

Enrolled House Bill 2971

Sponsored by Representatives OWENS, HELM; Representatives KROPF, RESCHKE (at the request of Deschutes River Conservancy) (Pre-session filed.)

CHAPTER

AN ACT

Relating to voluntary in-stream leasing of water rights; creating new provisions; amending ORS 308A.743; and prescribing an effective date.

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

SECTION 1. ORS 308A.743 is amended to read:

308A.743. (1) Land that is specially assessed under ORS 308A.050 to 308A.128, 308A.300 to 308A.330, 308A.403 to 308A.430, 308A.450 to 308A.465, 321.257 to 321.390, 321.700 to 321.754 or 321.805 to 321.855, or land that is exempt from property tax under ORS 308A.350 to 308A.383, may not be disqualified from the special assessment or exemption, and may not be subject to additional taxes under ORS 308A.700 to 308A.733 or other law, if the property owner has:

(a) Entered into a wildlife habitat conservation and management plan, as described in ORS 308A.403 to 308A.430, approved by the State Department of Fish and Wildlife; [or]

(b) Executed a conservation easement, as defined in ORS 271.715, or a deed restriction and the land:

(A) Is managed in compliance with the conservation easement or deed restriction; and

(B) Continues to meet the requirements for special assessment or exemption. The existence of the conservation easement or deed restriction may not cause the disqualification of the land from special assessment or exemption or preclude the disqualification of the land from special assessment or exemption for some other reason[.]; or

(c) With respect to specially assessed irrigated farmland, an active in-stream lease for water rights appurtenant to the irrigated farmland under ORS 537.348 (2) and the farmland is being used according to accepted farming practices that are a mode of operation customarily utilized in conjunction with farm use.

(2) A property owner who executes a conservation easement may convey the easement to a land trust or other qualified entity without a loss of benefits under this section.

(3) In order for land to be subject to this section:

(a) The conservation easement, deed restriction or wildlife habitat conservation and management plan must be recorded in the records of the clerk of the county in which the land is located; and

(b) A copy of the conservation easement, deed restriction, [or] wildlife habitat conservation and management plan **or final order issued by the Water Resources Department approving an in-stream lease**, along with the property tax account number for the land, must be sent to the county assessor.

SECTION 2. The amendments to ORS 308A.743 by section 1 of this 2023 Act apply to property tax years beginning on or after July 1, 2024.

SECTION 3. This 2023 Act takes effect on the 91st day after the date on which the 2023 regular session of the Eighty-second Legislative Assembly adjourns sine die.

Passed by House June 1, 2023

.....
Timothy G. Sekerak, Chief Clerk of House

.....
Dan Rayfield, Speaker of House

Passed by Senate June 25, 2023

.....
Rob Wagner, President of Senate

Received by Governor:

.....M.,....., 2023

Approved:

.....M.,....., 2023

.....
Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2023

.....
Secretary of State