

Senate Bill 700

Sponsored by Senator KNOPP

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**.

Authorizes certain providers of water from source within Deschutes River Basin to collect fee from water recipients on behalf of nonprofit corporation. Requires provider of water to forward collected fee moneys to nonprofit corporation.

Authorizes nonprofit corporation to use collected fee moneys to purchase mitigation credits, to purchase temporary transfers of water or to engage in mitigation projects to increase water flow or water quality within portions of Deschutes River or tributaries. Requires nonprofit corporation to distribute acquired water to providers of water collecting fee for forwarding to nonprofit corporation.

Requires Water Resources Department to adopt rules establishing guidelines for water-related activities of nonprofit corporation and provide ongoing monitoring of nonprofit corporation activities.

A BILL FOR AN ACT

1
2 Relating to Deschutes River Basin water.

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

4 **SECTION 1. (1) As used in this section, "provider of water" means a city, a quasi-**
5 **municipal corporation, a domestic water supply district formed under ORS chapter 264, a**
6 **water supplier as defined in ORS 448.115 or a water authority formed under ORS chapter 450.**

7 **(2) A provider of water appropriated from a source within the Deschutes River Basin**
8 **may collect a fee of three and one-half cents per 100 cubic feet from recipients of the water**
9 **on behalf of a nonprofit corporation described in section 2 of this 2019 Act. A provider of**
10 **water shall forward all moneys collected by the provider of water under this section, without**
11 **reduction, to the nonprofit corporation.**

12 **SECTION 2. (1) A nonprofit corporation that is organized under ORS chapter 65 and ex-**
13 **empt from taxation under section 501(c)(3) of the Internal Revenue Code may accept moneys**
14 **collected and forwarded under section 1 of this 2019 Act and accept gifts, grants or donations**
15 **of moneys from any other public or private source for purposes consistent with this section.**
16 **A public body, as defined in ORS 174.109, may not be a member of or participate in the**
17 **management or operation of a nonprofit corporation described in this section, other than as**
18 **a distributee under subsection (3) of this section. The nonprofit corporation shall use moneys**
19 **received by the nonprofit corporation:**

20 **(a) To purchase mitigation credits or to purchase temporary transfers of water under**
21 **ORS 540.585; or**

22 **(b) If the purchase of mitigation credits or temporary transfers is not practicable due to**
23 **lack of supply or excessive cost, to engage in projects designed to increase the flow or water**
24 **quality of the upper or middle portions of the Deschutes River or tributaries to those**
25 **portions of the Deschutes River.**

26 **(2) The Water Resources Department shall provide a nonprofit corporation with prelimi-**

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 nary finding services under ORS 537.746 (2) for potential projects under consideration by the
2 nonprofit corporation. The department shall grant approval under ORS 537.746 to any project
3 the nonprofit corporation elects to undertake that meets the project guidelines established
4 by the department under section 3 of this 2019 Act.

5 (3) A nonprofit corporation shall distribute water that becomes available to the nonprofit
6 corporation among the providers of water that collect and forward fees under section 1 of
7 this 2019 Act.

8 SECTION 3. (1) The Water Resources Department shall adopt rules to establish guide-
9 lines for projects, water distributions and other water-related activities of nonprofit corpo-
10 rations under section 2 of this 2019 Act. The department may amend rules and provide
11 ongoing monitoring of the nonprofit corporation activities. The department may not exercise
12 any authority over carrying out of the daily activities of the nonprofit corporation, the se-
13 lection of water flow or water quality projects or the basis for water distributions to water
14 providers.

15 (2) The department may require a nonprofit corporation to periodically provide the de-
16 partment with information regarding the water-related activities of the corporation.
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