SB 1543-3
(LC 271)
2/12/26 (HE/ps)

Requested by Senator GORSEK

PROPOSED AMENDMENTS TO SENATE BILL 1543

On page 1 of the printed bill, line 2, delete "184.612, 184.649, 184.661,".

Delete lines 5 through 25 and delete pages 2 through 10 and insert:

"**SECTION 1. Highway debt financing management policy. (1) In consultation with the State Treasurer, the Oregon Transportation Commission shall develop a debt financing management policy for all forms of debt financing issued to finance highway projects, including, but not limited to, bonds, federal advanced construction funds, and other forms of financing based on debt or future repayment.**

"(2) The policy must be used by the commission and the State Treasurer to guide decision-making related to debt financing. The commission may update the policy as necessary. In developing and updating the policy, in addition to consulting with the State Treasurer, the commission shall consult with the chairpersons and vice chairpersons of the committees and interim committees of the Legislative Assembly related to transportation.

"(3) The debt financing management policy developed under this section must address relevant financial issues, including, but not limited to:

"(a) Limits on cumulative amounts of debt for the highway system from all state and federal sources;

"(b) Eligibility of highway projects for proceeds from debt financ-

ing;

"(c) Allocation and use of proceeds;

"(d) Terms of debt service and methods of repayment;

"(e) Management of the State Highway Fund; and

"(f) Mitigation of risks from different forms of debt financing.

"(4) The debt financing management policy must limit annual debt service for highway projects to a set percentage of estimated annual state transportation resources to the State Highway Fund. The commission shall set this limit at a level that protects the Department of Transportation in a future budget period from being required to make debt service payments of a size that other portions of the department's budget during that period must be reduced. This subsection does not apply to debt service anticipated to be paid from federal grant moneys.

"(5) No later than January 31 of each odd-number year, the commission shall review and update the debt financing management policy and submit a report to the standing or interim committees of the Legislative Assembly related to transportation, in the manner provided in ORS 192.245, on the policy and any changes to the policy.

"<u>**SECTION 2.**</u> <u>**Requesting issuance of bonds.**</u> **(1) Before the Department of Transportation may request the State Treasurer to issue bonds, the department must first submit the proposed request to the Oregon Transportation Commission for review. In conducting the review, the commission shall provide notice and the opportunity for public comment on whether the commission should approve the request. After reviewing the request, the commission may approve, modify or deny the request in accordance with the debt financing management policy adopted under section 1 of this 2026 Act. The department may not make a bond request to the State Treasurer, and the State Treasurer may not act on a bonding request, unless the request is first approved by the commission.**

"(2) If the proposed request is for issuance of bonds that will produce at least $10 million in net proceeds, the department shall create a report on the proposed debt. The department shall submit the report to the commission at the time the department submits the proposed request for review. Additionally, the department shall submit the report to the committees or interim committees of the Legislative Assembly related to transportation. The report must include at least the following information:

"(a) A full debt repayment schedule;

"(b) An accounting of the total cost of the debt, including all financing-related costs;

"(c) A description of how bond proceeds will be used and how the debt is to be secured;

"(d) A description of the specific revenues that will be used to pay debt service, an estimate of the total annual amounts of those revenues and the share of those revenues currently dedicated to debt service; and

"(e) An analysis of opportunity costs, including next-best uses of moneys and projected impacts of the proposed bonds on future funding for other projects, for at least two biennia after the current biennium.

"(3) The commission may not approve a proposed bonding request, and the State Treasurer may not act on a bonding request, if the department is not in compliance with subsection (2) of this section.

"SECTION 3. ORS 367.025 is amended to read:

"367.025. (1) If the Department of Transportation determines that it is necessary or desirable to issue infrastructure bonds to provide moneys for the Oregon Transportation Infrastructure Fund, the department shall ask the State Treasurer to issue infrastructure bonds**, subject to section 2 of this 2026 Act**.

"(2) Infrastructure bonds shall be issued as provided in ORS chapter 286A.

"**<u>SECTION 4.</u>** ORS 367.030 is amended to read:

"367.030. (1) To provide moneys for the Oregon Transportation Infrastructure Fund or to refund bonds authorized by this section, the State Treasurer may, at the request of the Department of Transportation **and subject to section 2 of this 2026 Act**, issue revenue bonds of the State of Oregon that are payable solely from all or any portion of the moneys deposited in the infrastructure fund and may pledge such moneys to secure the revenue bonds. The department or State Treasurer may exercise any power granted by ORS chapter 286A in connection with bonds authorized by this section. However, the State Treasurer or the department shall not pledge or encumber any moneys of the State of Oregon other than those required by ORS 367.010 to 367.067 to be deposited in the infrastructure fund.

