

**Enrolled**  
**House Bill 2101**

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Joint Committee on Transportation for Association of Oregon Counties)

CHAPTER .....

AN ACT

Relating to highways; and declaring an emergency.

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

**SECTION 1.** (1) Each year, the Department of Transportation shall determine the amount of funding allocated under ORS 367.095 (4)(b) that is necessary to fund:

- (a) Transportation projects specified by the Legislative Assembly by law;
- (b) The matching moneys needed to spend federal funds;
- (c) Highway maintenance activities;
- (d) Programs that are more efficient to operate using state moneys; and
- (e) Other purposes for which federal funds cannot be used.

(2) From state moneys described under ORS 367.095 (4)(b) remaining after setting aside the funds necessary to meet the purposes described in subsection (1) of this section, the department shall allocate to local governments \$35 million per year.

(3) The department shall replace any state funds made available to local governments under subsection (2) of this section with federal surface transportation funding on a dollar for dollar basis.

(4)(a) The department shall allocate the state moneys described in ORS 367.095 (4)(b) under subsection (2) of this section to the following:

- (A) Counties;
- (B) Cities with a population of 5,000 or more and located outside the boundaries of a metropolitan planning organization, as defined in ORS 197.629;
- (C) Metropolitan planning organizations in urbanized areas with a population of less than 200,000;
- (D) The League of Oregon Cities; or
- (E) The Association of Oregon Counties.

(b) Moneys allocated under this subsection shall be used solely for uses that are consistent with Article IX, section 3a, of the Oregon Constitution.

(c) The distribution of moneys under this subsection shall be:

- (A) Determined by agreement between the department, the League of Oregon Cities and the Association of Oregon Counties; and
- (B) Provided to recipients through guidelines developed by the department.

(5) If less than \$35 million of state moneys is allocated to local governments under subsection (2) of this section in a year, the department shall, to the extent possible, allocate, under subsection (4) of this section, federal surface transportation funding in an amount

equal to the difference between \$35 million and the amount of state moneys allocated to local governments under subsection (2) of this section.

(6) The department may adopt rules to carry out the provisions of this section.

**SECTION 2.** This 2023 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect on its passage.

**Passed by House May 23, 2023**

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Timothy G. Sekerak, Chief Clerk of House

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Dan Rayfield, Speaker of House

**Passed by Senate June 22, 2023**

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Rob Wagner, President of Senate

**Received by Governor:**

.....M.,....., 2023

**Approved:**

.....M.,....., 2023

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Tina Kotek, Governor

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

.....M.,....., 2023

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Secretary of State