways and Means by order of Speaker.
HB 2807 INTRO	Relating to administrative rules.	Directs Legislative Policy and Research Director to study methods for legislative oversight of administrative rules and report to appropriate committee or interim committee of Legislative Assembly no later than September 15, 2022.	Rules (H)	01/19/21 - Referred to Rules.
HB 2842 A	Relating to healthy homes; prescribing an effective date.	Establishes Healthy Homes Program within the Oregon Health Authority to provide grants to entities to provide financial assistance to low income households and landlords.	Ways and Means (J)	04/07/21 - Referred to Ways and Means by prior reference.
HB 2883 A	Relating to development of staging areas for emergency response.	Establishes Oregon Public Places Are Safe Places Investment Fund.	Ways and Means (J)	04/12/21 - Referred to Ways and Means by prior reference.
HB 2896 INTRO	Relating to emergency preparedness exercises.	Directs Office of Emergency Management to conduct annual multidisciplinary, all-hazards emergency response exercise.	Ways and Means (J)	03/22/21 - Referred to Ways and Means by order of Speaker.
HB 2897 A	Relating to education on emergency response for public officials.	Requires certain government officials and management employees to complete education on incident command, National Incident Management System and emergency response.	Rules (H)	03/05/21 - Referred to Rules by prior reference.
HB 2927 A	Relating to emergency management; declaring an emergency.	Renames Office of Emergency Management as Oregon Department of Emergency Management.	Ways and Means (J)	04/19/21 - Referred to Ways and Means by prior reference.

HB 2991 INTRO	Relating to preparation of racial and ethnic impact statements; prescribing an effective date.	Requires Legislative Policy and Research Director or chief sponsor of bill or proposed constitutional amendment to prepare racial and ethnic impact statement.	Rules (H)	03/02/21 - Public Hearing held.
HB 2992 A	Relating to payments to members of certain public entities; prescribing an effective date.	Modifies amount of compensation paid to members of state boards and commissions.	Ways and Means (J)	04/16/21 - Motion to refer to Ways and Means carried. Referred.
HB 2993 A	Relating to administrative rules.	Provides that advisory committees appointed by agency as part of rulemaking must represent interests of persons and communities likely to be affected by rule.	Ways and Means (J)	04/13/21 - Referred to Ways and Means by order of Speaker.
HB 3090 INTRO	Relating to on-site septic system financing; declaring an emergency.	Appropriates moneys to Department of Environmental Quality to award grant for on-site septic system low-interest loan programs and to cover related administrative costs.	Ways and Means (J)	03/10/21 - Referred to Ways and Means by prior reference.
HB 3093 A	Relating to harmful algal blooms; prescribing an effective date.	Directs Oregon Health Authority, in coordination with Department of Environmental Quality, to develop and implement strategy for monitoring and responding to freshwater harmful algal blooms.	Ways and Means (J)	04/09/21 - Referred to Ways and Means by order of Speaker.
HB 3160 INTRO	Relating to wildfire recovery.	Establishes Oregon Wildfire Preparedness and Community Protection Fund and directs State Fire Marshal, State Forestry Department and Oregon Watershed Enhancement Board to make expenditures from fund for various activities related to restoration, protection and recovery from wildfires.	Revenue (H)	05/25/21 - Work Session scheduled.
HB 3176 A	Relating to administrative hearings; declaring an emergency.	Permits chief administrative law judge to require implied consent hearing to be conducted by telephone or other two-way communication device if judge determines that meeting in person poses significant risk to health or safety.	Judiciary and Ballot Measure 110 Implementation (S)	05/19/21 - Work Session held.
HB 3307 INTRO	Relating to intergovernmental agreements; declaring an emergency.	Clarifies that intergovernmental entity may seek to obtain any benefits from any public or private entity that any unit of local government or American Indian tribe that is party to intergovernmental agreement may seek to obtain.	Judiciary and Ballot Measure 110 Implementation (S)	05/24/21 - Work Session scheduled.

