

(Including Amendments to Resolve Conflicts)

B-Engrossed Senate Bill 350

Ordered by the House June 25
Including Senate Amendments dated May 2 and House Amendments dated
June 25

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 Senate Interim Committee on Economic Development Agency Oversight)

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.

Modifies administrative provisions for economic and community development. Revises economic and community development programs.

Eliminates statutory references to Ports Division and International Trade Commission.

Establishes Industry Outreach Fund. Continuously appropriates moneys in fund to Economic and Community Development Department for specified purposes.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to economic development; creating new provisions; amending ORS 184.632, 196.620, 238.015,
3 238A.005, 284.540, 284.706, 285A.010, 285A.020, 285A.040, 285A.045, 285A.050, 285A.055, 285A.070,
4 285A.075, 285A.188, 285A.206, 285A.224, 285A.227, 285A.340, 285A.346, 285A.349, 285A.600,
5 285A.603, 285A.615, 285A.627, 285A.654, 285A.657, 285A.660, 285A.666, 285A.708, 285A.709,
6 285B.050, 285B.053, 285B.056, 285B.059, 285B.062, 285B.083, 285B.089, 285B.092, 285B.093,
7 285B.123, 285B.126, 285B.129, 285B.132, 285B.135, 285B.138, 285B.147, 285B.165, 285B.168,
8 285B.174, 285B.178, 285B.179, 285B.200, 285B.203, 285B.206, 285B.209, 285B.215, 285B.218,
9 285B.230, 285B.236, 285B.239, 285B.242, 285B.245, 285B.260, 285B.263, 285B.264, 285B.320,
10 285B.323, 285B.326, 285B.329, 285B.410, 285B.440, 285B.455, 285B.482, 285B.551, 285B.563,
11 285B.740, 285B.743, 285B.746, 285B.749, 286.585, 777.760 and 777.953; repealing ORS 285A.085,
12 285A.090, 285A.095, 285A.100, 285A.105, 285A.110, 285A.112, 285A.114, 285A.125, 285A.131,
13 285A.133, 285A.136, 285A.139, 285A.141, 285A.203, 285A.209, 285A.606, 285A.609, 285A.612,
14 285A.618, 285A.624, 285A.630, 285A.633, 285B.071, 285B.074, 285B.077, 285B.095, 285B.139,
15 285B.144, 285B.150, 285B.159, 285B.162, 285B.166, 285B.183, 285B.212, 285B.254, 285B.257,
16 285B.332, 285B.752 and 285B.755 and sections 97 and 97a, chapter ___, Oregon Laws 2007 (En-
17 rolled House Bill 3265); appropriating money; and declaring an emergency.

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

19 **SECTION 1.** ORS 285A.010 is amended to read:

20 285A.010. As used in ORS chapters 285A, 285B and 285C, unless the context requires otherwise:

21 (1) "Commission" means the Oregon Economic and Community Development Commission.

22 (2) "Community" means an area or locality in which the body of inhabitants has common eco-
23 nomic or employment interests. The term is not limited to a city, county or other political subdivi-

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 sion and need not, but may be, limited by political boundaries.

2 (3) "Department" means the Economic and Community Development Department.

3 (4) "Director" means the Director of the Economic and Community Development Department.

4 (5) "Distressed area" means a county, city, community or other geographic area that is desig-
5 nated as a distressed area by the department, based on indicators of economic distress or dislo-
6 cation, including but not limited to unemployment, poverty and job loss.

7 (6) "International trade" means the export and import of products and services and the move-
8 ment of capital for the purpose of investment.

9 (7) "Rural area" means an area located entirely outside of the acknowledged Portland Metro-
10 politan Area Regional Urban Growth Boundary and the acknowledged urban growth boundaries of
11 [the] cities **with populations** of 30,000 or more [in population, including Albany, Bend, Corvallis,
12 Eugene, Springfield, Salem, Keizer or Medford].

13 [(8) "Rural community" means a community located in a rural area.]

14 [(9)] (8) "Traded sector" means industries in which member firms sell their goods or services
15 into markets for which national or international competition exists.

16 (9) "**Small business**" means a **business having 100 or fewer employees.**

17 **SECTION 2.** ORS 285A.020 is amended to read:

18 285A.020. (1) The Legislative Assembly finds that:

19 [(a) Oregon's economy continues to experience change and adjustment that greatly affect the well-
20 being of its citizens.]

21 [(b) The state has a need for continuing economic development to help provide the jobs for its citi-
22 zens that lead to community vitality and a high quality of life.]

23 [(2) The Legislative Assembly further finds that:]

24 [(a) Oregon's human resources constitute a major asset in the state's effort to promote economic
25 expansion and improvement.]

26 [(b) Oregon's natural resources provide ample opportunities for productive and beneficial economic
27 enterprise.]

28 [(c) Oregon's location on the growing economy of the Pacific Rim provides substantial opportunities
29 and challenges in international trade.]

30 [(d) Oregon's special heritage, its respect for and cultivation of its environment and its quality of
31 life are a unique and sustaining virtue that will both guide and assist in maintaining the state's eco-
32 nomic health.]

33 (a) **Oregon possesses many unique and sustaining virtues that will guide and assist in**
34 **maintaining the state's economic health, including but not limited to Oregon's:**

35 (A) **Special heritage;**

36 (B) **Respect for and cultivation of the environment; and**

37 (C) **Attention to quality of life issues that are important to the state's economic devel-**
38 **opment, including but not limited to access to quality, affordable child care for all children**
39 **in Oregon.**

40 (b) **Oregon is strategically placed to compete and succeed in the global community.**

41 (c) **All regions of the state should share in Oregon's economic recovery.**

42 (d) **Creating and retaining quality jobs is vital to the state's continued economic devel-**
43 **opment.**

44 (e) **Oregon's agriculture and natural resource industries provide opportunities for bene-**
45 **ficial economic enterprise, including sustainable economic development activities.**

1 (f) A well educated and trained workforce is necessary to advance in today's global
2 economy.

3 (g) The ability of existing businesses to grow and prosper is critical to Oregon's economy.

4 (h) Utilizing the state's competitive advantages is essential to retain existing businesses
5 and attract new companies and investment into the state.

6 (i) Continued economic development depends on strengthening traded sector industries.

7 (j) International trade development and promotion is invaluable for future economic de-
8 velopment opportunities.

9 (k) Small businesses remain a critical element of the state's economic development,
10 comprising more than 90 percent of Oregon's businesses.

11 (L) Capacity building in rural and distressed areas is a key component of economic de-
12 velopment and revitalization efforts.

13 (m) Oregon's ports are important partners in the state's economic development efforts
14 and are key components of local and state economic development strategies.

15 (n) Improving and enhancing infrastructure is necessary to the state's future economic
16 development.

17 (o) Federal, state and local agencies working together will continue to enhance industrial
18 site development and other economic development activities.

19 (p) The Economic and Community Development Department should be encouraged to
20 convene community development partners to explore the prospect of making loans to private
21 industrial landowners from the Brownfields Redevelopment Fund for future development
22 opportunities.

23 [(3)] (2) It is the purpose of ORS chapters 285A, 285B and 285C to [*promote the improvement of*
24 *Oregon's economy to better provide for the well-being of its citizens*] **advance Oregon's economy.**

25 (3) **The Legislative Assembly declares that it is the immediate economic strategy of the**
26 **state to:**

27 (a) **Promote a favorable investment climate to strengthen businesses, create jobs and**
28 **raise real wages;**

29 (b) **Improve the national and global competitiveness of Oregon companies; and**

30 (c) **Assist Oregon communities in building capacity to retain, expand and attract busi-**
31 **nesses.**

32 (4) To [*that end*] **promote the advancement of the Oregon economy and implement the**
33 **immediate economic strategy of the state**, the Economic and Community Development Depart-
34 ment shall invest resources in accordance with the following principles:

35 (a) [*Structures and processes for making public investments and dealing with local and regional*]
36 **Processes for making public investments and working with local and regional** issues must be
37 designed [*flexibly*] **for flexibility** so that actions can adapt to the constantly changing conditions and
38 demands under which communities and businesses operate.

39 [*Partnerships among local, state and federal, public and private players should be used to set*
40 *direction, develop projects and set priorities.*]

41 (b) **Partnerships among local, state and federal governments and public and private or-**
42 **ganizations and entities should be strengthened to further the economic strategy of the**
43 **state.**

44 (c) The expected impact of public [*investments at all levels should be explicitly*] **investment and**
45 **assistance shall be** identified, in terms of measurable outcomes, whenever possible.

1 (d) State, federal and community goals, constraints and obligations should be identified at the
2 beginning of the [*public investment*] planning process, and the state should work actively with [*com-*
3 *munities and regions to*] **community partners, regions and state and local agencies to address**
4 **and** accomplish their mutual objectives.

