

Senate Bill 217

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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**.

Imposes annual management fee on water rights. Dedicates management fee moneys for use in carrying out Water Resources Department activities involving water rights management. Applies for annual periods beginning July 1, 2013.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to an annual management fee on water rights; creating new provisions; amending ORS
3 536.009; and declaring an emergency.

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

5 **SECTION 1. Section 2 of this 2013 Act is added to and made a part of ORS chapter 536.**

6 **SECTION 2. (1) Subject to subsection (2) of this section, an annual management fee of**
7 **\$100 is imposed on each primary or supplemental water right held for waters of this state,**
8 **including, but not limited to, water rights held under a water right permit or water right**
9 **certificate. Each water right is subject to a single management fee regardless of the number**
10 **of documents setting forth the water right.**

11 **(2) Except as provided in this subsection, the total amount of water right management**
12 **fees that may be imposed under this section on a single water right holder for an annual**
13 **period may not exceed \$1,000 regardless of the number of water rights held. The limitation**
14 **described in this subsection does not apply to a water right holder that is a municipality or**
15 **a provider of water for municipal purposes.**

16 **(3) The Water Resources Commission shall adopt rules providing for the Water Re-**
17 **sources Department to assess and collect the water right management fee imposed under**
18 **this section. Moneys collected under this section shall be deposited into the Water Resources**
19 **Department Water Right Operating Fund.**

20 **(4) If a water right management fee imposed under this section is not paid when due,**
21 **after providing the water right holder with notice and opportunity for hearing under ORS**
22 **chapter 183, the department may issue an order for payment of the delinquent amount and**
23 **record the order with an appropriate county clerk under ORS 205.125 as a lien against the**
24 **property to which the water right is appurtenant.**

25 **SECTION 3. ORS 536.009 is amended to read:**

26 536.009. (1) There is established in the State Treasury the Water Resources Department Water
27 Right Operating Fund, separate and distinct from the General Fund., *to provide for the payment of*
28 *the program and administrative expenses of the Water Resources Commission and the Water Resources*
29 *Department in carrying out the provisions of ORS chapters 536, 537, 540 and 541.] Interest earned by*

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 the **Water Resources Department Water Right Operating** Fund shall be credited to the fund.

2 (2) The fund shall consist of:

3 (a) All moneys received under ORS 536.050 and 537.747 **and section 2 of this 2013 Act.**

4 (b) All moneys received on behalf of the fund by gift, grant or appropriation from whatever
5 source.

6 (3) *[All]* Moneys in the fund are continuously appropriated to the Water Resources Department
7 *[for payment of expenses as described in this section.]* **to provide for the payment of the program**
8 **and administrative expenses of the Water Resources Commission and the department in**
9 **carrying out the provisions of ORS chapters 536, 537, 540 and 541. However, moneys deposited**
10 **into the fund from water right management fees imposed under section 2 of this 2013 Act**
11 **may be used only to fund field, technical and administrative activities of the department in-**
12 **volving water rights management, including, but not limited to, the administration, mainte-**
13 **nance and protection of the water right permit and certificate system.**

14 **SECTION 4.** (1) Section 2 of this 2013 Act first applies to the period beginning July 1, 2013.
15 **If this 2013 Act does not become effective until after July 1, 2013, the Legislative Assembly**
16 **intends that section 2 of this 2013 Act and the amendments to ORS 536.009 by section 3 of**
17 **this 2013 Act shall apply retroactively to allow assessment and collection of the water right**
18 **management fee for the period beginning July 1, 2013.**

19 (2) **No later than 90 days after the effective date of this 2013 Act, the Water Resources**
20 **Commission shall adopt temporary rules to enable the Water Resources Department to as-**
21 **sess and collect the water right management fees owed for the period beginning July 1, 2013.**

22 **SECTION 5.** This 2013 Act being necessary for the immediate preservation of the public
23 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
24 **on its passage.**