HB 3391 INTRO	Relating to energy.	Establishes goal of planning for development of three gigawatts of commercial scale floating offshore wind energy projects within federal waters off Oregon coast by 2030.	Rules (H)	04/07/21 - Referred to Rules with subsequent referral to Ways and Means.
SB 447 INTRO	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.	Finance and Revenue (S)	01/19/21 - Referred to Finance and Revenue.
SB 636 EN	Relating to mailing of notices.	Provides that when state agency is required by statute to mail certain notice to individual, and agency has on file post office box address for individual, agency must mail notice to post office box address if address is individual's last known address on file or address to which individual has requested that notices be sent.		05/20/21 - Third reading. Carried by Wilde. Passed. Ayes, 51; Excused, 8--Breese-Iverson, Bynum, Holvey, Moore-Green, Noble, Power, Sanchez, Stark; Excused for Business of the House, 1--Boshart Davis.
SB 676 INTRO	Relating to state agency budget information; declaring an emergency.	Requires state agencies to submit policy option proposals developed for purposes of Governor's budget to specified legislative leaders.	Finance and Revenue (S)	01/19/21 - Referred to Finance and Revenue.
SJR 23 INTRO	Proposing amendment to Oregon Constitution relating to administrative rules.	Proposes amendment to Oregon Constitution to allow Legislative Assembly, by passage of joint resolution, to repeal administrative rule or amendment of administrative rule adopted by executive branch agency.	Rules (S)	01/19/21 - Referred to Rules.
HB 2263 A	Relating to recreational marijuana tracking; prescribing an effective date.	Authorizes Oregon Liquor Control Commission to allow marijuana producer and marijuana processor to establish internal inventory tracking systems to track by batch production and processing of marijuana.	Ways and Means (J)	04/19/21 - Referred to Ways and Means by order of Speaker.
HB 2265 A	Relating to cannabis; declaring an emergency.	Directs Oregon Liquor Control Commission to establish by rule process to register medical marijuana grow sites.	Ways and Means (J)	04/08/21 - Referred to Ways and Means by order of Speaker.
HB 2281 A	Relating to hemp; declaring an emergency.	Directs State Department of Agriculture to administer Oregon Hemp State Program for production, processing and sale of hemp.	Rules (H)	05/25/21 - Work Session scheduled.

HB 2289 A	Relating to building in areas affected by wildfires; declaring an emergency.	Establishes alternative process for alteration, restoration or replacement of certain uses affected by 2020 wildfires.	Natural Resources and Wildfire Recovery (S)	05/17/21 - Public Hearing and Work Session held.
HB 2461 A	Relating to critical disaster preparedness; declaring an emergency.	Directs Oregon Homeland Security Council to establish program to create Oregon Critical Disaster Preparedness Stockpile to ensure robust stock of emergency supplies and equipment.	Ways and Means (J)	04/01/21 - Referred to Ways and Means by prior reference.
HB 2671 A	Relating to hemp; prescribing an effective date.	Directs State Department of Agriculture to adopt rules to require industrial hemp grower to report to department loss of crop or intention to not plant industrial hemp crop.	Ways and Means (J)	04/19/21 - Referred to Ways and Means by order of Speaker.
HB 3013 A	Relating to regulation of cannabis; prescribing an effective date.	Transfers oversight and regulation of medical marijuana processing sites and medical marijuana dispensaries from Oregon Health Authority to Oregon Liquor Control Commission.	Ways and Means (J)	04/27/21 - Motion to refer to Ways and Means carried. Referred.
HB 3089 A	Relating to utility ratepayer assistance.	Establishes Public Drinking Water and Sewer Ratepayer Assistance Fund.	Ways and Means (J)	04/15/21 - Referred to Ways and Means by prior reference.
HB 3102 A	Relating to harmful algal blooms; declaring an emergency.	Directs Department of Environmental Quality to purchase cyanotoxin autoanalyzer system instrument, nutrient analyzer system instrument and associated supplies and services.	Ways and Means (J)	03/15/21 - Referred to Ways and Means by prior reference.
HB 3126 INTRO	Relating to wildfire recovery.	Directs Legislative Policy and Research Office to study strategies to promote recovery from 2020 wildfire season and report to appropriate committee or interim committee of Legislative Assembly on or before September 15, 2022.	Wildfire Recovery (House Special Committee On)	05/28/21 - Work Session scheduled.
HB 3127 INTRO	Relating to wildfire recovery.	Directs Legislative Policy and Research Office to study strategies to promote recovery from 2020 wildfire season and report to appropriate committee or interim committee of Legislative Assembly on or before September 15, 2022.	Wildfire Recovery (House Special Committee On)	05/28/21 - Work Session scheduled.

SB 758 A	Relating to medical marijuana; prescribing an effective date.	Changes "Oregon Medical Marijuana Act" to "Oregon Medical and Therapeutic Cannabis Act." Allows person designated to produce marijuana by registry identification cardholder to enter into agreement with registry identification cardholder to transfer marijuana to another registry identification cardholder or primary caregiver.	Ways and Means (J)	04/23/21 - Referred to Ways and Means by order of the President.
HB 3000 A	Relating to cannabis; declaring an emergency.	Defines "adult use cannabis item," "artificially derived cannabinoid" and "tetrahydrocannabinol" for statutes related to marijuana and industrial hemp.	Rules (H)	05/25/21 - Work Session scheduled.