



ORS  
Vol. 5  
Title 19  
Chap. 196. State Waters & Ocean Resources  
§ 196.205

# ORS 196.205

## Establishment of Willamette Falls Locks Authority as independent public corporation

- (1) The Willamette Falls Locks Authority is established as a public corporation and shall exercise and carry out all powers, rights and privileges that are expressly conferred upon the authority, are implied by law or are incident to such powers, rights and privileges. The authority is an independent public corporation with a statewide mission and purposes and without territorial boundaries. The authority is a governmental entity performing governmental functions and exercising governmental powers but, except as otherwise provided by law, is not a unit of local or municipal government or a state agency for purposes of state statutes or constitutional provisions.
- (2) Unless otherwise provided by law, the authority is not subject to [ORS 35.550 \(Definitions for ORS 35.550 to 35.575\)](#) to [35.575 \(Precondemnation compensation not required\)](#), [180.060 \(Powers and duties of Attorney General\)](#), [180.210 \(Department of Justice\)](#) to [180.235 \(Authority of agency to employ counsel\)](#), [183.710 \(Definitions for ORS 183.710 to 183.730\)](#) to [183.730 \(Review of rule by Oregon Sunshine Committee\)](#), [183.745 \(Civil penalty procedures\)](#), [183.750 \(State agency required to prepare public writings in readable form\)](#), [190.430 \(Attorney General to review agreements\)](#), [190.480 \(Definition for ORS 190.480 to 190.490\)](#) to [190.490 \(Approval of agreement by Attorney General\)](#), [192.105 \(State Archivist authorization for state officials to](#)

dispose of records), 200.035 (Notice to Governor’s Policy Advisor for Economic and Business Equity), 236.605 (Definitions for ORS 236.605 to 236.640) to 236.640 (Reemployment right of employee at end of cooperation agreement), 243.105 (Definitions for ORS 243.105 to 243.285) to 243.585 (Accounting system allowances for dedication of salary), 243.696 (Bargaining representatives for executive department state agencies, judicial department and legislative department), 278.011 (State agencies to supply information on property) to 278.120 (Claims management), 283.085 (Definitions for ORS 283.085 to 283.092) to 283.092 (Effect of financing agreement on tax status), 291.050 (Definitions for ORS 291.050 to 291.060) to 291.060 (Report of fees to Legislative Assembly), 357.805 (Definitions for ORS 357.805 to 357.895) to 357.895 (Rules) and 656.017 (Employer required to pay compensation and perform other duties) (2) and ORS chapters 182, 183, 238, 238A, 240, 270, 273, 276, 282, 283, 291, 292, 293 and 297. The authority is a contracting agency for the purposes of ORS chapters 279A, 279B and 279C and shall purchase equipment, materials, supplies and services through the Oregon Department of Administrative Services as provided in ORS 279A.140 (State procurement of goods and services) to 279A.161 (Review and verification of advice and recommendations concerning procurements) and 279A.250 (Definitions for ORS 279A.250 to 279A.290) to 279A.290 (Miscellaneous receipts accounts).

- (3) The mission of the authority is to establish ownership, oversight and management of the Willamette Falls Locks project, for the purposes of:
  - (a) Enhancing the economic vitality of Oregon through facilitating the resiliency and navigability of the Willamette River; **and**
  - (b) Repairing, maintaining, upgrading and operating the Willamette Falls Locks project and associated properties and facilities for commercial, transportation, recreational, cultural, historic, heritage and tourism purposes.
- (4) The authority shall carry out the purposes described in this section and the duties of the authority under ORS 196.200 (Definitions for ORS 196.200 to 196.240

and 196.993) to 196.240 (Audits) and 196.993 (Penalties for unauthorized use of Willamette Falls Locks) in the manner that, in the determination of the authority, best promotes and implements the mission of the authority. Subject to any limitations established under ORS 196.200 (Definitions for ORS 196.200 to 196.240 and 196.993) to 196.240 (Audits) and 196.993 (Penalties for unauthorized use of Willamette Falls Locks), the authority may take any necessary or expedient actions to:

- (a) Enter into any agreements as necessary or expedient to perform any authorized function of the authority, including but not limited to any agreements with the Assistant Secretary of the Army (Civil Works) for the United States Army Corps of Engineers or other public or private entities to:
  - (A) Establish ownership by the authority of the Willamette Falls Locks project;
  - (B) Repair, maintain, upgrade and operate the Willamette Falls Locks project and associated property and facilities; **and**
  - (C) Provide for the training of personnel in operation of the navigation channel and locks;
- (b) Ensure the financial viability of the authority;
- (c) Promote the Willamette Falls Locks project to industries related to or interested in the authority's business operations, properties or facilities; **and**
- (d) Undertake improvements and maintenance activities, including dredging and channelization activities as the authority determines are necessary or expedient to ensure the continued operation and utility of the Willamette Falls Locks project as a navigation facility. [2021 c.229 §2]

Note: See note under [196.200 \(Definitions for ORS 196.200 to 196.240 and 196.993\)](#).

Note: Sections 1, 2 and 4, chapter 734, Oregon Laws 2017, provide:

Sec. 1. (1) There is established the Willamette Falls Locks Commission for the purposes described in section 2, chapter 734, Oregon Laws 2017, 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 Commissions; **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) *Intentionally left blank —Ed.*
  - (a) The commission shall meet at times and places specified by the call of the chairperson or of a majority of the voting members of the commission.
  - (b) The commission shall notify federally recognized Indian tribes and known interested parties of the dates and times of commission meetings.
- (10) [ORS 192.311 \(Definitions for ORS 192.311 to 192.478\) to 192.478 \(Exemption for Judicial Department\)](#) and [192.610 \(Definitions for ORS 192.610 to 192.690\) to 192.690 \(Exceptions to ORS 192.610 to 192.690\)](#) apply to the records and meetings of the commission. [2017 c.734 §1; 2021 c.229 §12]

Sec. 2. (1) As used in this section, “Willamette Falls Locks project” has the meaning given that term in section 1 of this 2021 Act [[196.200 \(Definitions for ORS 196.200 to 196.240 and 196.993\)](#)].

- (2) The Willamette Falls Locks Commission shall:
  - (a) Serve as a body to advise the Governor in appointment of the initial members of the Willamette Falls Locks Authority pursuant to section 3 of this 2021 Act [[196.210 \(Membership of authority\)](#)];
  - (b) Provide advice and assistance to the Governor or the Willamette Falls Locks Authority established under section 2 of this 2021 Act [[196.205 \(Establishment of Willamette Falls Locks Authority as independent public corporation\)](#)], as requested by the Governor or the authority, on any matters relating to the Willamette Falls Locks project and as necessary to facilitate an orderly transition from the commission to the authority of responsibilities for the development and implementation of

state policies relating to the Willamette Falls Locks project; **and**

- (c) Consider any other matters the commission considers necessary with respect to advising the Willamette Falls Locks Authority on the ownership and operation of the Willamette Falls Locks project.
  
- (3) 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.
  
- (4) 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. [2017 c.734 §2; 2021 c.229 §13]

Sec. 4. Sections 1 and 2, chapter 734, Oregon Laws 2017, are repealed on June 30, 2022. [2017 c.734 §4; 2021 c.229 §14]

*Source: Section 196.205 — Establishment of Willamette Falls Locks Authority as independent public corporation, [https://www.oregonlegislature.gov/bills\\_laws/ors/ors196.html](https://www.oregonlegislature.gov/bills_laws/ors/ors196.html).*