

Senate Bill 256

Corrected Sponsors

Sponsored by Senators DEVLIN, OLSEN, Representatives PARRISH, KENNEMER, LININGER, MEEK; Senators BURDICK, FREDERICK, GIROD, MONNES ANDERSON, MONROE, ROBLAN, TAYLOR, THOMSEN, WINTERS, Representatives BARKER, GOMBERG, HELM, HUFFMAN, KENY-GUYER, MCKEOWN, MCLAIN, NEARMAN, NOSSE, PILUSO, POWER, WITT (Presession 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**.

Establishes Willamette Falls Locks Commission as policy-making and advisory body for issues relating to repair, reopening, operation, maintenance and future transfer of ownership of navigational canal and locks.

Establishes Willamette Falls Navigation Infrastructure Program within Oregon Business Development Department to provide assistance and staff support to commission.

Establishes Willamette Falls Navigation Infrastructure Program Account. Appropriates funds from General Fund to department for purposes of Act.

Sunsets commission, program and account on December 31, 2023.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to Willamette Falls navigation infrastructure; and declaring an emergency.

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

4 **SECTION 1. (1) There is established the Willamette Falls Locks Commission as the**
5 **policy-making and advisory body for the Willamette Falls Navigation Infrastructure Program**
6 **established under section 5 of this 2017 Act.**

7 **(2) The commission shall consist of 11 members appointed as follows:**

8 **(a) The Governor shall appoint:**

9 **(A) One member who is the chair or a member of the Clackamas County Board of County**
10 **Commissioners, pursuant to a recommendation of the board;**

11 **(B) One member who is the president or a member of the governing body of the metro-**
12 **politan service district for the Portland metropolitan area, pursuant to the recommendation**
13 **of the governing body;**

14 **(C) One member who is a representative of the Confederated Tribes of the Grand Ronde,**
15 **pursuant to a recommendation of the confederated tribes;**

16 **(D) One member from the State Parks and Recreation Department;**

17 **(E) One member who is a representative of the Department of Transportation, pursuant**
18 **to a recommendation by the Director of Transportation;**

19 **(F) One member who is a mayor or a member of the governing body of a city who re-**
20 **presents the interests of the cities located along the Willamette River that have an interest**
21 **in the Willamette Falls navigational canal and locks, pursuant to a recommendation by the**
22 **governing body of the City of West Linn; and**

23 **(G) One member who represents the collective interests in the Willamette River of local**
24 **businesses, economic development organizations, the tourism industry and user groups.**

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 (b) The President of the Senate shall appoint one member from among the members of
2 the Senate.

3 (c) The Senate Minority Leader shall appoint one member from among members of the
4 Senate.

5 (d) The Speaker of the House of Representatives shall appoint one member from among
6 the members of the House of Representatives.

7 (e) The House Minority Leader shall appoint one member from among members of the
8 House of Representatives.

9 (3) The term of office of each member of the commission appointed by the Governor is
10 four years, but a member serves at the pleasure of the Governor. Before the expiration of
11 the term of a member, the Governor shall appoint a successor whose term begins on January
12 1 of the following year. A member is eligible for reappointment. If there is a vacancy for any
13 cause, the appointing authority shall make an appointment to become immediately effective
14 for the unexpired term.

15 (4) Members of the commission who are not members of the Legislative Assembly are
16 not entitled to compensation, but may be reimbursed for actual and necessary travel and
17 other expenses incurred by them in the performance of their official duties in the manner
18 and in the amounts provided for in ORS 292.495. Claims for expenses incurred in performing
19 functions of the commission shall be paid out of funds available for purposes of the com-
20 mission.

21 (5) Members of the Legislative Assembly appointed to the commission are nonvoting
22 members of the commission and act in an advisory capacity only.

23 (6) The commission shall select one of its members as chairperson and another as vice
24 chairperson, for terms and with duties and powers necessary for the performance of the
25 functions of the offices as the commission determines.

26 (7) Official action by the commission requires the approval of a majority of the voting
27 members of the commission.

28 (8) The commission shall meet no less than four times per year at times and places
29 specified by the call of the chairperson or of a majority of the voting members of the com-
30 mission.

31 (9) The provisions of ORS chapter 192 apply to the meetings and records of the commis-
32 sion under the same terms as they apply to public bodies other than the state.

33 **SECTION 2.** Notwithstanding the term of office specified by section 1 of this 2017 Act,
34 of the members first appointed to the commission by the Governor:

35 (1) One shall serve for a term ending December 31, 2018.

36 (2) Two shall serve for terms ending December 31, 2019.

37 (3) Two shall serve for terms ending December 31, 2020.

38 (4) Two shall serve for terms ending December 31, 2021.

