



STATE OF OREGON
LEGISLATIVE COUNSEL COMMITTEE

March 14, 2023

Representative Pam Marsh
900 Court Street NE H474
Salem OR 97301

Re: Application of House Bill 2929 (2023)

Dear Representative Marsh:

You asked whether House Bill 2929 (2023) authorizes an entity other than the Water Resources Department to seek an injunction. The answer is no.

House Bill 2929 amends ORS 537.781, which provides, in relevant part, “If the Water Resources Department has information that a person has engaged, or is about to engage, in any activity that is or will be a violation of [certain statutes or standards] . . . *the department may apply . . . for a temporary or permanent injunction . . .*” (Emphasis added.)¹

The bill does not amend the relevant text of ORS 537.781.

Thus ORS 537.781, including as amended by HB 2929, authorizes the Water Resources Department to seek an injunction, under certain circumstances, and does not authorize any entity or person other than the department to seek an injunction. Nor does the department have apparent statutory authorization to delegate that authority to seek an injunction.

Please let me know if I can provide any further assistance.

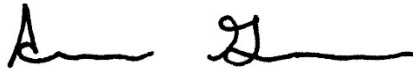
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¹ ORS 537.781 becomes operative July 1, 2023. Section 27, chapter 610, Oregon Laws 2021.

district attorney, county counsel, city attorney or other retained counsel. Constituents and other private persons and entities should seek and rely upon the advice and opinion of private counsel.

Very truly yours,

DEXTER A. JOHNSON
Legislative Counsel

A handwritten signature in black ink, appearing to read "Aurora Goddard". The signature is written in a cursive style with a long horizontal flourish at the end.

By
Aurora Goddard
Deputy Legislative Counsel