"(2) The department may enter into covenants for the benefit of the owners of bonds authorized by this section regarding the use of moneys in the infrastructure fund, the providing of infrastructure assistance and the collection of infrastructure loans. Any such covenants shall be binding upon the State of Oregon in accordance with their terms and shall be enforceable against the State of Oregon by owners of the bonds. However, no owner of bonds authorized by this section shall ever have the right to compel any exercise of the taxing power of the state to pay any such bonds or the interest thereon, or to enforce payment thereof against any property of the state, except those moneys in the infrastructure fund that are pledged to pay the bonds and any moneys the department or an agency may agree to use to repay infrastructure loans under ORS 367.040. Bonds authorized by this section shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property of the state, except moneys in the infrastructure fund that are pledged to pay the bonds, and any property that the department or agency pledges, mortgages or assigns to secure infrastructure loans pursuant to ORS 367.040. Revenue bonds authorized by this section shall not constitute a debt of the state or a lending of the credit of the state within the meaning of any constitutional or statutory limitation.

"(3) The total principal amount of revenue bonds that are issued under this section and outstanding at any time shall not exceed $200 million.

"SECTION 5. ORS 367.163 is amended to read:

"367.163. The State Treasurer, at the request of the Department of Transportation **and subject to section 2 of this 2026 Act**, may issue grant anticipation revenue bonds for the purposes of:

"(1) Financing highway improvement projects including highway improvement projects already under way or scheduled;

"(2) Financing the restoration, reconstruction or renovation of highway improvements in Oregon;

"(3) Financing transportation projects;

"(4) Paying the costs of issuance of the revenue bonds including, but not limited to, the costs and fees of paying agents, trustees and remarketing agents;

"(5) Paying the costs of credit enhancements; or

"(6) Financing the Interstate 5 bridge replacement project.

"SECTION 6. ORS 367.555 is amended to read:

"367.555. (1) **Subject to section 2 of this 2026 Act,** The Department of Transportation may request the State Treasurer to issue general obligation bonds of the State of Oregon used to provide funds to defray the costs of building and maintaining permanent roads, including the costs of location, relocation, improvement, construction and reconstruction of state highways and bridges and those portions of a tollway project, as defined in ORS 383.003, that constitute building or maintaining permanent roads.

"(2) The principal amount of any bonds issued under this section is subject to the provisions of ORS 286A.035.

"SECTION 7. ORS 367.615 is amended to read:

"367.615. (1) **Subject to section 2 of this 2026 Act,** The Department of Transportation may request the State Treasurer to issue and sell revenue bonds known as Highway User Tax Bonds as provided in this section.

"(2) Bonds issued under this section do not constitute a debt or general obligation of this state or any political subdivision of this state but are secured and payable from moneys described under ORS 367.605. A holder of bonds issued under this section may not compel the exercise of the ad valorem taxing power of the state to pay the bond debt service on the bonds.

"(3) This state shall provide for the continued assessment, levy, collection and deposit into the highway fund of moneys described under ORS 367.605 in amounts sufficient to pay, when due, the annual bond debt service and other amounts necessary to meet requirements established by indenture under ORS 367.640.

"(4) This state may not in any way impair obligations of any agreement between this state and the holders of bonds issued under this section.

"(5) The authority granted by this section is continuing and the department reserves the right to request the State Treasurer to issue additional bonds under this section subject to the following:

"(a) Additional bonds must be secured equally and ratably by the pledge and appropriation of moneys described under ORS 367.605 unless the State Treasurer, as permitted by law and the contracts with owners of outstanding Highway User Tax Bonds, issues additional bonds in different series and secures each series by a lien on and pledge of moneys described under ORS 367.605 that is superior to or subordinate to the lien of the pledge securing any other series of Highway User Tax Bonds.

"(b) The State Treasurer may only issue additional bonds under this section if sufficient moneys described under ORS 367.605 may be pledged to pay the annual bond debt service for all outstanding bonds issued under this section as well as for the additional bonds.

"(6) Proceeds from the sale of bonds under this section are declared to be for the purpose of building and maintaining permanent public roads and may be used:

“(a) To finance the cost of state highway, county road and city street projects in this state.

“(b) To pay the cost of issuing the bonds.

“(c) For loans to cities and counties as provided under ORS 367.035 or 367.655.

“(d) To pay the bond debt service of the bonds.

