

House Bill 3346

Sponsored by Representatives OWENS, HELM

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 Task Force on the Water Rights and Transfers Protest Backlog.

Instructs task force to submit report to committee or interim committee of Legislative Assembly related to water no later than September 15, 2024.

Appropriates moneys to Water Resources Department, Department of Justice, Office of Administrative Hearings and State Department of Fish and Wildlife for purposes related to backlog of protests of decisions concerning water rights and transfers.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to protests of decisions concerning water; and declaring an emergency.

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

4 **SECTION 1. (1) The Task Force on the Water Rights and Transfers Protest Backlog is**
5 **established.**

6 **(2) The task force consists of members appointed as follows:**

7 **(a) The Governor shall appoint members who represent the Department of Justice, the**
8 **Office of Administrative Hearings, the State Department of Fish and Wildlife and the Water**
9 **Resources Department, as well as members who are protestants representing public and**
10 **private interests.**

11 **(b) The Chief Justice of the Oregon Supreme Court shall appoint a member who repres-**
12 **ents the judicial branch.**

13 **(3) The task force shall draft a report that summarizes:**

14 **(a) The current status of the protest backlog.**

15 **(b) Trends in the types of applications for water rights or transfers that are protested,**
16 **referred and resolved.**

17 **(c) Current policies and practices for evaluating protests for contested case referral and**
18 **scheduling, including any standards for how the Water Resources Department communicates**
19 **with applicants and protestants.**

20 **(d) A thorough and holistic analysis of the current causes of delay.**

21 **(e) Recommendations for changes to, or enhancements of, the current system to improve**
22 **the delivery of fair and efficient dispositions of protests.**

23 **(4) A majority of the members of the task force constitutes a quorum for the transaction**
24 **of business.**

25 **(5) Official action by the task force requires the approval of a majority of the members**
26 **of the task force.**

27 **(6) The task force shall elect one of its members to serve as chairperson.**

28 **(7) If there is a vacancy for any cause, the appointing authority shall make an appoint-**

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 ment to become immediately effective.

2 (8) The task force shall meet at times and places specified by the call of the chairperson
3 or of a majority of the members of the task force.

4 (9) The task force may adopt rules necessary for the operation of the task force.

5 (10) The task force shall submit the report described in subsection (3) of this section, in
6 the manner provided in ORS 192.245, to a committee or interim committee of the Legislative
7 Assembly related to water no later than September 15, 2024.

8 (11) The Water Resources Department shall provide staff support to the task force.

9 (12) All agencies of state government, as defined in ORS 174.111, are directed to assist
10 the task force in the performance of the duties of the task force and, to the extent permitted
11 by laws relating to confidentiality, to furnish information and advice the members of the task
12 force consider necessary to perform their duties.

13 **SECTION 2.** Section 1 of this 2023 Act is repealed on December 31, 2024.

14 **SECTION 3.** In addition to and not in lieu of any other appropriation, there is appropri-
15 ated to the Water Resources Department, for the biennium beginning July 1, 2023, out of the
16 General Fund, the amount of \$____, which may be expended for addressing the backlog of
17 protests of decisions concerning water rights and transfers.

18 **SECTION 4.** In addition to and not in lieu of any other appropriation, there is appropri-
19 ated to the Department of Justice, for the biennium beginning July 1, 2023, out of the Gen-
20 eral Fund, the amount of \$____, which may be expended for addressing capacity shortfalls
21 contributing to the backlog of protests of decisions concerning water rights and transfers.

22 **SECTION 5.** In addition to and not in lieu of any other appropriation, there is appropri-
23 ated to the Office of Administrative Hearings, for the biennium beginning July 1, 2023, out
24 of the General Fund, the amount of \$____, which may be expended for addressing capacity
25 shortfalls contributing to the backlog of protests of decisions concerning water rights and
26 transfers.

27 **SECTION 6.** In addition to and not in lieu of any other appropriation, there is appropri-
28 ated to the State Department of Fish and Wildlife, for the biennium beginning July 1, 2023,
29 out of the General Fund, the amount of \$____, which may be expended for addressing ca-
30 pacity shortfalls contributing to the backlog of protests of decisions concerning water rights
31 and transfers.

32 **SECTION 7.** This 2023 Act being necessary for the immediate preservation of the public
33 peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect
34 on its passage.