5 [(4) *The Legislative Assembly declares that it is the immediate economic strategy of the state to:*]

6 [(a) *Focus on Oregonians in communities that are rural, economically distressed or lack diverse*
7 *employment opportunities, including providing assistance in recruiting jobs from outside the community*
8 *or state and financing necessary infrastructure;*]

9 [(b) *Assist Oregonians who are underemployed or in low income jobs;*]

10 [(c) *Assist start-up companies and companies already doing business in Oregon;*]

11 [(d) *Help regions that are committed to making strong progress toward an integrated structure and*
12 *process for strategic planning and project development; and*]

13 [(e) *Focus on strategies and investments that maximize the economic benefit to the state of the*
14 *global shift to an information, science and technology driven economy and on industries and companies*
15 *that make significant use of the high-capacity telecommunications, science and technology-related man-*
16 *ufacturing processes or knowledge transfer typical of these emerging economic sectors.*]

17 **(5) When the department provides funds or assistance for projects, programs, technical**
18 **support or other authorized activities pursuant to ORS 329.905 to 329.975 and ORS chapters**
19 **285A, 285B and 285C, the department shall give priority to projects, programs and activities**
20 **that:**

21 **(a) Retain and create jobs and raise real wages;**

22 **(b) Promote capacity building, emphasizing rural and distressed areas;**

23 **(c) Assist small business creation and expansion;**

24 **(d) Invest and engage in training a skilled workforce;**

25 **(e) Retain and expand existing companies and recruit new investment to Oregon;**

26 **(f) Capitalize on Oregon's competitive advantages and strategically invest resources to**
27 **offset competitive disadvantages;**

28 **(g) Support innovation and research;**

29 **(h) Assist industry clusters to succeed;**

30 **(i) Market Oregon's advantages;**

31 **(j) Promote international trade and attract foreign direct investment;**

32 **(k) Support the development of industrial and commercial lands;**

33 **(L) Advance the efforts of ports to promote economic development activities; and**

34 **(m) Build capacity in Oregon's arts and cultural organizations, creative businesses and**
35 **individual artists.**

36 **SECTION 3.** ORS 285A.040 is amended to read:

37 285A.040. (1) There is established the Oregon Economic and Community Development Commis-
38 sion consisting of [*seven*] **nine** members appointed as follows:

39 (a) One nonvoting, ex officio member appointed from among the members of the Senate by the
40 President of the Senate;

41 (b) One nonvoting, ex officio member appointed from among the members of the House of Rep-
42 resentatives by the Speaker of the House of Representatives; and

43 (c) [*Five*] **Seven** members appointed by the Governor, subject to confirmation by the Senate in
44 the manner prescribed in ORS 171.562 and 171.565. The Governor shall appoint members of the
45 commission in compliance with all of the following:

1 (A) Members shall be appointed with [*due*] consideration given to representation of the different
2 geographic regions of the state, and at least one member shall be a resident of the area east of the
3 Cascade Range.

4 (B) Not more than [*three*] **five** members [*shall*] **may** belong to one political party. Party affil-
5 iation shall be determined by the appropriate entry on official election registration cards.

6 (C) [*At least one member shall be an individual with substantial experience or training in inter-*
7 *national trade or an individual who, at the time of appointment, is involved in international trade. The*
8 *member's experience or involvement in international trade may include importing or exporting goods*
9 *into or from the State of Oregon.*] **Members shall be appointed with consideration given to rep-**
10 **resentation of the following areas of expertise or training:**

11 (i) **International trade;**

12 (ii) **Small business needs and issues;**

13 (iii) **Local government needs and issues;**

14 (iv) **Marketing and branding;**

15 (v) **Arts and culture;**

16 (vi) **Finance;**

17 (vii) **Innovation;**

18 (viii) **Telecommunications; or**

19 (ix) **Other areas of training or expertise identified by the commission.**

20 (2)(a) The term of office of each member appointed by the Governor is four years, but a member
21 serves at the pleasure of the Governor. Before the expiration of the term of a member appointed by
22 the Governor, the Governor shall appoint a successor whose term begins on July 1 [*next following*]
23 **of the following year.** A member appointed by the Governor is eligible for reappointment. In case
24 of a vacancy among the members appointed by the Governor for any cause, the Governor shall ap-
25 point a person to fill the office for the unexpired term.

26 (b) The term of office of the member appointed by the President of the Senate is four years. In
27 case of a vacancy for any cause, the President of the Senate shall appoint a Senator to fill the office
28 for the unexpired term.

29 (c) The term of office of the member appointed by the Speaker of the House of Representatives
30 is two years. In case of a vacancy for any cause, the Speaker of the House of Representatives shall
31 appoint a Representative to fill the office for the unexpired term.

32 (3) A member of the commission who is appointed by the Governor is entitled to compensation
33 and expenses as provided by ORS 292.495. **Ex officio members of the commission are prohibited**
34 **from receiving compensation and reimbursement for expenses.**

35 (4) **Subject to confirmation by the Senate,** the Governor shall appoint one of the voting
36 commissioners as presiding officer of the commission. The presiding officer shall have duties and
37 powers as the commission determines are necessary for the office.

38 (5) [*Three*] **Five** voting members of the commission constitute a quorum for the transaction of
39 business.

40 (6) The commission shall meet at least quarterly at a time and place determined by the com-
41 mission. The commission shall also meet at [*such*] other times and places as are specified by the call
42 of the presiding officer or **by the call** of a majority of the voting members of the commission.

43 (7) A vacancy among the voting members of the commission does not impair the right of the
44 remaining voting commissioners to exercise all the powers of the commission. If the remaining vot-
45 ing commissioners are unable to agree, the Governor shall have the right to vote as a member of

1 the commission.

2 **SECTION 4.** ORS 285A.045 is amended to read:

3 285A.045. (1) As its primary duty, the Oregon Economic and Community Development Commis-
4 sion shall develop and maintain an economic and community development policy for this state that
5 implements the strategy declared in ORS 285A.020 [(4)] **(3)**. [*and that includes policies that:*]

6 [(a) *Maintain and create jobs that raise real wage levels of Oregon workers.*]

7 [(b) *Increase the skill levels of the Oregon workforce.*]

8 [(c) *Improve the competitiveness of this state's traded sector industries, including industries char-*
9 *acterized by significant use of high-capacity telecommunications, science and technology-related manu-*
10 *facturing processes or knowledge transfer, and achieve benchmarks for those industries established by*
11 *the Oregon Progress Board.*]

12 [(d) *Invest public moneys in a manner that produces the greatest possible return on investment.*]

13 [(e) *Support statewide and regional strategies to develop and maintain the infrastructure necessary*
14 *to support and strengthen the economy of this state.*]

15 [(f) *Identify and eliminate barriers that impede the competitiveness of Oregon businesses.*]

16 [(g) *Encourage expansion of existing Oregon businesses and the attraction of new business and*
17 *industry to those communities that desire such development, with particular attention to industries*
18 *characterized by significant use of high-capacity telecommunications, science and technology-related*
19 *manufacturing processes or knowledge transfer.*]

20 [(h) *Encourage investment in infrastructure projects, including electronic, communications and fi-*
21 *nancial resource projects, that benefit Internet-based entities and employees and encourage the entities*
22 *and employees to relocate to or remain in Oregon.*]

23 [(i) *Assist in the development of microenterprise businesses in Oregon, including increasing the*
24 *availability of training and technical assistance available to serve microenterprises.*]

25 [(2) *It is the function of the Oregon Economic and Community Development Commission to estab-*
26 *lish the policies for economic and community development in this state in a manner consistent with the*
27 *policies and purposes set forth in this section and ORS 285A.050. In addition, the commission shall*
28 *perform any other duty vested in it by law.*]

29 **(2) The commission shall provide oversight and direction to the Economic and Commu-**
30 **nity Development Department in carrying out the duties and creating policies to further the**
31 **economic strategy set forth in ORS 285A.020. In addition, the commission may perform any**
32 **other duty vested in the commission by law.**

33 (3) The commission shall keep complete and accurate records of all the meetings, transactions
34 and business of the commission at the office of the Economic and Community Development Depart-
35 ment.

36 **(4) When a power, duty or function is vested in the commission, the commission may**
37 **designate department officers, agents, employees or committee members to exercise the**
38 **power, duty or function of the commission. When the commission designates a person in**
39 **writing to exercise a power, duty or function of the commission, the person may exercise the**
40 **power, duty or function.**

41 [(4) *The commission shall set policy for and monitor programs relating to economic development*
42 *and rural and community development and such other programs related to economic and community*
43 *development that may be assigned by law to the department.*]

44 (5) In carrying out its duties under subsection (1) of this section, the commission shall[:]

45 [(a) *Place priority on those policies that achieve benchmarks established by the Oregon Progress*

1 *Board; and]*

2 *[(b) Coordinate its activities with the policies of the Education and Workforce Policy Advisor and*
3 *the policymaking bodies of the Housing and Community Services Department, the Department of*
4 *Transportation, the Department of Environmental Quality, the Department of Land Conservation and*
5 *Development and the Employment Department, as well as other appropriate state and federal*
6 *agencies.]* **coordinate its activities with federal, state and local agencies, community partners**
7 **and regions, when appropriate.**

8 **SECTION 5.** ORS 285A.050 is amended to read:

9 285A.050. (1) The Oregon Economic and Community Development Commission shall report [*an-*
10 *nually]* **biennially** to the Governor and the Legislative Assembly on the success of economic devel-
11 opment efforts. The report[,] **shall include the progress toward achievement of performance**
12 **measures for the Economic and Community Development Department as adopted by the**
13 **Legislative Assembly.** At a minimum, **the report** shall include the following:

14 (a) For the overall Economic and Community Development Department [*effort]* and for each
15 identifiable program and [*significant project or service]* **funding source:**

16 [(A) *The impact of that program on the competitiveness of traded sector industries and the skill*
17 *levels of the Oregon workforce;]*

18 [(B)] (A) The [*impact on the]* number of jobs[, *including jobs]* created and retained;

19 [(C)] (B) The [*impact on the]* **average** wage levels of [*Oregon workers, including increases in*
20 *wage levels]* **jobs created and retained; and**

21 [(D)] (C) [*The actual or anticipated impact of public investments at all levels, in terms of measur-*
22 *able outcomes wherever possible; and]* **Other measures identified by the commission.**

23 [(E) *The impact of that program on the Internet-based entities and employees in Oregon.*]

24 (b) The status of the Oregon economy [*related to:*] **as it relates to the economic strategy**
25 **outlined in ORS 285A.020.**

26 [(A) *Changes in employment and wage levels in Oregon industries;]*

27 [(B) *Changes in employment, wage levels and competitiveness of traded sector industries; and]*

28 [(C) *Barriers that have been identified as impeding business competitiveness and productivity in*
29 *this state.*]

30 [(c) *Progress made toward achievement of the Oregon Benchmarks.*]

31 [(d) *Recommendations for removing identified barriers and additional suggestions for improving*
32 *the performance of Oregon's economy.*]

33 [(e) *Recommendations on this state's investment in its public ports, on this state's response to policy*
34 *issues that affect ports and for the strategic development of port facilities that promote maritime com-*
35 *merce, recreational opportunities and the economy of Oregon.*]

36 [(f) *Progress made toward elimination of economically distressed areas of this state.*]

37 [(g) *Recommendations regarding improving the international competitiveness of Oregon.*]

38 [(h) *Progress made in serving microenterprise businesses and recommendations for increasing the*
39 *success of microenterprises.*]

40 (c) **Other issues identified by the commission.**

41 [(2) *Whenever a power is granted to the commission, the power may be exercised by such officers,*
42 *employees or commission-appointed committees as are designated in writing by the commission.*]

43 [(3)] (2) Reports to the Legislative Assembly required under this section shall be made in ac-
44 cordance with ORS 192.245.