“(e) To pay the costs of the State Treasurer and the department to administer and maintain the bonds and the Highway User Tax Bond program, including the cost of consultants, advisors, attorneys or other professional service providers appointed, retained or approved by the treasurer or the department.

“(f) To pay capitalized interest, principal or premium, if any, of the bonds.

“(g) For rebates or penalties due to the United States in connection with the bonds.

“(7) The State Treasurer, at the request of the department, may issue Highway User Tax Bonds as capital appreciation bonds, auction rate bonds, variable rate bonds, deep discount bonds or deferred interest bonds.

“(8) The State Treasurer or the Director of Transportation, if so directed by the treasurer, may obtain credit enhancement or an agreement for exchange of interest rates to provide additional security or liquidity for the bonds or to provide funding, in lieu of cash, for all or a portion of a bond debt service reserve account established with respect to the bonds.

“SECTION 8. ORS 367.812 is amended to read:

“367.812. (1) In addition to any authority to issue and sell bonds and other similar obligations, this section establishes continuing authority for the State Treasurer to issue and sell bonds and other similar obligations, at the request of the Department of Transportation, in a manner consistent with this section. To finance any transportation project in whole or in part, the department may request that the State Treasurer issue revenue bonds on behalf of the department**, subject to section 2 of this 2026 Act**. Revenue bonds authorized under this section shall be issued in accordance with the applicable provisions of ORS chapter 286A. The bonds shall be secured by a pledge of, and a lien on, and shall be payable only from moneys in the State Transportation Enterprise Fund established by ORS 367.810 and any other revenues specifically pledged to repayment of the bonds. Such a pledge by the department of its revenues creates a lien that is valid and binding from the time the pledge is made as provided in ORS 286A.102. Revenue bonds issued pursuant to this section are not general obligations of the state and are not secured by or payable from any funds or assets of the state other than the moneys and revenues specifically pledged to the repayment of such revenue bonds.

"(2) Moneys received from the issuance of revenue bonds or other debt obligations, including any investment earnings thereon, may be expended:

"(a) For the purpose of financing the costs of the transportation project for which the bonds are issued;

"(b) To pay the costs and other administrative expenses of the bonds;

"(c) To pay the costs of credit enhancement or to fund any reserves determined to be necessary or advantageous in connection with the revenue bonds; and

"(d) To reimburse the department for any costs related to carrying out the purposes of the program established under ORS 367.804.

"(3) Any transportation project may be financed in whole or in part with:

"(a) The proceeds of grant anticipation revenue bonds authorized by 23 U.S.C. 122 and applicable state law.

"(b) Grants, loans, loan guarantees, lines of credit, revolving lines of credit or other financing arrangements available pursuant to the Transportation Infrastructure Finance and Innovation Act under 23 U.S.C. 181 et seq., or any other applicable federal law.

"(c) Infrastructure loans or assistance from the Oregon Transportation Infrastructure Fund established by ORS 367.015.

"(4) As security for the payment of financing described in subsection (3) of this section, the revenues from the project may be pledged, but no such pledge of revenues constitutes in any manner or to any extent a general obligation of the state. Any financing described in subsection (3) of this section may be structured on a senior, parity or subordinate basis to any other financing.

"**SECTION 9.** ORS 383.200 is amended to read:

"383.200. (1) In accordance with the applicable provisions of ORS chapter 286A **and subject to section 2 of this 2026 Act**, the State Treasurer, at the request of the Department of Transportation, may issue and sell revenue bonds known as tollway project revenue bonds for the purpose of financing tollway projects authorized by the Oregon Transportation Commission or the Department of Transportation, provided that such bonds do not constitute a debt or general obligation of the department or of this state or any of its political subdivisions, but shall be payable solely from the revenues, amounts, funds and accounts described in ORS 383.009, 383.205 and 383.235.

"(2) The proceeds of bonds issued under this section may be used by the department or loaned or granted to a private entity or a local government, as defined in ORS 174.116, for the purposes of:

"(a) Financing any portion of the costs related to the purposes described in ORS 383.009 (2);

"(b) Funding any required reserves;

"(c) Paying costs of issuing the bonds; and

"(d) Reimbursing the department for any eligible costs associated with the establishment, oversight, operation and maintenance of a tollway or a tollway project.

"(3) The bonds authorized by this section may be issued as taxable bonds or as tax-exempt bonds under the income tax laws of the United States.

"(4) Notwithstanding the status of the bonds for federal income tax purposes, interest paid to the owners of the bonds shall be exempt from personal income taxes imposed by this state.

