

Enrolled Senate Bill 256

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

CHAPTER

AN ACT

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

Whereas the Willamette Falls Navigation Canal and Locks were opened in 1873; and

Whereas the navigation canal and locks are a primary historic asset in the Willamette Falls State Heritage Area; and

Whereas the United States Army Corps of Engineers purchased the navigation canal and locks in 1915 to ensure free public passage through the navigation canal and locks; and

Whereas in 2011 the United States Army Corps of Engineers placed the navigation canal and locks into nonoperational status; and

Whereas in May 2017 the United States Army Corps of Engineers issued a draft disposition study stating an intent to divest federal ownership of the navigation canal and locks; and

Whereas the navigation canal and locks offer opportunities for economic development, recreation, transportation and cultural enrichment for the people of this state; and

Whereas the navigation canal and locks provide a transportation route in the event of a natural disaster; and

Whereas Columbia River tribes have usual and accustomed claims to use the Willamette Falls area; and

Whereas the Confederated Tribes of the Grand Ronde Community of Oregon have historical claims through treaty to the Willamette Falls area; and

Whereas the Confederated Tribes of the Grand Ronde Community of Oregon, Metro, Clackamas County, Marion County, Multnomah County, Linn County, Polk County and the cities of Eugene, Milwaukie, Portland, Oregon City, Salem, West Linn and Wilsonville have each adopted resolutions in support of the repair and reopening of the navigation canal and locks; now, therefore,

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

SECTION 1. (1) There is established the **Willamette Falls Locks Commission** for the purposes described in section 2 of this 2017 Act, consisting of 23 members appointed as follows:

(a) The Governor shall appoint:

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

(B) One member who is the chair or a member of the Marion County Board of County Commissioners, pursuant to a recommendation of the board;

(C) One member who is the chair or a member of the Yamhill County Board of County Commissioners, pursuant to a recommendation of the board;

(D) One member who is the president or a member of the governing body of the metropolitan service district for the Portland metropolitan area, pursuant to a recommendation from the governing body;

(E) One member who is a representative of the Confederated Tribes of the Grand Ronde Community of Oregon, pursuant to a recommendation of the tribal council;

(F) One member who is a representative of a Columbia River tribe that is a party to the terms of a treaty of 1855 between the tribe and the United States of America;

(G) One member who is a representative of the State Parks and Recreation Department;

(H) One member who is a representative of the Port of Portland;

(I) One member who is a representative of the Department of Transportation;

(J) One member who is a representative of the Oregon Business Development Department;

(K) Pursuant to a recommendation by that city's governing body, one member who is the mayor or a member of the governing body of each of the following cities, to represent the cities' interests in the Willamette Falls navigation canal and locks:

(i) The City of Oregon City;

(ii) The City of West Linn; and

(iii) The City of Wilsonville;

(L) One member to represent the collective interests of local businesses and economic development in Clackamas County, pursuant to a recommendation of the Clackamas County Board of County Commissioners;

(M) One member to represent the collective interests of the tourism and recreation industries in Clackamas County, pursuant to a recommendation by the Clackamas County Board of County Commissioners;

(N) One member to represent the residents of Clackamas County, pursuant to a recommendation by the Clackamas County Board of County Commissioners; and

(O) One member to represent an environmental or ecological nonprofit organization.

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

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

(d) The Speaker of the House of Representatives shall appoint two members from among the members of the House of Representatives.

(e) The House Minority Leader shall appoint two members from among the members of the House of Representatives.

(2) The term of office of each member of the commission appointed by the Governor is four years, but a member serves at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on January 1 of the following year. A member is eligible for reappointment.

(3) If there is a vacancy for any cause, the appointing authority shall make an appointment to become immediately effective for the unexpired term.

(4) Members of the commission are not entitled to compensation and may not be reimbursed for travel or other expenses incurred by them in the performance of their official duties.

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

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

(7) The commission may elect an executive committee to consist of three or more members. The executive committee has and may exercise all authority of the commission.

(8) Official action by the commission requires the approval of a majority of the voting members of the commission.

(9)(a) The commission shall meet no less than six times per year at times and places specified by the call of the chairperson or of a majority of the voting members of the commission. The commission shall include an opportunity for public comment as an item on the agenda of at least two meetings per year.

(b) The commission shall notify federally recognized Indian tribes and known interested parties of the dates and times of commission meetings.

(10) ORS 192.410 to 192.505 and 192.610 to 192.690 apply to the records and meetings of the commission.

SECTION 2. (1) The Willamette Falls Locks Commission shall:

(a) Serve as a body to advise state, local and regional government agencies on the development and implementation of state policies relating to the repair, reopening, operation and maintenance of the Willamette Falls navigation canal and locks;

(b) Address issues relating to the transfer of ownership, operation and financing of the navigation canal and locks from a state, local and regional perspective;

(c) Make recommendations for, and assist in coordination of, funding responsibilities, including possible recommendations for the formation of an intergovernmental agreement between state, local, regional and federal agencies for the repair, reopening, operation and maintenance of the navigation canal and locks;

(d) Investigate a framework for the ownership, operations and management of the navigation canal and locks;

(e) Negotiate ownership, operation and management of the navigation canal and locks with the United States Army Corps of Engineers;

(f) Communicate state policies relating to the repair, reopening, operation and maintenance of the navigation canal and locks to the Oregon Congressional Delegation; and

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

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

(3) Oregon Solutions at Portland State University shall provide staffing and other resources as required by the commission to carry out the duties of the commission.

SECTION 3. In addition to and not in lieu of any other appropriation, there is appropriated to the Higher Education Coordinating Commission, for the biennium beginning July 1, 2017, out of the General Fund, the amount of \$190,000, for distribution to Portland State University for the purposes of sections 1 and 2 of this 2017 Act.

SECTION 4. Sections 1 and 2 of this 2017 Act are repealed on December 31, 2023.

SECTION 5. This 2017 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect on its passage.

Passed by Senate July 3, 2017

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House July 7, 2017

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Tina Kotek, Speaker of House

Received by Governor:

.....M,....., 2017

Approved:

.....M,....., 2017

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2017

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Dennis Richardson, Secretary of State