Relating to a water planning fund.

SECTION 1. Sections 2 and 3 of this 2021 Act are added to and made a part of ORS 536.220

SECTION 2. The Water Planning Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Water Planning Fund shall be credited to the fund. Moneys in the fund are continuously appropriated to the Water Resources Department for the purpose of carrying out the program purposes described in section 3 of this 2023 Act. The fund shall consist of any moneys designated for deposit in the fund or for carrying out the program purposes, including but not limited to appropriations or other provisions of moneys by the Legislative Assembly and public or private moneys from gifts, grants or donations. The purpose of this fund is to establish a means for state government to support water planning.

SECTION 3.
(1) Moneys in the Water Planning Fund may be disbursed under authority of the Water Resources Director to fund eligible planning efforts that: (a) increase understanding of water resources and challenges; (b) develop strategies or solutions to increase water resiliency to sustainably meet water needs, or (c) coordinate implementation of strategies or solutions.

(2) The Department may issue grants consistent with subsection (1) to provide financial assistance for eligible planning efforts as specified in subsection 5:
(a) To persons as defined in ORS 536.007, Indian tribes as defined in ORS 391.802, and nonprofit organizations;
(b) As cost-sharing with other programs that support water planning;
(c) For costs of administering grants; and
(d) To enter into contracts or agreements as provided in subsection 3.

(3) The Department may provide technical assistance and information to, and enter into contracts or agreements with, a person or an Indian tribe to provide data development, technical assistance, and other support consistent with subsection (1). [Should the Department include ODA, ODFW, and ODEQ?]

(4) Financial assistance provided under subsection (2) of this section may not exceed 75 percent of the costs of an eligible planning effort.

(5) Eligible planning efforts include:
(a) Pre-planning situational assessments;
(b) Water system or water conservation and management planning;
(c) Drought contingency planning;
(d) Place-based integrated water resources planning that addresses water quantity, quality, and ecosystem needs;
(e) Community capacity building to facilitate participation in current or future planning through education, outreach, and financial support, including to environmental justice communities as defined in ORS 182.535*
(f) Implementation coordination of state-recognized place-based integrated water resource plans;
(g) Placeholder: Should there be other types of planning?

(6) Place-based integrated water resource plan described in subsection (5) of this section must:
(a) Be developed in collaboration with a balanced representation of interests;
(b) Balance current and future in-stream and out-of-stream needs;
(c) Include the development of actions that are consistent with the existing state laws concerning the water resources of this state and state water resources policy;
(d) Facilitate implementation of local solutions;
(e) Be developed utilizing an open and transparent process that fosters public participation; and
(f) Be developed in partnership with the Department and other state agencies as defined in rule.
(g) Strive to integrate solutions to cost-effectively achieve multiple benefits.
(h) Follow the guiding principles of the state integrated water resources strategy.

(7) The Department shall consider state-recognized plans funded under this section in each update of the integrated state water resources strategy as required under ORS 536.220.

(8) The Water Resources Commission may adopt rules to implement this section, including rules that:
(a) Further define expenditures allowable under this fund for a purpose described in this section.
(b) Prioritize the issuance of the funding for a purpose described in subsection (5) of this section.
(c) Establish requirements for engagement of environmental justice communities as defined in ORS 182.535.
(d) Define the criteria and process for state-recognition of a place-based integrated water resources plan.

* ORS 182.535 as amended by HB 4077 in 2022: “Environmental justice community” includes communities of color, communities experiencing lower incomes, communities experiencing health inequities, tribal communities, rural communities, remote communities, coastal communities, communities with limited infrastructure and other communities traditionally underrepresented in public processes and adversely harmed by environmental and health hazards, including seniors, youth and persons with disabilities.