45 **SECTION 6.** ORS 285A.055 is amended to read:

1 285A.055. Prior to the approval of bond financing of economic development projects under ORS
2 285B.320 to 285B.371, the making of a loan under ORS 285A.666 to 285A.732 or the making of any
3 loan or the granting of any moneys from any source, the Oregon Economic and Community Devel-
4 opment Commission, **or the Economic and Community Development Department as the**
5 **designee of the commission**, shall:

6 (1) Determine that the action is cost effective, considering both major public expenses and major
7 public benefits;

8 (2) Find that the project will produce goods or services which are sold in markets for which
9 national or international competition exists or, if the project is to be constructed and operated by
10 a nonprofit organization, that the project will not compete with local for-profit businesses;

11 (3) Determine that the action is the best use of the moneys involved, considering other pending
12 applications for those moneys;

13 (4) Find that the project involved is consistent with the Economic and Community Development
14 Department's comprehensive policy and programs; **and**

15 (5) Find that the project involved is consistent with applicable adopted local economic develop-
16 ment plans[; *and*].

17 *[(6) Provide for public notice of, and public comment on, the action.]*

18 **SECTION 7.** ORS 285A.070 is amended to read:

19 285A.070. (1) The Economic and Community Development Department is *[continued, but reor-*
20 *ganized as provided in this section]* **established.**

21 *[(2) The Economic and Community Development Department shall be organized by the Director of*
22 *the Economic and Community Development Department in whatever manner the director considers*
23 *necessary to conduct the work of the department efficiently and effectively, subject to approval by the*
24 *Oregon Economic and Community Development Commission.]*

25 *[(3)]* (2) The department shall be under the supervision of the Director **of the Economic and**
26 **Community Development Department**, who shall be appointed by and shall hold office at the
27 pleasure of the Governor.

28 *[(4)]* (3) The appointment of the director shall be subject to confirmation by the Senate in the
29 manner provided by ORS 171.562 and 171.565.

30 (4) **Subject to policy direction by the Oregon Economic and Community Development**
31 **Commission, the director shall:**

32 (a) **Be the administrative head of the department;**

33 (b) **Administer the laws of the state relating to economic development; and**

34 (c) **Intervene, as authorized by the commission, pursuant to the rules of practice and**
35 **procedure, in the proceedings of state and federal agencies that may substantially affect**
36 **economic development within Oregon.**

37 (5) **In addition to duties otherwise required by law, and subject to policy direction by the**
38 **commission, the director shall prescribe rules for the government of the department, the**
39 **conduct of its employees, the assignment and performance of its business and the custody,**
40 **use and preservation of its records, papers and property, based on best managerial practices**
41 **as determined by the director and in a manner consistent with applicable law.**

42 (6) **The director shall organize the department in whatever manner the director considers**
43 **necessary to conduct the work of the department efficiently and effectively, subject to ap-**
44 **proval by the commission.**

45 *[(5)]* (7) The director may appoint all subordinate officers and employees of the department and

1 may prescribe their duties, assignments and reassignments and fix their compensation, subject to
2 any applicable provisions of the State Personnel Relations Law. Subject to any other applicable law
3 regulating travel expenses, the officers and employees of the department shall be allowed such rea-
4 sonable and necessary travel and other expenses as may be incurred in the performance of their
5 duties.

6 **(8) The director may delegate the exercise or discharge of any power, duty or function**
7 **that is vested in or imposed by law upon the director to any department employee for the**
8 **purpose of conducting an official act in the name of the director. The official act of any**
9 **person acting in the name of the director by the authority of the director is an official act**
10 **of the director.**

11 **(9) The director may require a fidelity bond of any officer or employee of the department**
12 **who has charge of, handles or has access to any state money or property, and who is not**
13 **otherwise required by law to give a bond. The director shall fix the amount of the bond, ex-**
14 **cept as otherwise provided by law, and approve the sureties. The department shall pay the**
15 **premiums on the bond.**

16 [(6)] **(10) The Oregon Economic and Community Development Commission shall report period-**
17 **ically to the Governor on the director's performance and make appropriate recommendations.**

18 **SECTION 8.** ORS 285A.075 is amended to read:

19 285A.075. [(1) *The Economic and Community Development Department, through research, pro-*
20 *motion and coordination of activities in this state, shall foster the most desirable growth and ge-*
21 *ographical distribution of agriculture, industry and commerce in the state. The department shall serve*
22 *as a central coordinating agency and clearinghouse for activities and information concerning the re-*
23 *sources and economy of the state.*]

24 **(1) The Economic and Community Development Department shall:**

25 **(a) Implement programs and adopt rules in accordance with applicable provisions of ORS**
26 **chapter 183 that are consistent and necessary to carry out the policies established by the**
27 **Oregon Economic and Community Development Commission and the duties, functions and**
28 **powers vested by law in the department.**

29 **(b) Act as the official state liaison agency for persons interested in locating industrial**
30 **or business firms in the state and for state and local groups seeking new industry or busi-**
31 **ness, and maintain the confidentiality of negotiations conducted pursuant to this paragraph,**
32 **if requested.**

33 **(c) Coordinate state and federal economic and community development programs.**

34 **(d) Administer the state's participation in the federal Community Development Block**
35 **Grant funding program authorized by 42 U.S.C. 5301 et seq.**

36 **(e) Actively recruit domestic and international business firms to those communities de-**
37 **siring business recruitment.**

38 **(f) Consult with local governments to establish regions for the purpose of job develop-**
39 **ment and community assistance to facilitate economic activities in the region. Regions es-**
40 **tablished for this purpose need not be of the same size in geographic area or population.**

41 **(g) Establish and operate foreign trade offices in foreign countries in which the depart-**
42 **ment considers a foreign trade office necessary. The department shall use department em-**
43 **ployees, contracts with public or private persons or a combination of employees and**
44 **contractors to establish and operate foreign trade offices. Department employees, including**
45 **managers, who are assigned to work in a foreign trade office shall be in the unclassified**

1 service, and the director shall set the salaries of such employees. ORS 276.428, 279A.120,
2 279A.140, 279A.155, 279A.275, 279B.025, 279B.235, 279B.270, 279B.280, 279C.370, 279C.500 to
3 279C.530, 279C.540, 279C.545, 279C.800 to 279C.870, 282.020, 282.050, 282.210, 282.220, 282.230,
4 283.140, 459A.475, 459A.490, 653.268 and 653.269 do not apply to the department's operation of
5 foreign trade offices outside the state.

6 (h) Consult with other state agencies and with local agencies and officials prior to de-
7 fining or designating distressed areas for purposes of ORS 285A.020.

8 (i) Budget moneys for travel and various other expenses of industrial or commercial site
9 location agents, film or video production location agents, business journal writers, elected
10 state officials or other state personnel to accomplish the purposes of ORS 329.905 to 329.975
11 and ORS chapters 285A, 285B and 285C. The department may expend moneys duly budgeted
12 to pay the travel and other expenses of such persons if the director determines the expense
13 may promote the purposes of this subsection.

14 (j) Promulgate rules to govern contracts.

15 (k) Develop strategies to address issues that are necessary and appropriate to Oregon's
16 future and adopt goals that include measurable indicators of success (Oregon benchmarks)
17 that show the extent to which each goal is being achieved.

18 (L) Use practices and procedures that the department determines are the best practices
19 for carrying out the duties of the department.

20 (2) The department shall have no regulatory power over the activities of private persons. Its
21 functions shall be solely advisory, coordinative and promotional.

22 [(3) *The department shall Administer the state's participation in the federal Community Develop-*
23 *ment Block Grant funding program authorized by 42 U.S.C. 5301 et seq.*]

24 [(4) *In order to accomplish the purposes of ORS chapters 285A, 285B and 285C and ORS 329.905*
25 *to 329.975, the department may expend moneys duly budgeted to pay the travel and various other ex-*
26 *penditures of industrial or commercial site location agents, film or video production location agents, busi-*
27 *ness journal writers, elected state officials or other state personnel whom the Director of the Economic*
28 *and Community Development Department determines may promote the purposes of this subsection.*]

29 [(5) *In accordance with applicable provisions of ORS chapter 183, the department may adopt rules*
30 *necessary for the administration of laws that the department is charged with administering.*]

31 [(6) *ORS 276.428, 279A.120, 279A.140, 279A.155, 279A.275, 279B.025, 279B.235, 279B.270,*
32 *279B.280, 279C.370, 279C.500 to 279C.530, 279C.540, 279C.545, 279C.800 to 279C.870, 282.020, 282.050,*
33 *282.210, 282.220, 282.230, 283.140, 459A.475, 459A.490, 653.268 and 653.269 do not apply to the de-*
34 *partment's operation of foreign trade offices outside the state.*]

35 [(7)] (3) Notwithstanding ORS 279A.140, the department may **award grants or** enter into con-
36 tracts [*for personal services*] as necessary or appropriate to carry out the duties, functions and
37 powers vested in the department by law.

