

House Bill 2323

Sponsored by Representatives EVANS, WITT, GORSEK; Representatives GOMBERG, MCKEOWN, SMITH DB
(Pre-session 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**.

Expands potential recipients of levee project grants to include any public body. Includes flood control embankments and flood control facilities as subjects of levee projects. Specifies certain financial conditions for levee project grants. Includes construction or capital improvement projects in definition of "levee project."

A BILL FOR AN ACT

1
2 Relating to the levee project subaccount; creating new provisions; and amending ORS 285B.410,
3 285B.420 and 285B.456.

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

5 **SECTION 1.** ORS 285B.420 is amended to read:

6 285B.420. (1) The Oregon Infrastructure Finance Authority may provide financial assistance in
7 the form of loans or grants for a levee project to **any public body as defined in ORS 174.109,**
8 **for-profit or nonprofit entity, or individual, that owns or is engaged in the construction, in-**
9 **spection, accreditation, certification or repair of levees, flood control embankments or flood**
10 **control facilities.**

11 *[(a) Drainage districts organized under ORS chapter 547;]*

12 *[(b) Corporations or companies for drainage or flood control organized under ORS chapter 554;*
13 *and]*

14 *[(c) For-profit or nonprofit entities and individuals engaged in the ownership, construction, in-*
15 *spection, accreditation, certification or repair of levees.]*

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

21 (3) Levee projects that receive financial assistance under this section are subject to *[the]* **ap-**
22 **plicable** provisions and requirements of ORS 285B.410 to 285B.482, *if applicable*.

23 (4)(a) **The total amount of grants that may be awarded in a biennium is limited only by**
24 **the amount of moneys available for the biennium in the Levee Project Subaccount estab-**
25 **lished under ORS 285B.456.**

26 (b) **Grants for planning projects are limited to a maximum of \$2 million per applicant per**
27 **biennium.**

28 (c) **A grant for a construction or capital improvement project may not exceed an amount**
29 **equal to 85 percent of the total cost of the project.**

30 (d) **A grant may not be awarded under this section unless the public body, entity or in-**

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 **dividual pledges to the project a match having a value equal to 20 percent of the amount of**
 2 **the grant. The match may be in cash, or property, real or personal, tangible or intangible,**
 3 **and may be obtained from any source.**

4 **SECTION 2.** ORS 285B.410 is amended to read:

5 285B.410. As used in ORS 285B.410 to 285B.482, unless the context requires otherwise:

6 (1) "Airport" means:

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

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

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

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

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

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

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

19 (B) Developing priorities for infrastructure projects;

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

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

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

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

30 (4) "Direct project management costs" means expenses directly related to a project that are in-
 31 curred by a municipality solely to support or manage a project eligible for assistance under ORS
 32 285B.410 to 285B.482. "Direct project management costs" does not include routine or ongoing ex-
 33 penses of the municipality.

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

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

40 (7) "Levee project" means a community development project, development project, planning
 41 project, **construction project, capital improvement project** or other project that is associated
 42 with [levee] **the construction, inspection, accreditation, certification or repair of levees, flood**
 43 **control embankments or flood control facilities.**

44 (8) "Marine facility" means:

45 (a) A wharf, dock, freight handling or passenger facility;

1 (b) A navigation channel or structure, including a project funded under ORS 777.267; or

2 (c) Any other physical marine facility improvement.

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

7 (10) "Planning project" means:

8 (a) A project related to a potential development project for preliminary, final or construction
9 engineering;

10 (b) A survey, site investigation or environmental action;

11 (c) A financial, technical or other feasibility report, study or plan; or

12 (d) An activity that the authority determines to be necessary or useful in planning for a poten-
13 tial development project.

14 (11) "Project" means a development, community development, planning, levee or emergency
15 project.

16 (12) "Railroad" means:

17 (a) A main line, siding, yard, connecting or auxiliary track, right of way or easement;

18 (b) An industrial spur or related facility, including a depot, shop, maintenance building or other
19 building;

20 (c) A signal or traffic control system;

21 (d) A bridge or tunnel;

22 (e) A dock, pit, conveyor, bin, crane, piping system, tank or pavement for unloading, loading or
23 transfer of freight, trailers or containers; or

24 (f) Any other physical railroad improvement.

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

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

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

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

32 (17) "Transportation" means a system for movement of freight or passengers.

33 (18) "Utilities" means a solid waste disposal site or a water, sewage, storm water drainage, en-
34 ergy or telecommunications system.

35 **SECTION 3.** ORS 285B.456 is amended to read:

36 285B.456. (1) The Levee Project Subaccount is established in the Special Public Works Fund
37 established under ORS 285B.455. Interest earned by the Levee Project Subaccount shall be credited
38 to the subaccount. Moneys in the subaccount are continuously appropriated to the Oregon Business
39 Development Department for the purpose of providing financial assistance under ORS 285B.410 to
40 285B.482 for levee projects[, *as defined in ORS 285B.410*].

41 (2) The department may accept grants, donations, contributions or gifts from any source for de-
42 posit in the Levee Project Subaccount.

43 **SECTION 4. The amendments to ORS 285B.410, 285B.420 and 285B.456 by sections 1 to 3**
44 **of this 2019 Act apply to biennia beginning on or after July 1, 2019.**