

House Bill 3163

Sponsored by Representatives HELM, OWENS

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**.

Establishes Place-Based Water Planning Fund. Continuously appropriates moneys in fund to Water Resources Department for purposes related to water planning.

Directs Water Resources Director to use moneys in fund for certain purposes related to place-based integrated water resources plans and associated activities.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to a water planning fund; and declaring an emergency.

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

SECTION 1. The Place-Based Water Planning Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Place-Based Water Planning Fund shall be credited to the fund. The fund consists of moneys appropriated to the fund by the Legislative Assembly and public or private moneys designated for deposit in the fund. Moneys in the fund are continuously appropriated to the Water Resources Department for the purpose of carrying out the provisions of section 2 of this 2023 Act.

SECTION 2. (1) As used in this section:

(a) "Eligible implementation coordination costs":

(A) Means costs associated with actions taken to coordinate implementation of a state-recognized place-based integrated water resources plan, including:

(i) Costs of facilitation services related to meetings.

(ii) The provision of stipends to encourage ongoing participation in meetings.

(iii) Costs of coordination-related actions that occur after state recognition of a place-based integrated water resources plan.

(B) Does not include the costs of implementing a project.

(b) "Environmental justice community" has the meaning given that term in ORS 182.535.

(c) "Indian tribe" means a federally recognized Indian tribe in Oregon that has members residing on a reservation or tribal trust lands in Oregon.

(d) "Person" has the meaning given that term in ORS 536.007.

(e) "Place-based integrated water resources plan" means a plan that:

(A) Is developed in collaboration with a balanced representation of interests;

(B) Balances current and future in-stream and out-of-stream needs;

(C) Includes the development of actions that are consistent with the state water resources policy, as defined in ORS 536.007, and other state laws concerning the water resources of this state;

(D) Facilitates local water resources solutions;

(E) Is developed using an open, equitable and transparent process that fosters public

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 participation;

2 (F) Is developed in consultation with the Water Resources Department and other rele-
3 vant state agencies;

4 (G) Strives to integrate solutions to cost-effectively achieve multiple benefits;

5 (H) Is consistent with the guiding principles of the integrated state water resources
6 strategy;

7 (I) Complies with rules of the Water Resources Commission regarding development of
8 place-based integrated water resources plans;

9 (J) Is reviewed by, and recognized by a resolution of, the Water Resources Commission;
10 and

11 (K) Is for an area associated with waters from sources within a hydrologic boundary.

12 (f) "Situational assessment" includes evaluation of:

13 (A) An area's readiness, needs and capacity for developing a place-based integrated water
14 resources plan within a hydrologic boundary.

15 (B) Potential gaps in state and local capacity and data related to development of a
16 place-based integrated water resources plan.

17 (C) Actions that may ensure timely completion of a place-based integrated water re-
18 sources plan.

19 (D) Potential critical water issues that may be the focus when developing a place-based
20 integrated water resources plan.

21 (g) "State-recognized place-based integrated water resources plan" means a place-based
22 integrated water resources plan that has been reviewed by the Water Resources Commission
23 and recognized by a commission resolution stating that the completed place-based integrated
24 water resources plan adheres to applicable requirements.

25 (2) The Water Resources Director shall disburse moneys in the Place-Based Water
26 Planning Fund established in section 1 of this 2023 Act as grants to fund up to 75 percent
27 of the costs of actions supporting the development of a place-based integrated water re-
28 sources plan, including costs of:

29 (a) Filling gaps in state and local capacity, knowledge and skill sets.

30 (b) Developing data and associated analyses tailored to the area of a place-based inte-
31 grated water resources plan.

32 (c) Building relationships among state agencies and people who live in, or are interested
33 in, the area of a place-based integrated water resources plan.

34 (d) Assisting with building the capacity of a community to develop a place-based inte-
35 grated water resources plan.

36 (e) Facilitating associated public participation, including participation by members of
37 environmental justice communities, through education, outreach, financial support and other
38 activities.

39 (f) Assessing critical issues related to a place-based integrated water resources plan.

40 (g) Designing and managing the development of a place-based integrated water resources
41 plan.

42 (h) That are eligible implementation coordination costs of a state-recognized place-based
43 integrated water resources plan.

44 (i) Supporting development of a place-based integrated water resources plan.

45 (3) The grants may be awarded to persons, Indian tribes and nonprofit organizations.

1 (4) The grants may be awarded as cost sharing with other programs that support water
2 resources planning.

3 (5) In addition to disbursing moneys in the fund as grants described in subsection (2) of
4 this section, the Water Resources Director may use moneys in the fund to contract for
5 situational assessments, data development, technical assistance and other actions in support
6 of a place-based integrated water resources plan.

7 (6) Before issuing funding under subsection (2) or (5) of this section, the Water Resources
8 Director shall consult with the Department of Environmental Quality, Oregon Health Au-
9 thority, State Department of Agriculture and State Department of Fish and Wildlife to un-
10 derstand agency capacity to participate in developing a place-based integrated water
11 resources plan.

12 (7) The Department of Environmental Quality, Oregon Health Authority, State Depart-
13 ment of Agriculture, State Department of Fish and Wildlife and Water Resources Depart-
14 ment may provide technical information and assistance to, and enter into contracts or
15 agreements with, a person, Indian tribe or nonprofit organization to facilitate implementa-
16 tion of this section.

17 (8) The Water Resources Commission shall consider state-recognized place-based inte-
18 grated water resources plans when updating the integrated state water resources strategy.

19 (9) The commission may adopt rules to implement this section, including rules that:

20 (a) Further clarify the expenditures that may be funded by the grants.

21 (b) Prioritize the issuance of funding for purposes described in this section.

22 (c) Establish requirements for engaging environmental justice communities pursuant to
23 this section.

24 (d) Establish criteria and a process for state recognition of a place-based integrated wa-
25 ter resources plan.

26 (e) Describe how the commission will consider state-recognized place-based integrated
27 water resources plans when updating the integrated state water resources strategy.

28 **SECTION 3.** This 2023 Act being necessary for the immediate preservation of the public
29 peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect
30 on its passage.

31