

Enrolled Senate Bill 38

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Kate Brown for Department of Transportation)

CHAPTER

AN ACT

Relating to reallocation of moneys for transportation projects; amending ORS 367.620 and section 64, chapter 865, Oregon Laws 2009; and declaring an emergency.

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

SECTION 1. Section 64, chapter 865, Oregon Laws 2009, as amended by section 3, chapter 55, Oregon Laws 2012, section 1, chapter 11, Oregon Laws 2013, section 1, chapter 344, Oregon Laws 2015, and section 1, chapter 38, Oregon Laws 2016, is amended to read:

Sec. 64. (1) **Except as provided in subsection (3)(e)(A) of this section,** proceeds of the bonds, as defined in ORS 367.010, authorized under ORS 367.620 (3)(c) may be used to finance all or any portion of the projects as listed in subsection (2) of this section. The Oregon Transportation Commission shall determine the order of completion for the projects listed in subsection (2) of this section.

(2) The following amounts are allocated for the projects listed below:

(a) U.S. Highway 26 at the Glencoe Road Interchange	\$	21 million
(b) Interstate 84 at the 257th Avenue Interchange.....	\$	27,669,288
(c) State Highway 212: Sunrise Corridor, Phase I, Units 1, 2 and 3	\$	100 million
(d) U.S. Highway 26 at the Shute Road Interchange, Phase I.....	\$	53,947,687
(e) Interstate 5 at the Interstate 205 Interchange.....	\$	7,330,712
(f) U.S. Highway 26: Cornelius Pass Road to Cornell Road.....	\$	22,052,313
(g) Interstate 205 and State Highway 213 at the Washington Street Interchange.....	\$	22 million
(h) Interstate 84 at the Hood River Interchange.....	\$	10 million

(i) State Highway 43 at the Sellwood Bridge Interchange..	\$	30 million
(j) State Highway 6 at U.S. Highway 101	\$	27 million
(k) State Highway 99W: Newberg and Dundee Bypass, Phase I...	\$	192 million
(L) Interstate 5 at the State Highway 214 Interchange.....	\$	49.5 million
(m) Interstate 5 at Beltline Highway, Units 3, 4, 5, 6 and 7	\$	64 million
(n) Beltline Highway at Delta Highway	\$	8 million
(o) Interstate 5 at Kuebler Road, Phase I	\$	18.5 million
(p) Interstate 5 at Kuebler Road, Phase II (Mill Creek)....	\$	4 million
(q) State Highway 42, county line curves.....	\$	10 million
(r) State Highway 62: Corridor Solution, Phase II	\$	100 million
(s) Interstate 5 at the Fern Valley Road Interchange	\$	25 million
(t) Interstate 5 Sutherlin truck climbing lanes	\$	4.1 million
(u) Interstate 5 Sexton truck climbing lanes.....	\$	10 million
(v) Interstate 84 at the U.S. Highway 97 Interchange.....	\$	19 million
(w) U.S. Highway 97: Crooked River Bridge to Redmond	\$	2 million
(x) State Highway 140: Klamath Falls to the Nevada state line.....	\$	23 million
(y) Murphy Road at the U.S. Highway 97 Interchange.....	\$	25 million
(z) U.S. Highway 97: Redmond reroute, Phase II.....	\$	5 million
(aa) Chico Road reconstruction in Baker County	\$	621,083
(bb) Chandler Lane reconstruction in Baker County	\$	2,427,758
(cc) Interstate 84 Spring Creek climbing lane in Union County	\$	5.7 million
(dd) Northwest Washington Avenue in Malheur County.....	\$	4.5 million
(ee) Pierce Road improvements in Union County	\$	5 million
(ff) State Highway 82 alternate route in Wallowa County	\$	5 million
(gg) Westland Road in Umatilla		

County.....	\$	1.1 million
(hh) State Highway 207 and State Highway 206 intersections	\$	0.5 million
(ii) Vehicle chain-up areas east of Pendleton on Interstate 84.....	\$	4.7 million
(jj) Izee-Paulina Highway in Grant County.....	\$	4.5 million
(kk) Monroe Street and U.S. Highway 20 Intersection in Harney County.....	\$	0.9 million

(3)(a) When the commission determines that the project described in subsection (2)(a) of this section is completed, the commission shall reallocate any amount remaining from the allocation made under subsection (2)(a) of this section to the project described in subsection (2)(d) of this section.