"(5) Subject to the limitations under ORS 383.004 and 383.009, when issuing bonds under this section, the department and the State Treasurer may make covenants with bondholders regarding the imposition and regulation of tolls to meet the department's obligations under the terms of any indenture prepared under ORS 383.225, any loan agreement and any grant agreement, including without limitation:

"(a) Financial covenants, debt service requirements, reserve requirements and any other funding requirements;

"(b) The use of the amounts required to be deposited in the Toll Program Fund; and

"(c) The issuance of additional bonds.

"(6) The state may not in any way impair obligations of any agreement between the state and holders of tollway project revenue bonds issued under this section.

"(7) The department, with the approval of the State Treasurer, may designate the extent to which a series of tollway project revenue bonds authorized under this section is secured and payable:

"(a) On a parity of lien or on a subordinate basis to existing or future Highway User Tax Bonds issued under ORS 367.615, but only if sufficient moneys described under ORS 367.605 may be pledged to:

"(A) First, pay the annual bond debt service of all Highway User Tax Bonds issued pursuant to ORS 367.615 and 367.620; and

"(B) Second, pay the annual bond debt service for all tollway project revenue bonds issued under this subsection; or

"(b) From additional revenue sources as permitted under ORS 383.205.

"(8) A holder of tollway project revenue bonds issued under this section may not compel the payment of federal transportation funds to the department.

"(9) This section is supplemental and in addition to any other authority in ORS chapters 286A, 366 and 367 for the issuance of bonds by the State Treasurer at the request of the department.

"<u>SECTION 10.</u> ORS 391.140 is amended to read:

"391.140. (1) In accordance with ORS chapter 286A, the State Treasurer, at the request of the Director of Transportation **and subject to section 2 of this 2026 Act**, shall issue revenue bonds from time to time in an aggregate amount not to exceed:

"(a) The principal sum of $115 million;

"(b) The costs incurred in connection with the issuance of the bonds and other administrative expenses of the State Treasurer in connection with the issuance of the bonds; and

"(c) The amount of any reserves determined to be necessary or advantageous in connection with the revenue bonds.

"(2) The Director of Transportation shall submit to the State Treasurer from time to time written requests to issue the revenue bonds in amounts sufficient to provide in a timely fashion the moneys required to fund the obligations of the Department of Transportation under any written agreements or commitments entered into under ORS 391.120 (2) for the purpose of financing the state share of the costs of the Westside corridor light rail project identified in ORS 391.120 (2)(a).

"(3) Moneys received from the issuance of revenue bonds, including any investment earnings thereon, may be expended only for the purpose of financing the costs of development, acquisition and construction of the Westside corridor light rail project identified in ORS 391.120 (2)(a), and to pay the costs of issuing the bonds and other administrative expenses of the State Treasurer in carrying out the provisions of ORS 391.120 and this section, including the funding of any reserves determined to be necessary or advantageous in connection with the revenue bonds.

"(4) Notwithstanding ORS 286A.100, 286A.102 and 286A.120 or any other provision of law, revenue bonds issued under this section, regardless of whether issued in one or more issues, shall be secured equally and ratably by the pledge of moneys described in this subsection and ORS 391.130. The bonds shall be secured by a pledge of, and a lien on, and shall be secured and payable only from, moneys on deposit from time to time in the Regional Light Rail Extension Construction Fund established by ORS 391.120. The revenue bonds shall not be a general obligation of this state, and shall not be secured by or payable from any funds or assets of this state other than the moneys on deposit from time to time in the Regional Light Rail Extension Construction Fund.

"(5) The moneys in the Regional Light Rail Extension Bond Account shall be used and applied by the Director of Transportation to pay when due the principal of and interest on any revenue bonds issued under this section.

"(6) The interest on all revenue bonds issued under this section and on any refunding bonds issued pursuant to ORS chapter 286A is exempt from personal income taxation imposed by this state under ORS chapter 316.

"(7) The proceeds derived from the issuance and sale of the revenue bonds, including any proceeds required to fund any reserves determined to be necessary or advantageous in connection with the revenue bonds, shall be deposited in a special, segregated subaccount of the Regional Light Rail Extension Construction Fund. The moneys on deposit from time to time in the subaccount, including any investment earnings thereon, shall be disbursed as needed for the purposes described in subsection (3) of this section upon the written request of the Director of Transportation.

"SECTION 11. The section captions used in this 2026 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2026 Act.

"SECTION 12. This 2026 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2026 Act takes effect on its passage.".