38 [(8)(a) *The department may contract directly with the Oregon Downtown Development Association,*
39 *or its successor entity, to provide downtown development and redevelopment assistance and similar*
40 *services to municipalities in Oregon.*]

41 [(b) *The department may contract directly with Rural Development Initiatives, or its successor en-*
42 *tity, to provide training, technical assistance, planning assistance and other support and services to*
43 *municipalities in Oregon to build economic and community development capacity.*]

44 [(c) *Contracts entered into under this subsection are exempt from the requirements of ORS 279.835*
45 *to 279.855 and ORS chapters 279A, 279B and 279C.*]

1 and fees, moneys or other revenues, including Miscellaneous Receipts, collected or received by the
2 Economic and Community Development Department, and all interest earnings that accrue to the
3 fund. The moneys in the Oregon Community Development Fund are continuously appropriated to the
4 Economic and Community Development Department to promote economic and community develop-
5 ment.

6 (2) The Oregon Economic and Community Development Commission, by rule, shall adopt stan-
7 dards, objectives and criteria for use of the moneys in the Oregon Community Development Fund.

8
9 **BROWNFIELDS REDEVELOPMENT FUND**

10
11 **SECTION 11.** ORS 285A.188 is amended to read:

12 285A.188. (1) As used in this section:

13 (a) "Environmental action" means activities undertaken to:

14 (A) Determine if a release has occurred[,] **or may occur**, if the release **or potential release**
15 poses a significant threat to human health or the environment or if additional remedial actions may
16 be required at the site;

17 (B) Conduct a **remedial investigation and a** feasibility study;

18 (C) Plan for remedial action or removal **action**; or

19 (D) Conduct a remedial action or removal **action** at a site.

20 (b) "Facility," "hazardous substance," "release," "remedial action" and "removal" have the
21 meanings given those terms in ORS 465.200.

22 (c) "Substantial public benefit" includes, but is not limited to:

23 (A) The generation of funding or other resources facilitating substantial remedial action at a
24 facility in accordance with this section;

25 (B) A commitment to perform substantial remedial action at a facility in accordance with this
26 section;

27 (C) Productive reuse of a vacant or abandoned industrial or commercial facility; or

28 (D) Development of a facility by a municipality or a nonprofit organization to address an im-
29 portant public purpose.

30 (2) There is created within the State Treasury a revolving fund known as the Brownfields Re-
31 development Fund, separate and distinct from the General Fund. Interest earned by the fund shall
32 be credited to the fund. Moneys in the Brownfields Redevelopment Fund shall be used to fund loans
33 and grants for environmental actions on properties that are brownfields, as defined in ORS 285A.185.

34 (3)(a) Subject to paragraph (b) of this subsection, when making a loan or grant for an environ-
35 mental action, the Economic and Community Development Department shall give priority to persons
36 who, at the time of applying for the loan or grant, are not liable under ORS 465.255 for a release
37 of a hazardous substance at the property at which the environmental action is to be conducted. No
38 more than [40] **60** percent of the total amount of the Brownfields Redevelopment Fund in any
39 biennium shall be awarded to persons who are liable with respect to the subject property under ORS
40 465.255. A person is not eligible to receive a loan or grant from moneys in the Brownfields Rede-
41 velopment Fund if the person has knowingly violated applicable laws or regulations or has know-
42 ingly violated or failed to comply with an order of the Department of Environmental Quality, if such
43 action or inaction has resulted in one or more of the following:

44 (A) Contribution to or exacerbation of existing contamination at the facility;

45 (B) Release of a hazardous substance at the facility; or

1 (C) Interference with necessary investigation or remedial actions at the facility.

2 (b) Notwithstanding paragraph (a) of this subsection:

3 (A) When making a grant to a municipality, the department shall give priority to municipalities
4 that provide matching funds from a loan under this section, from another source or from both.

5 (B) When making a grant to an entity that is not a municipality, the department shall require
6 that:

7 (i) The recipient is not liable for the subject property under ORS 465.255;

8 (ii) The environmental action provides a substantial public benefit; and

9 (iii) The recipient provides matching funds from a loan under this section, from another source
10 or from both.

11 (c) The department may establish by rule circumstances in which the department may waive or
12 subsidize the interest on a short-term loan.

13 (4) When making a loan or grant for an environmental action, the Economic and Community
14 Development Department shall consider:

15 (a) The extent to which actual or perceived contamination prevents the property from being
16 fully utilized;

17 (b) The need for providing public assistance, after considering the difficulty of obtaining fi-
18 nancing from other sources or of obtaining financing at reasonable rates and terms;

19 (c) The degree to which redevelopment of the property provides opportunity for achieving pro-
20 tection of human health or the environment by reducing or eliminating the contamination of the
21 property and for contributing to the economic health and diversity of the area;

22 (d) The probability of the success of the intended use or the degree to which redevelopment of
23 the property provides a public purpose following remediation of the property;

24 (e) Compliance with the land use plan of the local government with jurisdiction over the prop-
25 erty; and

26 (f) Endorsement from the local government with jurisdiction over the property.

27 (5) Before making a loan or grant decision pursuant to this section, the Economic and Commu-
28 nity Development Department shall consult with the Department of Environmental Quality.

29 (6) The Economic and Community Development Department may use a portion of the
30 Brownfields Redevelopment Fund to:

31 (a) Pay for administrative costs of environmental actions; and

32 (b) Satisfy contracts entered into as required to ensure that environmental reviews are con-
33 ducted in a manner consistent with existing environmental cleanup laws and rules.

34 (7) The Economic and Community Development Department shall adopt rules necessary to carry
35 out the requirements of this section. The Economic and Community Development Department shall
36 develop procedures to ensure that activities for which loans or grants are made are consistent with
37 existing environmental cleanup laws and rules.

38
39 **BUSINESS RETENTION FUND**

40
41 **SECTION 12.** ORS 285A.224 is amended to read:

42 285A.224. (1) [*The Legislative Assembly finds that Oregon traded sector industries are experiencing*
43 *a period of major change and disruption, and that this change is creating severe and unpredictable*
44 *economic consequences for many communities and workers.*] It is the purpose of the [*Economic Sta-*
45 *bilization and Conversion*] **Business Retention** Fund to assist **businesses**, communities and workers

1 affected by **significant business transitions**, economic dislocation or the possibility of economic
2 dislocations to evaluate and implement alternative business or community opportunities **and to fo-**
3 **cus on the long term survivability of businesses.**

4 (2) The [*Economic Stabilization and Conversion*] **Business Retention** Fund is created separate
5 and distinct from the General Fund. The fund shall be administered by the Economic and Community
6 Development Department. The fund may be credited with contributions of moneys from public and
7 private sources and with repayments as provided in this section. Interest earned by the fund shall
8 be credited to the fund.

9 (3)(a) The [*Economic and Community Development*] department may allocate moneys in the fund
10 for the following purposes:

11 (A) Business retention service;

12 (B) Employee ownership;

13 (C) Community response to plant closures or community distress, or both; and

14 (D) Feasibility studies, **transition plans or restructuring plans.**

15 (b) The department shall establish the maximum percentage of the fund that may be allocated
16 for the purposes described in paragraph (a) of this subsection and a minimum match requirement,
17 if any.

18 (4) The [*Economic and Community Development*] department may grant, expend or loan moneys
19 in the fund for financial assistance, feasibility studies, **transition plans, restructuring plans,**
20 technical assistance and management consulting services for **business firms in transition,** troubled
21 firms that may close without assistance, for troubled firms that are experiencing major layoffs or
22 firms that have actually closed or announced closure, and for communities that are experiencing
23 distress due to the business closures [*and for the purpose of encouraging employee ownership*], under
24 such terms and conditions as the department may determine.

25 (5) The [*Economic and Community Development*] department shall provide that firms receiving
26 assistance repay to the [*Economic Stabilization and Conversion*] **Business Retention** Fund any as-
27 sistance provided under subsection (4) of this section. [*Such provisions for repayment*] **When the**
28 **department sets repayment terms for a firm receiving assistance, the department** shall con-
29 sider the financial ability of the firm to repay assistance.

30 (6) In providing assistance from the [*Economic Stabilization and Conversion*] **Business Re-**
31 **tenion** Fund, the department [*shall*] **may** give preference to Oregon's **rural and** distressed areas
32 and its traditional agriculture, forestry and fishing industries[, *and*]. **The department may also**
33 **give priority to areas including but not limited to emerging industries and industry clusters**
34 **with high potential for job retention and creation and market growth, as well as traded sec-**
35 **tor** firms competing in markets for which **regional,** national or international competition exists.

36 (7) The [*Economic and Community Development*] department shall establish specific criteria for
37 expenditure of funds from the [*Economic Stabilization and Conversion*] **Business Retention** Fund
38 by adopting rules.