39 **SECTION 3.** (1) The Willamette Falls Locks Commission shall:

40 (a) Serve as a body to advise state and local government agencies on the development
41 and implementation of state policies relating to the repair, reopening, operation and main-
42 tenance of the Willamette Falls navigation canal and locks;

43 (b) Collaborate with local governments, historic organizations and stakeholders to de-
44 velop a plan to promote the locks as a tourist attraction of historic interest;

45 (c) Address issues relating to the transfer of ownership, operation and financing of the

1 locks from a state, local and regional perspective;

2 (d) Make recommendations for, and assist in coordination of, funding responsibilities,
3 including possible recommendations for the formation of an intergovernmental agreement
4 between local, state and federal agencies for the repair, reopening, operation and mainte-
5 nance of the canal and locks;

6 (e) Advise the Administrator of the Willamette Falls Navigation Infrastructure Program
7 under sections 5 and 6 of this 2017 Act;

8 (f) Compile information relating to the canal and locks, including but not limited to:

9 (A) Potential economic opportunities and environmental impacts that may occur as a
10 result of the reopening of the canal and locks; and

11 (B) Recreational and commercial transportation on the canal and locks;

12 (g) Consider any other matters the commission considers necessary with respect to the
13 ownership and operation of the canal and locks; and

14 (h) Prepare and submit suggested rules to the Director of the Oregon Business Develop-
15 ment Department that the commission considers necessary for the administration of the
16 Willamette Falls Navigation Infrastructure Program.

17 **SECTION 4.** (1) The Willamette Falls Locks Commission shall convene a stakeholder ad-
18 visory group to provide information to the commission relating to the repair, reopening, op-
19 eration and maintenance of the Willamette Falls navigational canal and locks. The
20 commission shall appoint members representing:

21 (a) State agencies;

22 (b) Nonprofit organizations;

23 (c) Stakeholders with knowledge of environmental and economic concerns relating to the
24 reopening of the locks; and

25 (d) Members of federally recognized Indian tribes.

26 (2) The commission may establish advisory or technical committees as the commission
27 considers necessary to aid and advise the commission in the performance of its functions.
28 The committees may be continuing or temporary committees. The commission shall deter-
29 mine the representation, membership, terms and organization of the committees and shall
30 appoint the members of the committees.

31 **SECTION 5.** (1) The Willamette Falls Navigation Infrastructure Program is established
32 within the Oregon Business Development Department. The program is subject to the super-
33 vision of the Administrator of the Willamette Falls Navigation Infrastructure Program. The
34 program shall consist of the administrator and all personnel employed in the program.

35 (2) The program shall provide the Willamette Falls Locks Commission with staff and
36 other assistance as necessary for the commission to perform its duties.

37 **SECTION 6.** (1) The Director of the Oregon Business Development Department, in con-
38 sultation with the Willamette Falls Locks Commission, shall appoint an Administrator of the
39 Willamette Falls Navigation Infrastructure Program, who shall serve at the pleasure of the
40 director.

41 (2) As the administrative head of the Willamette Falls Navigation Infrastructure Pro-
42 gram, the administrator shall:

43 (a) Serve as the intermediary to facilitate collaboration between the United States Army
44 Corps of Engineers and the Willamette Falls Locks Commission to evaluate options for the
45 repair, reopening, operation and maintenance of the Willamette Falls navigation canal and

1 locks; and

2 (b) Provide to the commission information and recommendations relating to the costs
3 of the repair, reopening, maintenance and operation of the locks.

4 (3) The department may enter into contracts with other state agencies or local govern-
5 ments as necessary to carry out coordinated efforts relating to the repair, reopening, oper-
6 ation and maintenance of the locks required under this section.

7 **SECTION 7.** (1) The Willamette Falls Navigation Infrastructure Program Account is es-
8 tablished in the State Treasury, separate and distinct from the General Fund. All interest
9 earned by the account shall be credited to the account. All moneys in the account are con-
10 tinuously appropriated to the Oregon Business Development Department for the purposes
11 of sections 1 to 6 of this 2017 Act.

12 (2) All moneys received by the department for the purposes of sections 1 to 6 of this 2017
13 Act shall be deposited in the account.

14 (3) The department may accept gifts, grants or contributions from any source, whether
15 public or private, for deposit in the account.

16 **SECTION 8.** There is appropriated to the Oregon Business Development Department, for
17 the biennium beginning July 1, 2017, out of the General Fund, the amount of \$677,500 for the
18 purposes of sections 1 to 6 of this 2017 Act.

19 **SECTION 9.** (1) Sections 1 to 8 of this 2017 Act are repealed on December 31, 2023.

20 (2) Any balance in the Willamette Falls Navigation Infrastructure Program Account that
21 is unexpended or unobligated on the date of the repeal of section 7 of this 2017 Act by sub-
22 section (1) of this section, and all moneys that would have been deposited in the Willamette
23 Falls Navigation Infrastructure Program Account had section 7 of this 2017 Act stayed in
24 effect, shall be transferred to and deposited in the General Fund to be available for general
25 governmental purposes.

26 **SECTION 10.** This 2017 Act being necessary for the immediate preservation of the public
27 peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect
28 on its passage.

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