

A-Engrossed
Senate Bill 814

Ordered by the Senate March 24
Including Senate Amendments dated March 24

Sponsored by Senator SMITH DB, Representatives GOMBERG, JAVADI (at the request of Oregon Public Ports Association)

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.

Declares intent of Legislative Assembly to displace competition under state action doctrine [*for discussions, collaborations and agreements among ports of Astoria, Columbia County and Coos Bay and with other members of Northwest Marine Terminal Association that could incur liability under state or federal antitrust laws. Requires ports to submit any agreement that results from discussion or collaboration to State Land Board for supervision and approval. Permits State Land Board to delegate duties to Director of the Department of State Lands*] **to allow public cargo or passenger port located in this state and any other public port, including member of Northwest Marine Terminal Association, to coordinate, reach agreements on and implement action that is within port's authority, including actions to specify rates and charges, rules, practices and procedures with respect to cargo and passenger service operations and planning, development, management, marketing, operations and uses of public port facilities.**

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to applying the state action doctrine to agreements among certain Oregon ports; and de-
3 claring an emergency.

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

5 **SECTION 1. Section 2 of this 2023 Act is added to and made a part of ORS chapter 777.**

6 **SECTION 2. (1) The Legislative Assembly finds and declares that:**

7 (a) Oregon public ports were created to preserve public ownership of public resources,
8 giving local governments the ability and statutory authority to support economic develop-
9 ment for the benefit of the public;

10 (b) Oregon public ports are vital links in the transportation and economic infrastructure
11 of this state and perform critical services that support and facilitate movement of cargo and
12 passengers within this state and in commerce worldwide;

13 (c) Oregon public ports that carry out or seek to carry out operations that involve
14 moving cargo or passengers are a vital part of the economy and trade infrastructure of this
15 state; and

16 (d) Enabling Oregon public ports to coordinate, reach agreements on and implement
17 actions with members of the Northwest Marine Terminal Association and other public ports
18 within and outside this state with respect to matters within each public port's authority is
19 an important public purpose.

20 (2) The Legislative Assembly declares that the policy of this state and the intent of this
21 section is, notwithstanding the applicability of the antitrust laws of this state or the United
22 States, to displace competition under the state action doctrine to the extent specified in

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 subsection (3) of this section.

2 (3) A public cargo or passenger port located in this state and any other public port, in-
3 cluding a member of the Northwest Marine Terminal Association, may coordinate, reach
4 agreements on and implement any action that is within the public port's authority, including
5 actions to specify:

6 (a) Rates and charges that each public port will assess;

7 (b) Rules, practices and procedures that each public port will implement with respect to
8 cargo and passenger service operations;

9 (c) Planning, development, management, marketing, operations and uses of public port
10 facilities; and

11 (d) Other matters that relate to cargo and passenger service operations at public ports.

12 SECTION 3. This 2023 Act being necessary for the immediate preservation of the public
13 peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect
14 on its passage.