39
40 **ASSISTANCE TO SMALL BUSINESS SERVICE PROVIDERS**

41
42 **SECTION 13.** ORS 285A.340 is amended to read:

43 285A.340. [(1) *The Legislative Assembly finds that:*]

44 [(a) *Small businesses have been the major contributors to the increase in traded sector jobs in*
45 *Oregon.*]

1 ***[(b) Small businesses continue to be a major source of employment opportunities for Oregon and***
2 ***that this state ought to encourage the success and growth of small businesses as a means of providing***
3 ***economic opportunities and jobs for Oregonians.]***

4 ***[(c) Oregon's women and minority-owned businesses are underrepresented in the business commu-***
5 ***nity.]***

6 ***[(d) Those small businesses which have at least one employee and which compete in markets for***
7 ***which national or international competition exists have the greatest potential for benefiting the economy***
8 ***of this state.]***

9 ***[(e) Access to appropriate business assistance services, rather than the cost of obtaining such ser-***
10 ***vices, is a factor limiting the expansion of many small businesses in this state.]***

11 ***[(f) Community-based lending programs are particularly well suited to meeting the needs of small***
12 ***businesses that are unable to obtain from private financial institutions the capital that is necessary for***
13 ***expansion.]***

14 ***[(g) An effective partnership between state and local economic development programs is essential***
15 ***to promoting the development of small businesses in this state.]***

16 **[(2)]** The Legislative Assembly **[therefore]** declares that it is **[the policy of this state and]** the
17 purpose of ORS 285A.340 to 285A.349**], 285B.074, 285B.159 and 285B.162]:**

18 **[(a)] (1)** To assist the development of small businesses, with special emphasis on increasing the
19 percentage of businesses owned by women and members of minority groups;

20 **[(b)] (2)** To encourage competition among publicly supported small business service providers in
21 order to supply the most effective, highest quality services to the greatest number of businesses **for**
22 **the most significant long term outcomes;**

23 **[(c)] (3)** To foster cooperation among state agencies, state-supported organizations and private
24 sector entities that provide services to small businesses in order to best meet the needs of small
25 business clients;

26 **[(d)] (4)** To encourage and support **[the formation of]** private sector organizations, **[including**
27 **trade associations, organizations formed to meet the needs of traded sector industries and similar**
28 **groups,]** to serve the needs of the small businesses in this state and, to the maximum extent feasible,
29 to coordinate the small business programs of this state **[and of such private sector organizations];** and

30 **[(e)] (5)** To provide support for organizations that encourage and assist the development and
31 expansion of small businesses in Oregon.

32 **SECTION 14.** ORS 285A.346 is amended to read:

33 285A.346. (1)(a) The Economic and Community Development Department may purchase business
34 assistance services from public or private organizations for delivery to small businesses in this state
35 or may provide grants to public or private organizations to support, aid, stimulate or otherwise af-
36 fect the delivery of business assistance services to small businesses in this state.

37 (b) For the purposes of ORS 285A.340 to 285A.349, "business assistance services" includes:

38 (A) Basic business training, including elements of accounting, personnel management, marketing
39 and tax compliance.

40 (B) Counseling on business needs and problems, **including but not limited to specialized as-**
41 **sistance with intellectual property rights, mezzanine financing, federal research grants,**
42 **international markets, lean manufacturing and electronic commerce.**

43 (C) Assistance in securing state and federal procurement contracts.

44 (D) Assistance in securing Oregon suppliers for goods and services.

45 (2) An organization or association that receives state moneys for the purpose of providing

1 business assistance services to small businesses shall comply, to the greatest extent feasible, with
2 the state policies established under ORS 285A.340 to 285A.349.

3 (3) To the extent that federal laws or regulations impose requirements that limit the payment
4 of fees by recipients of business assistance services to small businesses, the Economic and Commu-
5 nity Development Department and the providers of those services shall apply for waivers of such
6 federal requirements.

7 **SECTION 15.** ORS 285A.349 is amended to read:

8 285A.349. The Economic and Community Development Department shall evaluate the efficiency
9 and effectiveness of the delivery of business assistance services to small businesses [*under ORS*
10 *285A.340 to 285A.349*].

11 **SECTION 16.** ORS 285B.123 is amended to read:

12 285B.123. [(1) *The Legislative Assembly finds that:*]

13 [(a) *Small businesses comprise more than 97 percent of the business entities in this state.*]

14 [(b) *Small businesses provide more than three-quarters of the private sector jobs in this state.*]

15 [(c) *The small business contribution to the economy of this state exceeds the national average con-*
16 *tribution and its continuance is vital to the economic health and growth of this state.*]

17 [(d) *All national economic indicators establish that the greatest source of future new jobs is in the*
18 *small business sector of the economy.*]

19 [(2)] (1) The purpose of the Oregon Small Business Development Act of 1983 is to encourage and
20 assist the development and continued growth of small business in this state.

21 [(3)] (2) As used in the Oregon Small Business Development Act of 1983, “small business” means
22 a [*manufacturing*] business having [200] 100 or fewer employees [*and all other forms of business*
23 *having 50 or fewer employees*].

24 [(4) *The provisions of ORS 285B.120 and 657.471 are intended to assist in carrying out the Oregon*
25 *Small Business Development Act of 1983.*]

26 **SECTION 17.** ORS 285B.165 is amended to read:

27 285B.165. [(1)] The purpose of ORS 285B.165 to 285B.171 is to establish and sustain a statewide
28 network of small business development centers.

29 [(2) *The Legislative Assembly finds that:*]

30 [(a) *It is in the state’s interest to help small businesses develop and improve skills in such areas*
31 *as marketing, management and capital formation through a network of small business development*
32 *centers;*]

33 [(b) *Small business employers create most of the new jobs in Oregon and are vital to Oregon’s long*
34 *term economic vitality;*]

35 [(c) *Community colleges and state universities can link small business with college resources, expert*
36 *resource people in the business community and other training resources throughout the state; and]*

37 [(d) *Information resources, business counseling and training assistance in a convenient format*
38 *support the vitality of small business.*]

39 **SECTION 18.** ORS 285B.168 is amended to read:

40 285B.168. (1) The Economic and Community Development Department may make grants available
41 to a community college district, a community college service district or, with the concurrence of the
42 Commissioner for Community College Services and the Chancellor of the Oregon University System,
43 a state university to assist in the formation, improvement and operation of small business develop-
44 ment centers. If a community college district, a community college service district or a state uni-
45 versity is unable to adequately provide services in a specific geographic area, the department may

1 make grants available to other service providers as determined by the department. The grant ap-
2 plication shall include:

3 (a) Plans for providing small business owners and managers individual counseling, to the great-
4 est extent practicable, in subject areas critical to small business success;

5 (b) A budget for the year for which a grant is requested, including cost apportionment among
6 the Economic and Community Development Department, small business clients, the community col-
7 lege, state university or other service providers and other sources; *[and]*

8 (c) A plan for evaluating the effect of the program on small business clients served[.]; **and**

9 **(d) A plan for providing collaboration with other state agencies, state-supported organ-**
10 **izations and private sector entities that provide services to small businesses.**

11 (2) The grants made under subsection (1) of this section are to be used by the grant recipient
12 to provide *[funds for]*:

13 (a) Small business development center staff and support staff;

14 (b) Expert resource persons from the business community;

15 (c) Other training and business resources **as approved by the department** in skill areas for
16 which, or areas of the state where, the grant recipient can demonstrate it does not otherwise have
17 the capacity or expertise to provide the resources; and

18 (d) Other costs related to providing training, counseling and business resources to small busi-
19 ness clients.

20 (3) To be eligible for a grant under subsection (1) of this section, the recipient shall be required
21 to provide funds, in-kind contributions or some combination of funds and contributions, in accord-
22 ance with rules adopted by the Economic and Community Development Department.

23 (4) Subject to the approval of the department, a grant recipient may subcontract funds received
24 under this section to any other entity that is eligible to receive funding under this section.

25 **(5) The grant recipient shall submit a final report to the department after the distrib-**
26 **ution of grant funds and the delivery of services to the proposed business clients. The report**
27 **shall state whether the plan and related budget have met the applicable criteria as described**
28 **in the recipient's application for the grant period.**

29 **(6) As used in this section, "state university" means a state institution of higher educa-**
30 **tion listed in ORS 352.002.**

31 **SECTION 19.** ORS 285B.174 is amended to read:

32 285B.174. In cooperation with other state *[and public]* agencies **and private organizations**, state
33 universities as defined in ORS *[285B.166]* **285B.168** and community colleges may develop programs
34 to assist Oregon businesses with the procurement of government contracts and grants. Small busi-
35 ness development centers established under ORS 285B.165 to 285B.171 may assist with these pro-
36 grams.

37 **SECTION 20.** ORS 285B.178 is amended to read:

38 285B.178. As used in ORS 285B.178 to 285B.183:

39 (1) "Local microenterprise support organization" means a community development corporation,
40 a nonprofit development organization, a nonprofit social services organization or another locally
41 operated nonprofit entity that provides services to disadvantaged entrepreneurs.

42 (2) "Low income" means income adjusted for family size that does not exceed:

43 (a) For metropolitan areas, 80 percent of median income; or

44 (b) For nonmetropolitan areas, the greater of 80 percent of the area median income or 80 per-
45 cent of the statewide nonmetropolitan area median income.

1 (3) "Microenterprise" has the meaning given that term under 15 U.S.C. 6901, as amended and in
2 effect on [June 18, 2001] **June 30, 2007. If 15 U.S.C. 6901 is amended or altered on or after July**
3 **1, 2007, the department may adopt by rule a definition of "microenterprise" to give the term**
4 **the meaning given in 15 U.S.C. 6901 as amended or altered.**

5 (4) "Microentrepreneur" means an individual conducting a microenterprise.

6 (5) "Microlending" means the practice of lending moneys to microenterprises or microentrepreneurs.
7

8 (6) "Statewide microenterprise support organization" means a community development corpora-
9 tion, a nonprofit development organization, a nonprofit social services organization or another
10 nonprofit entity that serves as an intermediary between the Economic and Community Development
11 Department and local microenterprise support organizations.

12 (7) "Training and technical assistance" means services and support offered to microenterprises
13 and microentrepreneurs. "Training and technical assistance" includes, but is not limited to, services
14 to enhance business development, **asset building, business** planning, marketing, management skills
15 and access to financial services.

