

House Bill 2436

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D., for Oregon Business Development Department)

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**.

Permits Oregon Infrastructure Finance Authority to provide financial assistance for levee projects that contribute to improvement, expansion or repair of infrastructure systems and are essential for use or development of farm, industrial or commercial land.

Allows Water Resources Department to inspect, evaluate and assess condition of levee with owner's permission and certify levee for accreditation.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to levee infrastructure; creating new provisions; amending ORS 285B.410; and declaring an
3 emergency.

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

5 **SECTION 1.** ORS 285B.410 is amended to read:

6 285B.410. As used in ORS 285B.410 to 285B.482, unless the context requires otherwise:

7 (1) "Airport" means:

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

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

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

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

14 (2)(a) "Community development project" means a project that involves strategic planning,
15 training or other technical assistance as defined by the Oregon Business Development Department
16 by rule, and that is aimed at strengthening the economic development, community development or
17 infrastructure priority setting of a municipality or region.

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

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

20 (B) Developing priorities for infrastructure projects;

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

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

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

26 (3) "Development project" means a project for the acquisition, improvement, construction, dem-
27 olition, or redevelopment of municipally owned utilities, buildings, land, transportation facilities or
28 other facilities that assist the economic and community development of the municipality, including

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 planning project activities that are necessary or useful as determined by the Oregon Infrastructure
2 Finance Authority.

3 (4) “Direct project management costs” means expenses directly related to a project that are in-
4 curred by a municipality solely to support or manage a project eligible for assistance under ORS
5 285B.410 to 285B.482. “Direct project management costs” does not include routine or ongoing ex-
6 penses of the municipality.

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

9 (6) “Energy system” means a facility necessary for the distribution, transmission or generation
10 of energy, including but not limited to facilities powered by wind, solar energy or biofuel and facil-
11 ities for the collection, storage, transmission or distribution of a fuel, including natural gas, methane
12 or hydrogen.

13 (7) **“Levee project” means a community development project, development project, plan-**
14 **ning project or other project that is associated with levee inspection, accreditation, certi-**
15 **fication or repair.**

16 [(7)] (8) “Marine facility” means:

- 17 (a) A wharf, dock, freight handling or passenger facility;
- 18 (b) A navigation channel or structure, including a project funded under ORS 777.267; or
- 19 (c) Any other physical marine facility improvement.

20 [(8)] (9) “Municipality” means an Oregon city or county, the Port of Portland created by ORS
21 778.010, a county service district organized under ORS chapter 451, a district as defined in ORS
22 198.010, **a drainage district organized under ORS chapter 547**, a tribal council of a federally re-
23 cognized Indian tribe in this state or an airport district organized under ORS chapter 838.

24 [(9)] (10) “Planning project” means:

- 25 (a) A project related to a potential development project for preliminary, final or construction
26 engineering;
- 27 (b) A survey, site investigation or environmental action;
- 28 (c) A financial, technical or other feasibility report, study or plan; or
- 29 (d) An activity that the authority determines to be necessary or useful in planning for a poten-
30 tial development project.

31 [(10)] (11) “Project” means a development, community development, planning, **levee** or emer-
32 gency project.

33 [(11)] (12) “Railroad” means:

- 34 (a) A main line, siding, yard, connecting or auxiliary track, right of way or easement;
- 35 (b) An industrial spur or related facility, including a depot, shop, maintenance building or other
36 building;
- 37 (c) A signal or traffic control system;
- 38 (d) A bridge or tunnel;
- 39 (e) A dock, pit, conveyor, bin, crane, piping system, tank or pavement for unloading, loading or
40 transfer of freight, trailers or containers; or
- 41 (f) Any other physical railroad improvement.

42 [(12)] (13) “Road” means a street, highway or thruway or a road-related structure that provides
43 for continuity of a right of way, including a bridge, tunnel, culvert or similar structure or other
44 physical road-related improvement.

45 [(13)] (14) “Rural area” has the meaning given that term in ORS 285A.010.

1 [(14)] (15) “Solid waste disposal site” has the meaning given the term “disposal site” in ORS
2 459.005.

3 [(15)] (16) “Telecommunications system” means equipment or a facility for the electronic trans-
4 mission of voice, data, text, image or video.

5 [(16)] (17) “Transportation” means a system for movement of freight or passengers.

6 [(17)] (18) “Utilities” means a solid waste disposal site or a water, sewage, storm water drainage,
7 energy or telecommunications system.

8 **SECTION 2.** Section 3 of this 2015 Act is added to and made a part of ORS 285B.410 to
9 **285B.482.**

10 **SECTION 3.** (1) The Oregon Infrastructure Finance Authority may provide financial as-
11 sistance in the form of loans or grants for a levee project to:

12 (a) Drainage districts organized under ORS chapter 547; and

13 (b) For-profit or nonprofit entities and individuals engaged in the ownership, con-
14 struction, inspection, accreditation, certification or repair of levees.

15 (2) To qualify for financial assistance under this section, the district, entity or individual
16 must demonstrate, and the authority must find, that the levee project substantially con-
17 tributes to the improvement, expansion or repair of the state’s or a municipality’s
18 infrastructure system and is essential for the use or development of farm, industrial or
19 commercial land in Oregon.

20 (3) Levee projects that receive financial assistance under this section are subject to the
21 provisions and requirements of ORS 285B.410 to 285B.482, if applicable.

22 **SECTION 4.** Section 5 of this 2015 Act is added to and made a part of ORS chapter 540.

23 **SECTION 5.** (1) In lieu of the authority granted to the Water Resources Commission
24 under ORS 540.350 (5), the Water Resources Department may inspect, evaluate and assess
25 the condition of a levee, and evaluate and certify a levee for accreditation under federal
26 safety and flood standards as described in 44 C.F.R. 65.10, with the permission of the owner
27 of the levee.

28 (2) In performing the actions under subsection (1) of this section, the department may:

29 (a) Provide recommendations and technical assistance;

30 (b) Advise on necessary maintenance and repairs;

31 (c) Require or assist with the development of emergency action plans to ensure the
32 safety of life and property;

33 (d) Undertake activities necessary to identify the owner of a levee;

34 (e) Assist with mapping the locations of levees;

35 (f) Enter into contracts and intergovernmental agreements;

36 (g) Accept and receive moneys;

37 (h) Accept and receive payment for services performed; and

38 (i) Exchange information and perform other actions as necessary to cooperate with pri-
39 vate, local, state and federal entities.

40 (3) The department’s actions under this section shall not relieve the owners of levees of
41 their legal liabilities and responsibilities.

42 **SECTION 6.** This 2015 Act being necessary for the immediate preservation of the public
43 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect
44 on its passage.