

**PROPOSED AMENDMENTS TO
HOUSE BILL 2278**

1 On page 1 of the printed bill, line 15, after “agency” insert “or organiza-
2 tion”.

3 Delete lines 28 through 30.

4 On page 2, delete lines 1 through 2 and insert:

5 “(b) Authorization for the issuance of lottery bonds will increase the
6 likelihood of federal funding for maintenance of the project, encourage the
7 development of public and private sector partnerships to continue the mod-
8 ernization and expansion of the Oregon International Port of Coos Bay, in-
9 cluding the development and construction of modern multipurpose,
10 multimodal terminal facilities for the Coos Bay harbor, and add new income
11 that will directly benefit Oregon’s dredging, construction or maritime in-
12 dustries.”.

13 Delete lines 31 through 40 and insert:

14 “(b) In the biennium beginning July 1, 2015, up to \$10 million in net
15 proceeds of lottery bonds to the Coos Bay Channel Fund established in sec-
16 tion 15, chapter 746, Oregon Laws 2007, for distribution to the primary
17 sponsor after the director finds that the primary sponsor has taken action
18 pursuant to the grant agreement required in section 14, chapter 746, Oregon
19 Laws 2007, that triggers the distribution of bond proceeds described in this
20 paragraph.

21 “(c) In the biennium beginning July 1, 2017, up to \$5 million in net pro-
22 ceeds of lottery bonds to the Coos Bay Channel Fund established in section

1 15, chapter 746, Oregon Laws 2007, for distribution to the primary sponsor
2 after the director finds that the primary sponsor has taken action pursuant
3 to the grant agreement required in section 14, chapter 746, Oregon Laws
4 2007, that triggers the distribution of bond proceeds described in this para-
5 graph.

6 “(d) In the biennium beginning July 1, 2019, up to \$40 million in net
7 proceeds of lottery bonds to the Coos Bay Channel Fund established in sec-
8 tion 15, chapter 746, Oregon Laws 2007, for distribution to the primary
9 sponsor after the director finds that the primary sponsor has taken action
10 pursuant to the grant agreement required in section 14, chapter 746, Oregon
11 Laws 2007, that triggers the distribution of bond proceeds described in this
12 paragraph.”.

13 On page 3, delete lines 28 through 45.

14 On page 4, delete lines 1 through 9 and insert:

15 “(3)(a) Prior to the distribution of bond proceeds described in section 13
16 (2)(a), chapter 746, Oregon Laws 2007, the primary sponsor shall provide to
17 the director a budget document outlining expenditures for the Coos Bay
18 Channel Project and verify and certify to the director that:

19 “(A) The primary sponsor has entered into a commercially reasonable
20 agreement with a terminal developer to construct and operate cargo terminal
21 facilities on the lower Coos Bay channel or has entered into a commercially
22 reasonable agreement to act as a funding contributor to the Coos Bay
23 Channel Project;

24 “(B) The primary sponsor, with the United States Army Corps of Engi-
25 neers serving as the lead oversight agency, is on schedule to develop an en-
26 vironmental impact statement and a combined report pursuant to section 204
27 of the Water Resources Development Act of 1986, P.L. 99-662, and section 14
28 of the Rivers and Harbors Appropriation Act of 1899, 33 U.S.C. 408, to:

29 “(i) Fulfill requirements of the National Environmental Policy Act;

30 “(ii) Ensure concurrence by the United States Army Corps of Engineers

1 to a tentatively selected plan; and

2 “(iii) Proceed with the tentatively selected plan, beginning in July 2015,
3 and proceed toward completion of a draft record of decision by July 2017;

4 “(C) The United States Army Corps of Engineers is committed to prepa-
5 ration of a draft record of decision after:

6 “(i) The primary sponsor issues the final environmental impact statement;

7 “(ii) The United States Army Corps of Engineers reviews the combined
8 report;

9 “(iii) Permits are issued under the Rivers and Harbors Appropriation Act
10 of 1899, 33 U.S.C. 408; and

11 “(iv) Approvals are granted under section 204 (f) of the Water Resources
12 Development Act of 1986, P.L. 99-662;

13 “(D) The Deputy Commanding General of the United States Army Corps
14 of Engineers is committed to issue a final record of decision during July
15 2019; and

16 “(E) The terminal developer has entered into, or made appropriate
17 progress in negotiations toward, a contract with rail service providers to
18 ensure adequate rail infrastructure and service capacity to serve the termi-
19 nal facilities to be developed as part of the Coos Bay Channel Project.

20 “(b) Prior to the distribution of the \$10 million described in section 13
21 (2)(b), chapter 746, Oregon Laws 2007, the primary sponsor shall provide to
22 the director a budget document outlining expenditures for the Coos Bay
23 Channel Project and verify and certify to the director that it has prepared
24 and submitted to the United States Army Corps of Engineers the tentatively
25 selected plan report identifying the preferred alternative for the project.

26 “(c) Prior to the distribution of the \$5 million described in section 13
27 (2)(c), chapter 746, Oregon Laws 2007, the primary sponsor shall provide to
28 the director a budget document outlining expenditures for the Coos Bay
29 Channel Project and verify and certify to the director that:

30 “(A) The final environmental impact statement and the draft record of

1 decision have been issued in accordance with National Environmental Policy
2 Act requirements; and

3 “(B) The Port of Coos Bay has prepared and submitted to the United
4 States Army Corps of Engineers a draft combined report pursuant to section
5 204 of the Water Resources Development Act of 1986, P.L. 99-662, and section
6 14 of the Rivers and Harbors Appropriation Act of 1899, 33 U.S.C. 408, for
7 technical review.

8 “(d) Prior to the distribution of the \$40 million described in section 13
9 (2)(d), chapter 746, Oregon Laws 2007, the primary sponsor shall provide to
10 the director a budget document outlining expenditures for the Coos Bay
11 Channel Project and verify and certify to the director that:

12 “(A) The Director of Civil Works for the United States Army Corps of
13 Engineers has approved the project pursuant to section 14 of the Rivers and
14 Harbors Appropriation Act, 33 U.S.C. 408;

15 “(B) The United States Army Corps of Engineers Portland District has
16 issued permits for construction pursuant to section 404 of the Federal Water
17 Pollution Control Act, P.L. 92-500, as amended, and section 10 of the Rivers
18 and Harbors Appropriation Act, 33 U.S.C. 408; and

19 “(C) The Assistant Secretary of the Army (Civil Works) for the United
20 States Army Corps of Engineers has approved and executed an agreement
21 pursuant to section 204 (f) of the Water Resource Development Act of 1986,
22 P.L. 99-662.”.

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