

**Enrolled**  
**Senate Bill 306**

Sponsored by Senator JOHNSON (Pre-session filed.)

CHAPTER .....

AN ACT

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

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

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

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

(1) "Airport" means:

- (a) A runway, taxiway, aircraft parking apron, ramp, auto parking area, access road, safety area or runway protection zone;
- (b) An airport-related facility, including a hangar, terminal, air traffic control tower or other building;
- (c) A signal, navigational aid or traffic control system; or
- (d) A fuel tank or other physical airport improvement.

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

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

- (A) Developing and managing short-term and long-term projects;
- (B) Developing priorities for infrastructure projects;
- (C) Strategic planning related to furthering economic or community development; or
- (D) Training related to economic or community development, including training to improve leadership skills, technical skills or analytical skills, particularly in rural and distressed areas.

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

(3) "Development project" means a project for the acquisition, improvement, construction, demolition, or redevelopment of municipally owned utilities, buildings, land, transportation facilities or other facilities that assist the economic and community development of the municipality, including planning project activities that are necessary or useful as determined by the Oregon Infrastructure Finance Authority.

(4) "Direct project management costs" means expenses directly related to a project that are incurred by a municipality solely to support or manage a project eligible for assistance under ORS 285B.410 to 285B.482. "Direct project management costs" does not include routine or ongoing expenses of the municipality.

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

(6) "Energy system" means a facility necessary for the distribution, transmission or generation of energy, including but not limited to facilities powered by wind, solar energy or biofuel and facilities for the collection, storage, transmission or distribution of a fuel, including natural gas, methane or hydrogen.

**(7) "Levee project" means a community development project, development project, planning project or other project that is associated with levee inspection, accreditation, certification or repair.**

[(7)] (8) "Marine facility" means:

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

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

[(9)] (10) "Planning project" means:

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

[(10)] (11) "Project" means a development, community development, planning, **levee** or emergency project.

[(11)] (12) "Railroad" means:

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

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

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

[(14)] (15) "Solid waste disposal site" has the meaning given the term "disposal site" in ORS 459.005.

[(15)] (16) "Telecommunications system" means equipment or a facility for the electronic transmission of voice, data, text, image or video.

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

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

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

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

- (a) Drainage districts organized under ORS chapter 547;**

(b) Corporations or companies for drainage or flood control organized under ORS chapter 554; and

(c) For-profit or nonprofit entities and individuals engaged in the ownership, construction, inspection, accreditation, certification or repair of levees.

(2) To qualify for financial assistance under this section, the district, corporation, company, entity or individual must demonstrate, and the authority must find, that the levee project substantially contributes to the improvement, expansion or repair of the state's or a municipality's infrastructure system and is essential for the use or development of farm, industrial or commercial land in Oregon.

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

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

**SECTION 5.** (1) In lieu of the authority granted to the Water Resources Commission under ORS 540.350 (5), the Water Resources Department may inspect, evaluate and assess the condition of a levee with the permission of the owner of the levee.

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

(a) Provide recommendations and technical assistance;

(b) Advise on necessary maintenance and repairs;

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

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

(e) Assist with mapping the locations of levees;

(f) Enter into contracts and intergovernmental agreements;

(g) Accept and receive moneys;

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

(i) Exchange information and perform other actions as necessary to cooperate with private, local, state and federal entities.

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

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

**Passed by Senate June 17, 2015**

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

**Passed by House June 25, 2015**

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Tina Kotek, Speaker of House

**Received by Governor:**

.....M,....., 2015

**Approved:**

.....M,....., 2015

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Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2015

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Jeanne P. Atkins, Secretary of State