

House Bill 4150

Sponsored by Representatives HOLVEY, READ; Representatives BAILEY, BEYER, BUCKLEY, DEMBROW, DOHERTY, FREDERICK, HUNT, KENY-GUYER, KOMP, KOTEK, MATTHEWS, NATHANSON, ROBLAN, SCHAUFLER, TOMEI, WITT, Senators HASS, MONNES ANDERSON, STEINER HAYWARD (Presession 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 definition of qualified business eligible for credit guarantees from Credit Enhancement Fund to include nontraded sector business. Sunsets July 1, 2015.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the Credit Enhancement Fund; creating new provisions; amending ORS 285B.200 and
3 285B.203; and declaring an emergency.

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

5 **SECTION 1.** ORS 285B.200 is amended to read:

6 285B.200. As used in ORS 285B.200 to 285B.218:

7 (1) "Brownfield" or "brownfields" has the meaning given that term in ORS 285A.185.

8 (2) "Eligible project costs" includes productive equipment and machinery, working capital for
9 operations and export transactions and such other costs as the Oregon Business Development De-
10 partment by rule may provide.

11 (3) "Environmental action" has the meaning given that term in ORS 285A.188.

12 (4) "Financial institution" includes institutions listed in ORS 706.008 and such other institutions
13 defined by rule of the department as financial institutions for purposes of ORS 285B.200 to 285B.218.

14 (5) "Qualified business" means any existing or proposed business **located in this state** that,
15 except when located within a distressed area[,], as defined by the department[, *sells goods or services*
16 *in markets for which national or international competition exists or that owns, occupies, operates or*
17 *has entered into an agreement to own, occupy or operate real property containing a brownfield, as de-*
18 *defined in ORS 285A.185. The term includes professional services companies providing services to traded*
19 *sector industries and other entities within and outside of this state.]:*

20 (a) **Is a business that is not in a traded sector industry;**

21 (b) **Sells goods or services in markets for which national or international competition**
22 **exists;**

23 (c) **Owns, occupies, operates or has entered into an agreement to own, occupy or operate**
24 **real property containing a brownfield; or**

25 (d) **Is a professional service company that provides services to traded sector industries**
26 **and other entities within and outside of this state.**

27 (6) **"Traded sector" has the meaning given that term in ORS 285B.280.**

28 [(6)] (7) "Value-added agricultural products" means agricultural products that have been pro-
29 cessed, transformed or refined to the point where they may be distributed to a final consumer

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 without further processing, transformation or refining. The term also includes agricultural products
 2 that are processed, transformed or refined for distribution to other than final consumers when such
 3 processing, transformation or refining represents a substantial increment in value as determined by
 4 the Oregon Business Development Department in consultation with the State Department of Agri-
 5 culture.

6 **SECTION 2.** ORS 285B.203 is amended to read:

7 285B.203. The Legislative Assembly declares that it is the purpose of the Credit Enhancement
 8 Fund to:

9 (1) Create incentives and assistance to increase the flow of private capital to *[the]* **traded sec-**
 10 **tor and nontraded sector businesses and** value-added agriculture industries.

11 (2) Promote industrial modernization and technology adoption.

12 (3) Encourage the retention and creation of family wage jobs.

13 (4) Encourage the export of goods and services by Oregon businesses in international markets.

14 (5) Encourage and promote the redevelopment of brownfields by providing assistance to perform
 15 environmental action on brownfield sites.

16 **SECTION 3.** ORS 285B.200, as amended by section 1 of this 2012 Act, is amended to read:

17 285B.200. As used in ORS 285B.200 to 285B.218:

18 (1) “Brownfield” or “brownfields” has the meaning given that term in ORS 285A.185.

19 (2) “Eligible project costs” includes productive equipment and machinery, working capital for
 20 operations and export transactions and such other costs as the Oregon Business Development De-
 21 partment by rule may provide.

22 (3) “Environmental action” has the meaning given that term in ORS 285A.188.

23 (4) “Financial institution” includes institutions listed in ORS 706.008 and such other institutions
 24 defined by rule of the department as financial institutions for purposes of ORS 285B.200 to 285B.218.

25 (5) “Qualified business” means any existing or proposed business located in this state that, ex-
 26 cept when located within a distressed area as defined by the department, **sells goods or services**
 27 **in markets for which national or international competition exists or that owns, occupies,**
 28 **operates or has entered into an agreement to own, occupy or operate real property contain-**
 29 **ing a brownfield. “Qualified business” includes professional services companies providing**
 30 **services to traded sector industries and other entities within and outside of this state.[.]**

31 *[(a) Is a business that is not in a traded sector industry;]*

32 *[(b) Sells goods or services in markets for which national or international competition exists;]*

33 *[(c) Owns, occupies, operates or has entered into an agreement to own, occupy or operate real*
 34 *property containing a brownfield; or]*

35 *[(d) Is a professional service company that provides services to traded sector industries and other*
 36 *entities within and outside of this state.]*

37 (6) “Traded sector” has the meaning given that term in ORS 285B.280.

38 (7) “Value-added agricultural products” means agricultural products that have been processed,
 39 transformed or refined to the point where they may be distributed to a final consumer without fur-
 40 ther processing, transformation or refining. The term also includes agricultural products that are
 41 processed, transformed or refined for distribution to other than final consumers when such process-
 42 ing, transformation or refining represents a substantial increment in value as determined by the
 43 Oregon Business Development Department in consultation with the State Department of Agriculture.

44 **SECTION 4.** ORS 285B.203, as amended by section 2 of this 2012 Act, is amended to read:

45 285B.203. The Legislative Assembly declares that it is the purpose of the Credit Enhancement

1 Fund to:

2 (1) Create incentives and assistance to increase the flow of private capital to traded sector [*and*
3 *nontraded sector*] businesses and value-added agriculture industries.

4 (2) Promote industrial modernization and technology adoption.

5 (3) Encourage the retention and creation of family wage jobs.

6 (4) Encourage the export of goods and services by Oregon businesses in international markets.

7 (5) Encourage and promote the redevelopment of brownfields by providing assistance to perform
8 environmental action on brownfield sites.

9 **SECTION 5. The amendments to ORS 285B.200 and 285B.203 by sections 3 and 4 of this**
10 **2012 Act become operative on July 1, 2015.**

11 **SECTION 6. This 2012 Act being necessary for the immediate preservation of the public**
12 **peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect**
13 **on its passage.**

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