

SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2345

By COMMITTEE ON RURAL COMMUNITIES AND ECONOMIC DEVELOPMENT

June 4

1 On page 1 of the printed A-engrossed bill, line 2, after the semicolon insert “creating new pro-
2 visions; amending ORS 777.262 and 777.267;”.

3 On page 3, line 33, delete “October 1” and insert “December 31”.

4 On page 4, after line 2, insert:

5 “**SECTION 3.** ORS 777.262 is amended to read:

6 “777.262. (1) The Legislative Assembly finds:

7 “(a) That recent changes in federal law authorize the United States Army Corps of Engineers
8 to require ports and other local communities to provide a portion of the costs of dredging harbors
9 and channels near those communities;

10 “(b) That port districts and communities in this state cannot afford to pay the costs necessary
11 to continue the dredging activities that are essential to keep the major harbors and waterways
12 navigable for larger vessels in maritime trade; and

13 “(c) That the State of Oregon must therefore pay for [*such*] **the** dredging activities when ports
14 cannot, or this state must tolerate the loss of maritime trade and commerce that will inevitably re-
15 sult from the halt of dredging activities.

16 “(2) Therefore, it is the purpose of this section and **one purpose of** ORS 777.267 to provide a
17 method of financing [*required*] **all or part of the nonfederal portion of the costs of** dredging ac-
18 tivities **that constitute new federally authorized navigation improvements** in the ports of this
19 state when those ports are unable to finance [*such*] **the** activities.

20 “**SECTION 4.** ORS 777.267 is amended to read:

21 “777.267. (1) [*There is established in the State Treasury*] The Marine Navigation Improvement
22 Fund **is established in the State Treasury, separate and distinct from the General Fund.** In-
23 terest earned by the Marine Navigation Improvement Fund shall be credited to the fund. The mon-
24 eys in the fund and interest earnings on the moneys in the fund are continuously appropriated to
25 the Oregon Business Development Department for the Oregon Infrastructure Finance Authority for
26 the purposes of:

27 “(a) Paying a portion of the **construction** costs of dredging activities that **constitute new**
28 **federally authorized navigation improvement projects and** are carried out in the harbors and
29 channels on the Oregon coast and along the Columbia River when federal law or regulation requires
30 a portion of the costs [*of such dredging*] to be paid by nonfederal interests; [*and*]

31 “(b) Paying the study and construction costs of other new navigation improvement projects that
32 directly support, **or provide access to**, a federally authorized navigation improvement project[.];
33 **and**

34 “(c) **Paying the study and construction costs of maintenance projects related to existing**
35 **federally authorized navigation improvement projects.**

1 “(2) The Marine Navigation Improvement Fund established by this section consists of moneys
2 appropriated to the fund by the Legislative Assembly, repayment of loans made with moneys in the
3 fund and bond proceeds deposited in the fund.

4 “(3) Moneys in the fund shall be used primarily to make loans to ports for eligible projects. The
5 authority may award a grant or provide other assistance from moneys in the fund to a port for an
6 eligible project only if a loan is not feasible due to the financial hardship of the port or other special
7 circumstances, as set forth in rules adopted by the department.

8 “(4) Eligibility for assistance from the Marine Navigation Improvement Fund shall be limited to
9 and funded, subject to the availability of funds, in the following order of priority:

10 “[*a*) *Federally authorized studies and construction of new navigation improvement projects.*]

11 “**(a) Maintenance projects related to existing federally authorized navigation improve-**
12 **ment projects.**

13 “(b) Other new navigation improvement projects [*if the projects*] **that** directly support, or pro-
14 vide access to, a federally authorized navigation improvement project or a federally authorized
15 navigation channel.

16 “**(c) New federally authorized navigation improvement projects.**

17 “(5) **The authority shall limit** financial assistance for construction costs under subsection
18 [(4)(a)] **(1)(a)** of this section [*shall be limited*] to those projects that have completed all federally
19 required studies [*and have confirmed positive cost-benefit ratios as required by the National Economic*
20 *Development Plan*].

21 “(6) **The authority shall limit** financial assistance for construction costs under subsection
22 [(4)(b)] **(1)(b)** of this section [*is limited*] to projects sponsored by a port, as defined in ORS 777.005
23 or 778.005, that meet criteria developed by the authority.

24 “(7) **The authority shall limit** financial assistance for [*studies of other new construction*
25 *projects*] **study costs** under subsection (1)(b) of this section [*is limited*] to projects that meet criteria
26 developed by the authority.

27 “**(8) The authority shall limit financial assistance for study and construction costs under**
28 **subsection (1)(c) of this section to projects that meet criteria developed by the authority.”.**

29 In line 3, delete “3” and insert “5”.

30 In line 4, delete “4” and insert “6”.