

**PROPOSED AMENDMENTS TO
SENATE BILL 217**

1 On page 1 of the printed bill, delete lines 5 through 29 and delete page
2 2 and insert:

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

5 **“SECTION 2. (1) Subject to subsection (2) of this section, an annual**
6 **management fee of \$100 is imposed on each primary and each supple-**
7 **mental water right held for waters of this state under a water right**
8 **permit, water right certificate, decree or groundwater registration.**
9 **Each water right is subject to a single management fee regardless of**
10 **the number of documents setting forth the water right.**

11 **“(2) If a water right holder is other than a municipality or provider**
12 **of water for municipal purposes, the total amount of water right**
13 **management fees that may be imposed on the water right holder under**
14 **this section may not exceed \$1,000 annually regardless of the number**
15 **of water rights held. If a water right holder is a municipality or pro-**
16 **vider of water for municipal purposes, the total amount of water right**
17 **management fees that may be imposed on the water right holder under**
18 **this section may not exceed \$2,500 annually regardless of the number**
19 **of water rights held.**

20 **“(3) The Water Resources Commission shall adopt rules providing**
21 **for the Water Resources Department to assess and collect the water**
22 **right management fee imposed under this section. Moneys collected**

1 **under this section shall be deposited into the Water Resources De-**
2 **partment Water Right Operating Fund.**

3 **“(4) If a water right management fee imposed under this section is**
4 **not paid when due, after providing the water right holder with notice**
5 **and opportunity for hearing under ORS chapter 183, the department**
6 **may issue an order for payment of the delinquent amount and forward**
7 **the order for enforcement through collection. The department may not**
8 **regulate or limit water use due to nonpayment of a water right man-**
9 **agement fee.**

10 **“SECTION 3.** ORS 536.009 is amended to read:

11 **“536.009. (1) There is established in the State Treasury the Water Re-**
12 **sources Department Water Right Operating Fund, separate and distinct from**
13 **the General Fund.],** *to provide for the payment of the program and adminis-*
14 *trative expenses of the Water Resources Commission and the Water Resources*
15 *Department in carrying out the provisions of ORS chapters 536, 537, 540 and*
16 *541.]* Interest earned by the **Water Resources Department Water Right**
17 **Operating** Fund shall be credited to the fund.

18 **“(2) The fund shall consist of:**

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

21 **“(b) All moneys received on behalf of the fund by gift, grant or appro-**
22 **priation from whatever source.**

23 **“(3) [All] Moneys in the fund are continuously appropriated to the Water**
24 **Resources Department [for payment of expenses as described in this section.]**
25 **to provide for the payment of the program and administrative ex-**
26 **penses of the Water Resources Commission and the department in**
27 **carrying out the provisions of ORS chapters 536, 537, 540 and 541.**
28 **However, moneys deposited into the fund from water right manage-**
29 **ment fees imposed under section 2 of this 2013 Act may be used only**
30 **to fund field, technical and administrative activities of the department**

1 that are directly related to water rights management, including, but
2 not limited to, the administration, maintenance and protection of the
3 water right permit and certificate system.

4 **“SECTION 4. (1) Section 2 of this 2013 Act first applies to the period**
5 **beginning July 1, 2013. If this 2013 Act does not become effective until**
6 **after July 1, 2013, the Legislative Assembly intends that section 2 of**
7 **this 2013 Act and the amendments to ORS 536.009 by section 3 of this**
8 **2013 Act shall apply retroactively to allow assessment and collection**
9 **of the water right management fee for the period beginning July 1,**
10 **2013.**

11 **“(2) No later than 90 days after the effective date of this 2013 Act,**
12 **the Water Resources Commission shall adopt temporary rules to:**

13 **“(a) Enable the Water Resources Department to assess and collect**
14 **the water right management fees owed for the period beginning July**
15 **1, 2013; and**

16 **“(b) Guide the geographic distribution of department expenditures**
17 **of water right management fees under ORS 536.009 (3).**

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

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