(b) When the commission determines that the project described in subsection (2)(d) of this section is completed, the commission shall reallocate any amount remaining from the allocation made under subsection (2)(d) of this section to the project described in subsection (2)(f) of this section.

(c) When the commission determines that the project described in subsection (2)(m) of this section is completed, the commission shall reallocate any amount remaining from the allocation made under subsection (2)(m) of this section to the project described in subsection (2)(n) of this section.

(d) When the commission determines that the project described in subsection (2)(L) of this section is completed, the commission shall reallocate any amount remaining from the allocation made under subsection (2)(L) of this section to the project described in subsection (2)(j) of this section.

(e) Except as provided in paragraphs (a) to (d) of this subsection, when the commission determines that a transportation project listed in subsection (2) of this section is complete, the commission shall reallocate any amount remaining from the allocation for the completed transportation project:

(A) To transportation projects selected by the commission that are not listed in subsection (2) of this section and that leverage federal grant funds; or

(B) To transportation projects listed in subsection (2) of this section that are located within the same region as the completed transportation project. For purposes of this subparagraph, the regions are as follows:

(i) Region one consists of Clackamas, Hood River, Multnomah and Washington Counties.

(ii) Region two consists of Benton, Clatsop, Columbia, Lane, Lincoln, Linn, Marion, Polk, Tillamook and Yamhill Counties.

(iii) Region three consists of Coos, Curry, Douglas, Jackson and Josephine Counties.

(iv) Region four consists of Crook, Deschutes, Gilliam, Jefferson, Klamath, Lake, Sherman, Wasco and Wheeler Counties.

(v) Region five consists of Baker, Grant, Harney, Malheur, Morrow, Umatilla, Union and Wallowa Counties.

(4) Prior to June 1, 2010, in addition to the projects listed in subsection (2) of this section, if projects are recommended to the Oregon Transportation Commission by the applicable local area commission on transportation after consultation with the local governments listed in this subsection, the Oregon Transportation Commission may also approve and allocate funds to the following local governments for projects approved by the commission in the following amounts:

(a) Baker County	\$	7,051,159
(b) Grant County.....	\$	1.1 million

(c) Harney County.....	\$ 4.1 million
(d) Malheur County.....	\$ 5.8 million
(e) Union County.....	\$ 1.3 million
(f) Umatilla County.....	\$ 2.5 million
(g) City of Nyssa.....	\$ 1 million
(h) City of Heppner.....	\$ 3 million
(i) City of Milton-Freewater	\$ 3 million
(j) City of Ontario.....	\$ 1.2 million
(k) Port of Umatilla.....	\$ 4.5 million
(L) Port of Morrow.....	\$ 10.7 million

SECTION 2. ORS 367.620 is amended to read:

367.620. (1) The principal amount of Highway User Tax Bonds issued under ORS 367.615 shall be subject to the provisions of ORS 286A.035.

(2) Highway User Tax Bonds may be issued under ORS 367.615 for the purposes described in ORS 367.622 in an aggregate principal amount sufficient to produce net proceeds of not more than \$500 million.

(3)(a) Highway User Tax Bonds may be issued under ORS 367.615 for bridge purposes described in section 10 (1), chapter 618, Oregon Laws 2003, in an aggregate principal amount sufficient to produce net proceeds of not more than \$1.6 billion.

(b) Highway User Tax Bonds may be issued under ORS 367.615 for modernization purposes described in sections 10 (2) and 11, chapter 618, Oregon Laws 2003, in an aggregate principal amount sufficient to produce net proceeds of not more than \$300 million.

(c) Highway User Tax Bonds may be issued under ORS 367.615 for the purposes described in section 64, chapter 865, Oregon Laws 2009, in an aggregate principal amount sufficient to produce net proceeds of not more than \$840 million. The proceeds from bonds issued as described in this paragraph that are not required for the purposes described in section 64, chapter 865, Oregon Laws 2009, shall be allocated to transportation projects, as defined in ORS 367.010[*that are approved by the Legislative Assembly by law*].

(d) The Department of Transportation, with the approval of the State Treasurer, may designate the extent to which a series of bonds authorized under this subsection is secured and payable on a parity of lien or on a subordinate basis to existing or future Highway User Tax Bonds.

SECTION 3. 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 February 21, 2017

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House May 23, 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