16 (8) "Very low income" means income adjusted for family size that does not exceed 150 percent
17 of the poverty level determined under 42 U.S.C. 9902, as amended and in effect on [June 18, 2001]
18 **June 30, 2007. If 42 U.S.C. 9902 is amended or altered on or after July 1, 2007, the department**
19 **may adopt by rule the standard for determining the federal poverty level under 42 U.S.C. 9902**
20 **as amended or altered.**

21 **SECTION 21.** ORS 285B.179 is amended to read:

22 285B.179. [(1) *The Legislative Assembly finds that:*]

23 [(a) *There is a need to develop and expand businesses in economically distressed communities in*
24 *both rural and urban areas;*]

25 [(b) *There is a need to assist Oregonians who are unemployed, underemployed or in low income*
26 *jobs;*]

27 [(c) *Microenterprises can provide a means for unemployed, underemployed or low income individ-*
28 *uals to find and sustain productive work;*]

29 [(d) *Microenterprises, including self-employment, can enable people with disabilities to use their*
30 *management skills to create and provide products and services, to acquire new skills in money man-*
31 *agement and business development and to develop pride and self-esteem;*]

32 [(e) *Microenterprises can provide opportunities for economically distressed communities to thrive,*
33 *one microentrepreneur at a time;*]

34 [(f) *Microenterprises, including self-employment and start-up businesses, are important elements of*
35 *the Oregon economy and play a vital role in job creation;*]

36 [(g) *There is a lack of access to capital and training and technical assistance for low income and*
37 *very low income microentrepreneurs;*]

38 [(h) *Many low income and very low income microentrepreneurs need microlending services and*
39 *training and technical assistance to start, operate or expand their businesses;*]

40 [(i) *Local microenterprise support organizations have demonstrated cost-effective delivery methods*
41 *for providing microlending services and training and technical assistance; and]*

42 [(j) *Local and state charitable foundation support, federal program funding and private sector*
43 *support can be leveraged by a statewide program for development of microenterprises.]*

44 [(2)] The purposes of ORS 285B.178 to 285B.183 are to:

45 [(a)] (1) Ensure that microenterprises in Oregon are able to realize their full potential to create

1 jobs, enhance entrepreneurial skills, expand entrepreneurial activity and increase the capacity of
2 low income and very low income households to become self-sufficient;

3 [(b)] (2) Enhance the development of a statewide infrastructure for microenterprise support; and

4 [(c)] (3) Enable the Economic and Community Development Department to engage in contractual
5 relationships with statewide microenterprise support organizations that have the capacity to ad-
6 minister grants to local microenterprise support organizations, subject to ORS 285B.178 to 285B.183,
7 and to leverage additional funds from sources other than moneys appropriated from the General
8 Fund.

9
10 **PORTS**

11
12 **SECTION 22.** ORS 285A.600 is amended to read:

13 285A.600. [(1) *The Legislative Assembly finds that:*]

14 [(a) *The ports of this state are directly and actively involved in creating and carrying out at the*
15 *local level the economic development objectives and programs of the State of Oregon.*]

16 [(b) *Ports in this state provide effective local assistance to state economic and transportation de-*
17 *velopment efforts.*]

18 [(c) *Ports in Oregon develop and market facilities and services to support important existing in-*
19 *dustry in this state, such as agriculture, aviation, maritime commerce, international trade, tourism,*
20 *recreation, fishing, wood products and transportation.*]

21 [(d) *Port facilities, including roads, railroads, airports, harbors and navigation channels, are an*
22 *integral element of the transportation infrastructure of this state.*]

23 [(e) *The ports in this state have few technical or institutional resources to deal with multiple state*
24 *and federal programs.*]

25 [(f) *Ports in this state need coordinating and planning assistance from the State of Oregon in order*
26 *to be competitive in national and international markets and to continue to contribute to economic de-*
27 *velopment efforts in this state.*]

28 [(2)] (1) The Legislative Assembly declares that it is the policy of this state to include Oregon's
29 ports in planning and implementing economic development and transportation programs. To that
30 end, the Oregon Economic and Community Development Commission and the Economic and Com-
31 munity Development Department may work to:

32 (a) Coordinate with the Department of Transportation and other state agencies, commissions and
33 advisory committees engaged in activities affecting ports to facilitate port planning and develop-
34 ment;

35 (b) Promote local cooperation in statewide planning and development of the ports;

36 (c) Promote long-term economic self-sufficiency of the ports;

37 (d) Encourage cost-effective investments with prudent financial consideration of port develop-
38 ment projects; and

39 (e) Facilitate ports in their efforts to expand and respond to greater domestic and international
40 market opportunities.

41 [(3)] (2) The Legislative Assembly also declares that:

42 (a) The State of Oregon recognizes, supports and promotes a federal role in the continuation of
43 the maintenance and development of federally authorized waterway projects.

44 (b) Because the federal role is changing, the responsibilities of this state may increase in terms
45 of direct involvement in waterway transportation.

1 (c) It is the policy of the State of Oregon to support the continued maintenance and development
2 of the following waterways as key elements of the statewide transportation system:

3 (A) The navigation channels of the Columbia River, Coos Bay and Yaquina Bay and any other
4 commercial waterway segments that provide a link for movement of products to and from world and
5 regional markets.

6 (B) Waterway segments that serve as transportation corridors for large volumes of bulk and
7 agricultural commodities and that provide shippers a cost-effective means to transport products.

8 (C) The coastal channels and harbors that support commercial and water-dependent activities.

9 **SECTION 23.** ORS 285A.603 is amended to read:

10 285A.603. As used in ORS 285A.603 to 285A.633, unless the context requires otherwise[:],

11 [(1)] “port” means the Port of Portland and any port formed pursuant to ORS 777.005 to 777.725
12 and 777.915 to 777.953.

13 [(2)] “*Ports Division*” or “*division*” means the *Ports Division of the Economic and Community De-*
14 *velopment Department.*]

15 **SECTION 24.** ORS 285A.615 is amended to read:

16 285A.615. (1) The [*Ports Division of the*] Economic and Community Development Department
17 shall provide managerial assistance and technical referral services to ports.

18 (2) The [*division*] **department** shall[:]

19 [(a)] disseminate such research and technical information as is available to the department[:]
20 *and*].

21 [(b)] *Provide managerial assistance to ports and the safety committees created under ORS 468B.415*
22 *requesting such assistance.*]

23 (3) The [*division*] **department** shall work cooperatively with existing organizations and agencies
24 that provide research and technical services, including, but not limited to:

25 (a) The Department of State Lands;

26 (b) The State Marine Board; and

27 (c) The Sea Grant College and marine extension services at Oregon State University.

28 **SECTION 25.** ORS 285A.627 is amended to read:

29 285A.627. (1) The Oregon Economic and Community Development Commission, through the
30 [*Ports Division*] **Economic and Community Development Department**, shall be the statewide co-
31 ordinating, planning and research agency for all ports and port authorities in this state to ensure
32 the most orderly, efficient and economical development of the state port system.

33 (2) Notwithstanding any other provision of law, after July 1, 1969, no port or port authority may
34 be formed without the prior approval of the commission.

35 (3) The commission, through the [*division*] **department**, shall be the statewide coordinating,
36 planning and research agency for port activities involving international trade and international
37 trade development and industrial, commercial and recreational development.

38 **SECTION 26.** ORS 285A.654 is amended to read:

39 285A.654. (1) There is created within the State Treasury, separate and distinct from the General
40 Fund, the Port Planning and Marketing Fund. All moneys in the Port Planning and Marketing Fund
41 are appropriated continuously to the [*Ports Division*] **Economic and Community Development**
42 **Department** and shall be used by the [*division*] **department** for:

43 (a) Administrative expenses of the [*division*] **department** in processing grant applications and
44 investigating proposed planning or marketing projects related to ports.

45 (b) Payment of grants under ORS 285A.654 to 285A.660 to ports formed under ORS 777.010 and

1 777.050.

2 (c) Direct purchase by the *[division]* **department** of goods or services to assist ports in imple-
3 menting planning or marketing projects approved for grant financing under ORS 285A.654 to
4 285A.660.

5 (2) The Port Planning and Marketing Fund shall consist of:

6 (a) Moneys appropriated to the fund by the Legislative Assembly.

7 (b) Moneys obtained from gifts or grants received under ORS 285A.200.

8 (c) Moneys obtained from interest earned on the investment of such moneys.

9 (3) Moneys in the Port Planning and Marketing Fund, with the approval of the State Treasurer,
10 may be invested as provided by ORS 293.701 to 293.820, and the earnings from such investments
11 shall be credited to the Port Planning and Marketing Fund.

12 **SECTION 27.** ORS 285A.657 is amended to read:

13 285A.657. (1) The *[Ports Division]* **Economic and Community Development Department** may
14 make grants, as funds are available, to any port formed under ORS chapter 777 or 778 for:

15 (a) A planning project conducted under ORS 285A.627 or any other planning project necessary
16 for improving the port's capability to carry out its authorized functions and activities relating to
17 trade and commerce; or

18 (b) A marketing project necessary for improving the port's capability to carry out its authorized
19 functions and activities relating to trade and commerce.

20 (2) Any port may file with the *[Ports Division]* **department** an application for a grant from the
21 Port Planning and Marketing Fund to finance a specific planning project or marketing project.

22 (3) An application under this section shall be filed in such a manner and contain or be accom-
23 panied by such information as the *[Ports Division]* **department** may prescribe.

24 (4) Upon receipt of an application, the *[Ports Division]* **department** shall determine whether the
25 planning project or marketing project is eligible for funding under ORS 285A.654 to 285A.660. If the
26 *[Ports Division]* **department** determines that the project is not eligible, it shall within 60 days:

27 (a) Reject the application; or

28 (b) Require the applicant to submit additional information as may be necessary.

