

House Bill 2574

Sponsored by Representative WALTERS, Senator MEEK; Representatives HARTMAN, SCHARF, Senator WOODS
(Pre-session filed.)

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 **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: This Act changes Willamette Falls Locks Authority laws and says that bonds can be issued. (Flesch Readability Score: 67.5).

Modifies provisions related to finances, public contracting authority and composition of Willamette Falls Locks Authority. Authorizes the issuance of lottery bonds and directs that the net proceeds be distributed to the authority.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to the Willamette Falls Locks Authority; creating new provisions; amending ORS 196.205,
3 196.210 and 196.240; and prescribing an effective date.

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

5 **SECTION 1.** ORS 196.205 is amended to read:

6 196.205. (1) The Willamette Falls Locks Authority is established as a public corporation and
7 shall exercise and carry out all powers, rights and privileges that are expressly conferred upon the
8 authority, are implied by law or are incident to such powers, rights and privileges. The authority
9 is an independent public corporation with a statewide mission and purposes and without territorial
10 boundaries. The authority is a governmental entity performing governmental functions and exercis-
11 ing governmental powers but, except as otherwise provided by law, is not a unit of local or munic-
12 ipal government or a state agency for purposes of state statutes or constitutional provisions.

13 (2)(a) Unless otherwise provided by law, the authority is not subject to ORS 35.550 to 35.575,
14 180.060, 180.210 to 180.235, 183.710 to 183.730, 183.745, 183.750, 190.430, 190.480 to 190.490, 192.105,
15 200.035, 236.605 to 236.640, 243.105 to 243.585, 243.696, 243.853 to 243.855, 278.011 to 278.120, 283.085
16 to 283.092, 291.050 to 291.060, **294.305 to 294.565**, 357.805 to 357.895 and 656.017 (2) and ORS chap-
17 ters 182, 183, 238, 238A, 240, 270, 273, 276, 282, 283, 291, 292, 293 and 297. [*The authority is a con-*
18 *tracting agency for the purposes of ORS chapters 279A, 279B and 279C and shall purchase equipment,*
19 *materials, supplies and services through the Oregon Department of Administrative Services as provided*
20 *in ORS 279A.140 to 279A.161 and 279A.250 to 279A.290.] **The authority is a contracting agency**
21 **for the purposes of ORS chapters 279A, 279B and 279C.***

22 (b) **The authority shall conduct all procurements in compliance with the policies set forth**
23 **in ORS 279A.015. Procurement of equipment, materials, supplies and services through the**
24 **Oregon Department of Administrative Services as provided in ORS 279A.140, 279A.157,**
25 **279A.159 and 279A.161:**

26 (A) **May be made by the authority in a single public contract with an aggregated value**
27 **of \$500,000 or less.**

28 (B) **Shall be made by the authority if the value of the public contract exceeds \$500,000.**

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 (3) The mission of the authority is to establish ownership, oversight and management of the
 2 Willamette Falls Locks project, for the purposes of:

3 (a) Enhancing the economic vitality of Oregon through facilitating the resiliency and
 4 navigability of the Willamette River; and

5 (b) Repairing, maintaining, upgrading and operating the Willamette Falls Locks project and as-
 6 sociated properties and facilities for commercial, transportation, recreational, cultural, historic,
 7 heritage and tourism purposes.

8 (4) The authority shall carry out the purposes described in this section and the duties of the
 9 authority under ORS 196.200 to 196.240 and 196.993 in the manner that, in the determination of the
 10 authority, best promotes and implements the mission of the authority. Subject to any limitations
 11 established under ORS 196.200 to 196.240 and 196.993, the authority may take any necessary or ex-
 12 pedient actions to:

13 (a) Enter into any agreements as necessary or expedient to perform any authorized function of
 14 the authority, including but not limited to any agreements with the Assistant Secretary of the Army
 15 (Civil Works) for the United States Army Corps of Engineers or other public or private entities to:

16 (A) Establish ownership by the authority of the Willamette Falls Locks project;

17 (B) Repair, maintain, upgrade and operate the Willamette Falls Locks project and associated
 18 property and facilities; and

19 (C) Provide for the training of personnel in operation of the navigation channel and locks;

20 (b) Ensure the financial viability of the authority;

21 (c) Promote the Willamette Falls Locks project to industries related to or interested in the
 22 authority's business operations, properties or facilities; and

23 (d) Undertake improvements and maintenance activities, including dredging and channelization
 24 activities as the authority determines are necessary or expedient to ensure the continued operation
 25 and utility of the Willamette Falls Locks project as a navigation facility.

