

Enrolled Senate Bill 622

Sponsored by Senator FREDERICK; Representative ZIKA (at the request of Levee Ready Oregon)
(Pre-session filed.)

CHAPTER

AN ACT

Relating to levees; amending ORS 285B.410 and 285B.421; and declaring an emergency.

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

SECTION 1. ORS 285B.421 is amended to read:

285B.421. (1) The Levee Project Grant Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Levee Project Grant Fund must be credited to the fund. The Levee Project Grant Fund consists of moneys deposited in the fund under section 33, chapter 671, Oregon Laws 2019, and may include moneys appropriated, allocated, deposited or transferred to the fund by the Legislative Assembly or otherwise and interest earned on moneys in the fund.

(2) Moneys in the fund are continuously appropriated to the Oregon Business Development Department for the Oregon Infrastructure Finance Authority to provide grants under ORS 285B.420 for levee projects as defined in ORS 285B.410.

(3) Grants from the fund for planning projects are limited to a maximum of \$2 million per applicant per biennium.

(4) Grants from the fund for construction or capital improvement projects may not exceed an amount equal to 80 percent of the total cost of the project.

(5) A grant may not be awarded from the fund unless the applicant pledges matching funds to the project of at least 20 percent of the amount of the grant.

(6) At least 60 percent of the dollar value of grants awarded from the fund in any biennium shall be used to provide assistance with levee projects to rural or distressed areas as those terms are defined in ORS 285A.010.

SECTION 2. ORS 285B.410 is amended to read:

285B.410. As used in ORS 285B.410 to 285B.482, unless the context requires otherwise:

(1) "Airport" means:

(a) A runway, taxiway, aircraft parking apron, ramp, auto parking area, access road, safety area or runway protection zone;

(b) An airport-related facility, including a hangar, terminal, air traffic control tower or other building;

(c) A signal, navigational aid or traffic control system; or

(d) A fuel tank or other physical airport improvement.

(2)(a) "Community development project" means a project that involves strategic planning, training or other technical assistance as defined by the Oregon Business Development Department

by rule, and that is aimed at strengthening the economic development, community development or infrastructure priority setting of a municipality or region.

(b) "Community development project" includes the following activities:

(A) Developing and managing short-term and long-term projects;

(B) Developing priorities for infrastructure projects;

(C) Strategic planning related to furthering economic or community development; or

(D) Training related to economic or community development, including training to improve leadership skills, technical skills or analytical skills, particularly in rural and distressed areas.

(c) "Community development project" includes projects that may encompass a municipality or any part of a municipality and may be undertaken in cooperation with another municipality.

(3) "Development project" means a project for the acquisition, improvement, construction, demolition, or redevelopment of municipally owned utilities, buildings, land, transportation facilities or other facilities that assist the economic and community development of the municipality, including planning project activities that are necessary or useful as determined by the Oregon Infrastructure Finance Authority.

(4) "Direct project management costs" means expenses directly related to a project that are incurred by a municipality solely to support or manage a project eligible for assistance under ORS 285B.410 to 285B.482. "Direct project management costs" does not include routine or ongoing expenses of the municipality.

(5) "Emergency project" means a development project resulting from an emergency as defined in ORS 401.025, to which federal disaster relief has been committed.

(6) "Energy system" means a facility necessary for the distribution, transmission or generation of energy, including but not limited to facilities powered by wind, solar energy or biofuel and facilities for the collection, storage, transmission or distribution of a fuel, including natural gas, methane or hydrogen.

(7) "Levee project" means a community development project, development project, planning project or other project that is associated with [*levee*] **the construction, capital improvement, inspection, accreditation, certification or repair of levees, flood control embankments or flood control facilities.**

(8) "Marine facility" means:

(a) A wharf, dock, freight handling or passenger facility;

(b) A navigation channel or structure, including a project funded under ORS 777.267; or

(c) Any other physical marine facility improvement.

(9) "Municipality" means an Oregon city or county, the Port of Portland created by ORS 778.010, a county service district organized under ORS chapter 451, a district as defined in ORS 198.010, a drainage district organized under ORS chapter 547, a tribal council of a federally recognized Indian tribe in this state or an airport district organized under ORS chapter 838.

(10) "Planning project" means:

(a) A project related to a potential development project for preliminary, final or construction engineering;

(b) A survey, site investigation or environmental action;

(c) A financial, technical or other feasibility report, study or plan; or

(d) An activity that the authority determines to be necessary or useful in planning for a potential development project.

(11) "Project" means a development, community development, planning, levee or emergency project.

(12) "Railroad" means:

(a) A main line, siding, yard, connecting or auxiliary track, right of way or easement;

(b) An industrial spur or related facility, including a depot, shop, maintenance building or other building;

(c) A signal or traffic control system;

(d) A bridge or tunnel;

(e) A dock, pit, conveyor, bin, crane, piping system, tank or pavement for unloading, loading or transfer of freight, trailers or containers; or

(f) Any other physical railroad improvement.

(13) "Road" means a street, highway or thruway or a road-related structure that provides for continuity of a right of way, including a bridge, tunnel, culvert or similar structure or other physical road-related improvement.

(14) "Rural area" has the meaning given that term in ORS 285A.010.

(15) "Solid waste disposal site" has the meaning given the term "disposal site" in ORS 459.005.

(16) "Telecommunications system" means equipment or a facility for the electronic transmission of voice, data, text, image or video.

(17) "Transportation" means a system for movement of freight or passengers.

(18) "Utilities" means a solid waste disposal site or a water, sewage, storm water drainage, energy or telecommunications system.

SECTION 3. This 2021 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect on its passage.

Passed by Senate June 23, 2021

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House June 25, 2021

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Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2021

Approved:

.....M.,....., 2021

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2021

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Shemia Fagan, Secretary of State