29 (5) The *[Ports Division]* **department** may approve a grant for a planning project or a marketing
30 project described in an application filed under this section if, after investigation, the *[Ports*
31 *Division]* **department** finds that:

32 (a) The project meets the standards and criteria established by the *[Ports Division]* **department**
33 for grant financing from the Port Planning and Marketing Fund; and

34 (b) Moneys in the Port Planning and Marketing Fund are or will be available for the project.

35 (6) Grants to ports under ORS 285A.654 to 285A.660 shall not exceed *[\$25,000]* **\$50,000** and shall
36 not exceed 75 percent of the total cost of the project.

37 (7) The *[Ports Division]* **department** shall not fund any program that subsidizes regular port
38 operating expenses.

39 (8) In lieu of all or part of the grant financing approved under ORS 285A.654 to 285A.660 for a
40 planning or marketing project, the *[Ports Division]* **department** may purchase goods or services to
41 assist a port in implementing a project.

42 **SECTION 28.** ORS 285A.660 is amended to read:

43 285A.660. (1) The Economic and Community Development Department shall develop marketing
44 grant funding priorities considering such factors as community need and whether the project will
45 lead to economic diversification, development of a new or emerging industry and redevelopment of

1 existing public facilities. The department shall give priority to regional or cooperative projects, and
2 projects that leverage other marketing efforts by the state or other local government units.

3 (2) The department shall review all proposals to avoid duplication of marketing efforts among
4 ports, and to maintain consistency with the applicable county or city comprehensive plans.

5 **(3) Ports shall develop and maintain strategic business plans before obtaining department**
6 **funding. A strategic business plan developed and maintained under this subsection must**
7 **comply with standards and requirements for strategic business plans established by the de-**
8 **partment by rule. The department shall also establish by rule the date by which ports seek-**
9 **ing department funding must have a strategic business plan in place.**

10 **SECTION 29.** ORS 285A.666 is amended to read:

11 285A.666. As used in ORS 285A.666 to 285A.732, unless the context requires otherwise:

12 [(1) “Division” means the Ports Division of the Economic and Community Development
13 Department.]

14 [(2)] (1) “Flexible manufacturing space project” means a project for the acquisition, con-
15 struction, improvement or rehabilitation, in whole or in part, of any building suitable for the conduct
16 of manufacturing processes and, by design, able to be readily modified when necessary to accom-
17 modate the operations of the tenants of the building. The term includes any preproject planning
18 activities for a flexible manufacturing space project.

19 [(3)] (2) “Fund” means the Oregon Port Revolving Fund.

20 [(4)] (3) “Port district” means any port formed pursuant to ORS 777.005 to 777.725 and 777.915
21 to 777.953 or ORS chapter 778.

22 [(5)] (4) “Project” means a project authorized under ORS 777.105 to 777.258, including engi-
23 neering, acquisition, improvement, rehabilitation, construction, operation, maintenance or preproject
24 planning necessary to carry out the project.

25 **SECTION 30.** ORS 285A.708 is amended to read:

26 285A.708. (1) There is created within the State Treasury a revolving fund known as the Oregon
27 Port Revolving Fund, separate and distinct from the General Fund. Moneys in this fund are contin-
28 uously appropriated to the Oregon Economic and Community Development Commission for the fol-
29 lowing purposes:

30 (a) Administrative expenses of the commission in processing applications and investigating pro-
31 posed projects.

32 (b) Payment of loans to port districts pursuant to ORS 285A.666 to 285A.732.

33 (c) Administrative expenses of the [Ports Division] **Economic and Community Development**
34 **Department** relating to ports. In any one year, administrative expenses charged under this para-
35 graph may not be greater than the total revenues received in that year from fees provided for in
36 subsection (2)(a) of this section, plus [three] **an amount not to exceed five** percent of the total asset
37 value of the fund.

38 (2) The fund created by subsection (1) of this section shall consist of:

39 (a) Application fees required by ORS 285A.672 (2).

40 (b) Repayment of moneys loaned to port districts or others from the Oregon Port Revolving
41 Fund, including interest on such moneys.

42 (c) Payment of such moneys as may be appropriated to the fund by the Legislative Assembly.

43 (d) Moneys obtained from any interest accrued from such funds.

44 (3) Outstanding debt on the fund shall not exceed 95 percent of all deposits, accounts payable,
45 and other assets of the fund.

1 (4) No money shall be expended from the Oregon Port Revolving Fund for any economic devel-
2 opment study costing more than [~~\$25,000~~] **\$50,000** unless a work plan and budget for such study has
3 been provided to the joint Legislative Committee on Trade and Economic Development.

4 **SECTION 31.** ORS 285A.709 is amended to read:

5 285A.709. (1) Notwithstanding ORS 285A.708 (1) and 285A.711, available moneys in the Oregon
6 Port Revolving Fund that were accrued as net earned income of the fund may be transferred to the
7 Port Planning and Marketing Fund created under ORS 285A.654.

8 (2) Notwithstanding ORS 285A.654 (1)(b), moneys transferred to the Port Planning and Market-
9 ing Fund under this section may be used for payments of grants under ORS 285A.654 to 285A.660
10 to ports formed under ORS 285A.603 to 285A.732 or ORS chapter 777 or 778.

11 (3) In addition to and notwithstanding any other law, an amount not to exceed [~~four~~] **five** per-
12 cent of the assets of the Oregon Port Revolving Fund as calculated on July 1 of each year shall be
13 transferred to the Port Planning and Marketing Fund under this section.

14 **INFRASTRUCTURE PROJECTS**

15
16
17 **SECTION 32.** ORS 285B.410 is amended to read:

18 285B.410. As used in ORS 285B.410 to 285B.482, unless the context requires otherwise:

19 (1) "Airport" means:

20 (a) A runway, taxiway, aircraft parking apron, ramp, auto parking area, access road, safety area
21 or runway protection zone;

22 (b) An airport-related facility, including a hangar, terminal, air traffic control tower or other
23 building;

24 (c) A signal, navigational aid or traffic control system; or

25 (d) A fuel tank or other physical airport improvement.

26 (2)(a) **"Community development project" means a project that involves strategic plan-**
27 **ning, training or other technical assistance as defined by the Economic and Community De-**
28 **velopment Department by rule, and that is aimed at strengthening the economic development**
29 **or infrastructure priority setting of a municipality or region.**

30 (b) **"Community development project" includes the following activities:**

31 **(A) Developing and managing short-term and long-term projects;**

32 **(B) Developing priorities for infrastructure projects;**

33 **(C) Strategic planning related to furthering economic development; or**

34 **(D) Training related to economic development, including training to improve leadership**
35 **skills, technical skills or analytical skills, particularly in rural and distressed areas.**

36 (c) **"Community development project" includes projects that may encompass a munic-**
37 **ipality or any part of a municipality and may be undertaken in cooperation with another**
38 **municipality.**

39 [(2)] (3) "Development project" means a project for the acquisition, improvement, construction,
40 demolition, or redevelopment of municipally owned utilities, buildings, land, transportation facilities
41 or other facilities that assist the economic and community development of the municipality, includ-
42 ing planning project activities that are necessary or useful as determined by the Economic and
43 Community Development Department.

44 [(3)] (4) "Direct project management costs" means expenses directly related to a project that
45 are incurred by a municipality solely to support or manage a project eligible for assistance under

1 ORS 285B.410 to 285B.482. “Direct project management costs” does not include routine or ongoing
2 expenses of the municipality.

3 [(4)] (5) “Emergency project” means a development project resulting from an emergency as de-
4 fined in ORS 401.025, to which federal disaster relief has been committed.

5 [(5)] (6) “Energy system” means a facility necessary for the distribution, transmission or gener-
6 ation of energy, including but not limited to facilities powered by wind, solar energy or biofuel and
7 facilities for the collection, storage, transmission or distribution of a fuel, including natural gas,
8 methane or hydrogen.

9 [(6)] (7) “Marine facility” means:

10 (a) A wharf, dock, freight handling or passenger facility;

11 (b) A navigation channel or structure, including a project funded under ORS 777.267; or

12 (c) Any other physical marine facility improvement.

13 [(7)] (8) “Municipality” means an Oregon city or county, the Port of Portland created by ORS
14 778.010, a county service district organized under ORS chapter 451, a district as defined in ORS
15 198.010, a tribal council of a federally recognized Indian tribe in this state or an airport district
16 organized under ORS chapter 838.

17 [(8)] (9) “Planning project” means:

18 (a) A project related to a potential development project for preliminary, final or construction
19 engineering;

20 (b) A survey, site investigation or environmental action;

21 (c) A financial, technical or other feasibility report, study or plan; or

22 (d) An activity that the department determines to be necessary or useful in planning for a po-
23 tential development project.

24 [(9)] (10) “Project” means a development, **community development**, planning or emergency
25 project.

26 [(10)] (11) “Railroad” means:

27 (a) A main line, siding, yard, connecting or auxiliary track, right of way or easement;

28 (b) An industrial spur or related facility, including a depot, shop, maintenance building or other
29 building;

30 (c) A signal or traffic control system;

31 (d) A bridge or tunnel;

32 (e) A dock, pit, conveyor, bin, crane, piping system, tank or pavement for unloading, loading or
33 transfer of freight, trailers or containers; or

34 (f) Any other physical railroad improvement.

35 [(11)] (12) “Road” means a street, highway or thruway or a road-related structure that provides
36 for continuity of a right of way, including a bridge, tunnel, culvert or similar structure or other
37 physical road-related improvement.

38 [(12)] (13) “Rural area” has the meaning given that term in ORS 285A.010.

39 [(13)] (14) “Sewage system” means a facility necessary for collecting, pumping, treating or dis-
40 posing of sanitary sewage.

41 [(14)] (15) “Solid waste disposal site” has the meaning given the term “disposal site” in ORS
42 459.005.

