

**Enrolled**  
**Senate Bill 814**

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

CHAPTER .....

AN ACT

Relating to applying the state action doctrine to agreements among certain Oregon ports; and declaring an emergency.

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

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

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

(a) Oregon public ports were created to preserve public ownership of public resources, giving local governments the ability and statutory authority to support economic development for the benefit of the public;

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

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

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

(2) The Legislative Assembly declares that the policy of this state and the intent of this section is, notwithstanding the applicability of the antitrust laws of this state or the United States, to displace competition under the state action doctrine to the extent specified in subsection (3) of this section.

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

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

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

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

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

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

Passed by Senate April 4, 2023

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Lori L. Brocker, Secretary of Senate

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Rob Wagner, President of Senate

Passed by House May 23, 2023

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Dan Rayfield, Speaker of House

Received by Governor:

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

Approved:

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

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Tina Kotek, Governor

Filed in Office of Secretary of State:

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

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Secretary of State