26 **SECTION 2.** ORS 196.240 is amended to read:

27 196.240. (1)(a) The Willamette Falls Locks Authority shall submit to periodic audits by the
 28 Secretary of State. The authority shall, no less than annually, retain a public accounting firm to
 29 examine and attest to the financial operations of the authority. The authority shall include the re-
 30 sults of any public accounting in the annual report submitted to the Legislative Assembly under
 31 subsection (2) of this section.

32 **(b) Notwithstanding paragraph (a) of this subsection, the authority is exempt from the**
 33 **requirement to retain a public accounting firm to examine and attest to the financial oper-**
 34 **ations of the authority for any one fiscal year in which the authority meets the conditions**
 35 **for exemption applicable to a municipal corporation under ORS 297.435.**

36 (2) The authority shall, not later than April 15 of each year, file an annual report with the
 37 Governor and a committee or interim committee of the Legislative Assembly related to economic
 38 development. The report shall describe the activities and operations of the authority during the
 39 preceding calendar year.

40 **SECTION 3.** ORS 196.210 is amended to read:

41 196.210. (1) The Willamette Falls Locks Authority shall consist of no fewer than seven and no
 42 more than 11 individuals appointed by the Governor. An authority member holds office for a term
 43 of four years but may be removed at any time at the pleasure of the Governor. Members are eligible
 44 for reappointment. Prior to the expiration of the term of a member, the Governor shall appoint a
 45 successor. If a member position becomes vacant for any reason, the Governor shall appoint a suc-

cessor to fill the unexpired term.

(2) A member of the authority must be a citizen of the United States and may not be an employee **or independent contractor** of the authority. In appointing members to the authority, the Governor shall consult with the employees of the authority, if any, and shall endeavor to appoint members with experience or expertise in a variety of subjects related to the mission and purposes of the authority or with other experience or expertise that the Governor determines are important to the success of the authority. The Governor shall consider for appointment, but need not be limited to appointing, representatives of:

- (a) Federally recognized Oregon Indian Tribes with treaty interests in the Willamette Falls area;
- (b) Regional or municipal governments;
- (c) The maritime industry;
- (d) The tourism industry;
- (e) Persons with experience in finance, marketing or economic development;
- (f) Adjacent property owners; or
- (g) Abutting energy facilities.

(3) The authority shall elect one member as chairperson and one member as vice chairperson, with terms, duties and powers as determined by the authority. The authority shall adopt bylaws establishing the required frequency of meetings, *[and]* quorum requirements **and any officers, in addition to chairperson and vice chairperson, necessary for the operation of the authority.**

(4) A member of the authority is not entitled to compensation, but may be reimbursed as provided by the policies and procedures of the authority for any actual and necessary travel and other expenses incurred by the member in the performance of the member's official duties.

(5) Four members of the Legislative Assembly shall act as a nonvoting observers and advisors to the authority and shall be appointed as follows:

- (a) One shall be appointed by the President of the Senate from among members of the Senate;
- (b) One shall be appointed by the Senate Minority Leader from among members of the Senate;
- (c) One shall be appointed by the Speaker of the House of Representatives from among members of the House of Representatives; and
- (d) One shall be appointed by the House Minority Leader from among members of the House of Representatives.

(6) The members of the Legislative Assembly selected under subsection (5) of this section may not exercise any power, right or privilege of a member of the authority.

SECTION 4. (1) For the biennium beginning July 1, 2025, at the request of the Oregon Department of Administrative Services, after the department consults with the Willamette Falls Locks Authority, the State Treasurer is authorized to issue lottery bonds pursuant to ORS 286A.560 to 286A.585 in an amount that produces \$11.431 million in net proceeds for the purposes described in subsection (2) of this section, plus an additional amount estimated by the State Treasurer to be necessary to pay bond-related costs.

(2) Net proceeds of lottery bonds issued under this section must be transferred to the department for deposit in the ODAS Economic Development Distributions Fund established under ORS 461.553, for distribution to the Willamette Falls Locks Authority for restoration of the Willamette Falls navigation canal and locks.

(3) The Legislative Assembly finds that the use of lottery bond proceeds will create jobs, further economic development, finance public education or restore and protect parks, beaches, watersheds and native fish and wildlife, and is authorized based on the finding that

1 restoration of the Willamette Falls navigation canal and locks will enhance the economic
2 viability of the region, increase opportunities for commercial transportation and offer op-
3 portunities for recreation and transportation.

4 SECTION 5. This 2025 Act takes effect on the 91st day after the date on which the 2025
5 regular session of the Eighty-third Legislative Assembly adjourns sine die.

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