43 [(15)] (16) “Storm water drainage system” means a facility necessary for collecting, controlling,
44 conveying, treating or disposing of storm water runoff.

45 [(16)] (17) “Telecommunications system” means equipment or a facility for the electronic trans-

1 mission of voice, data, text, image or video.

2 [(17)] (18) "Transportation" means a system for movement of freight or passengers.

3 [(18)] (19) "Utilities" means a solid waste disposal site or a water, sewage, storm water drainage,
4 energy or telecommunications system.

5 [(19)] (20) "Water system" means a facility for supplying, treating or protecting the quality of
6 water and transmitting water to a point of sale or to any public or private agency for domestic,
7 municipal, commercial or industrial use.

8 **SECTION 33.** ORS 285B.440 is amended to read:

9 285B.440. (1)(a) The moneys in the Special Public Works Fund shall be used primarily to provide
10 loans to municipalities for projects as defined in ORS 285B.410 to 295B.482. The Economic and
11 Community Development Department may determine the level of grant or loan funding, if any, on
12 a case-by-case basis.

13 (b) If the department approves funding, the department shall determine a maximum amount of
14 the loan based upon a reasonable and prudent expectation of the ability of the municipality to repay
15 the loan.

16 (c) The loan term may not exceed the usable life of the project or 25 years from the year of
17 project completion, whichever is less.

18 (d) Assistance from the fund for a marine facility project otherwise funded under ORS 777.267
19 shall be limited to a loan. The loan may not exceed the amount of the required local matching funds.

20 (2) The department shall by rule adopt standards for awarding grants from the Special Public
21 Works Fund. The standards may include the award of grants as a financial incentive to accomplish
22 the goals of the Special Public Works Fund, to address special circumstances of a project or to ad-
23 dress the financial need of the applicant.

24 (3) The department may make grants to a municipality not to exceed \$1 million per project or
25 85 percent of the allowable project costs, whichever is less. For purposes of this subsection, allow-
26 able project costs do not include capitalized interest, if any.

27 (4) The department may not expend more than one percent of the value of the Special Public
28 Works Fund in any biennium for grants or direct assistance, if any, for planning projects **and**
29 **community development projects** to municipalities.

30 (5) The department may not expend more than \$2.5 million in any biennium for emergency
31 project grants. For purposes of this subsection, emergency project grants include grants for essential
32 community facilities, as defined by the department by rule after consultation with the League of
33 Oregon Cities, the Association of Oregon Counties, the Oregon Ports Representation Group and the
34 Special Districts Association of Oregon.

35 (6) Except as otherwise limited by this section, not more than 100 percent of the total cost of
36 a project, including capitalized interest, shall be financed from the Special Public Works Fund.

37 **SECTION 34.** ORS 285B.455 is amended to read:

38 285B.455. (1) There is created the Special Public Works Fund, separate and distinct from the
39 General Fund. All moneys credited to the Special Public Works Fund are appropriated continuously
40 to the Economic and Community Development Department.

41 (2) The fund shall consist of all moneys credited to the fund, including:

42 (a) Moneys appropriated to the fund by the Legislative Assembly or transferred to the fund by
43 the Oregon Economic and Community Development Commission;

44 (b) Earnings on the fund;

45 (c) Repayment of financial assistance, including interest;

1 (d) Moneys received from the federal government, other state agencies or local governments;

2 (e) Bond proceeds as authorized under ORS 285B.410 to 285B.482 or other law; and

3 (f) Moneys from any other source, including but not limited to grants and gifts.

4 (3) Moneys in the Special Public Works Fund, with the approval of the State Treasurer, may be
5 invested as provided by ORS 293.701 to 293.820 and the earnings from the investments shall be
6 credited to the account in the Special Public Works Fund designated by the department.

7 (4) The department shall administer the Special Public Works Fund.

8 (5) The department may establish other accounts within the Special Public Works Fund for the
9 payment of project costs, reserves, debt service payments, credit enhancement, administrative costs
10 and operation expenses or any other purpose necessary to carry out ORS 285B.410 to 285B.482.

11 (6) The department may **directly or indirectly** grant, expend or loan moneys in the fund **or**
12 **extend credit** to:

13 (a) Provide **to municipalities any form of** financial or other assistance [*to municipalities for*
14 *projects determined by the department to be appropriate*] **that the department considers appropri-**
15 **ate to assist communities with a project, including the refinancing of temporary project fi-**
16 **nancing.**

17 (b) Purchase goods or services related to a project on behalf of the municipality.

18 (c) Provide state funds as a match for federal funds available for the administration of the
19 Community Development Block Grant program.

20 (d) Finance administrative costs of the department pursuant to ORS 285B.410 to 285B.482.

21 (e) Provide annual grants on behalf of a municipality in the form of partial repayment to
22 bondholders of amounts owed.

23 (f) Cover contracts that are issued to guaranty any portion of the obligation of a municipality
24 to finance a development project and that are not sold to the State of Oregon. Guaranty contracts
25 under this paragraph shall be payable solely from moneys in the Special Public Works Fund, and
26 shall not constitute a debt or obligation of the State of Oregon. The department may, on behalf of
27 the state, establish a special account in the fund and commit to deposit into the account specified
28 portions of existing and future allocations to the fund. The commitments shall be made by rule of
29 the department and shall constitute covenants of the state for the benefit of the owners of obli-
30 gations guaranteed by the state pursuant to this section.

31 (7) As used in this section, "administrative costs" includes the department's direct and indirect
32 costs for investigating and processing an application, developing a contract, monitoring the use of
33 funds by a municipality, investigating and resolving budget discrepancies, closing a project and
34 providing financial or other assistance to a municipality.

35 **SECTION 35.** ORS 285B.482 is amended to read:

36 285B.482. (1) Notwithstanding any other law relating to revenue bonds issued and sold under
37 ORS 285B.467 to 285B.479 or ORS 285B.572, 285B.575 and 285B.578, revenue bonds may be issued
38 and sold as parity bonds.

39 (2) Proceeds of revenue bonds issued and sold under ORS 285B.467 to 285B.479 or ORS 285B.572,
40 285B.575 and 285B.578, together with the investment earnings thereon, may be consolidated into one
41 or more funds or accounts and may be pledged to the holders of revenue bonds issued to finance
42 water projects, as defined in ORS 285B.560, or development projects.

43 (3) Any loan to a municipality made pursuant to ORS 285B.467 to 285B.479, 285B.560 to 285B.569
44 or 285B.572 to 285B.599, including loans funded in whole or in part with the proceeds of revenue
45 bonds and loans funded with moneys in the Water Fund or the Special Public Works Fund, may be

1 pledged to the holders of revenue bonds issued to finance water projects or development projects.

2 (4) Funds or accounts established by the Economic and Community Development Department or
3 the State Treasurer in connection with the issuance of revenue bonds under ORS 285B.467 to
4 285B.479 or ORS 285B.572, 285B.575 and 285B.578 and moneys held in the funds and accounts, to-
5 gether with the investment earnings thereon, may be consolidated into one or more funds or ac-
6 counts and may be pledged to the holders of revenue bonds issued to finance water projects or
7 development projects.

8 *[(5) Notwithstanding subsections (1) to (4) of this section, moneys held in the Water Fund may not*
9 *be used to finance or refinance the cost of a development project unless the development project also*
10 *qualifies as a water project, and moneys held in the Special Public Works Fund may not be used to*
11 *finance or refinance the cost of a water project unless the water project also qualifies as a development*
12 *project.]*

13
14 **WATER FUND**

15
16 **SECTION 36.** ORS 285B.563 is amended to read:

17 285B.563. (1) There is established in the State Treasury, separate and distinct from the General
18 Fund, the Water Fund. All moneys in the Water Fund are continuously appropriated to the Eco-
19 nomic and Community Development Department for the purposes described in ORS 285B.560 to
20 285B.599, including the direct project management costs *[and for the purpose specified in ORS*
21 *285A.075 (9)]*.

22 (2)(a) Moneys in the Water Fund may be obligated to water projects.

23 (b) Moneys shall be used primarily to make loans to municipalities. The department may make
24 a loan only if:

25 (A) The municipality applying for the loan certifies to the department that adequate funds will
26 be available to repay the loan; and

27 (B) The department determines that the amount of the loan applied for is based on a reasonable
28 and prudent expectation of the municipality's ability to repay the loan.

29 (c) The department may award a grant only if a loan is not feasible due to:

30 (A) Financial hardship to the municipality, as determined by the department, based on consid-
31 eration of anticipated water service charges or anticipated waste water service charges *[that exceed*
32 *the statewide average for the charges]*, the per capita income of the municipality and any other fac-
33 tors as the department by rule may establish; and

34 (B) Special circumstances of the water project.

35 (d) The department may determine the amount of grant or loan funding on a case-by-case basis.

36 (3) The moneys in the fund may also be used to assist the department in selling revenue bonds
37 on behalf of municipalities in order to carry out the purposes of ORS 285B.560 to 285B.599.

38 (4) With the approval of the State Treasurer, moneys in the Water Fund may be invested as
39 provided by ORS 293.701 to 293.820. The earnings from the investments and other program income
40 shall be credited to the Water Fund.

41 (5) The Water Fund shall consist of:

42 (a) Moneys appropriated to the fund by the Legislative Assembly.

43 (b) Moneys transferred to the fund by the Economic and Community Development Department
44 from the Special Public Works Fund created by ORS 285B.455.

45 (c) Moneys transferred to the Water Fund by the Water Resources Commission from the Water

1 Development Fund created by Article XI-I(1) of the Oregon Constitution.

2 (d) Moneys from any federal, state or other grants.

3 (e) Proceeds of revenue bonds issued under ORS 285B.575.

4 (f) Earnings on the Water Fund.

5 (6) The department shall administer the fund.

6 (7) The department shall adopt rules and policies for the administration of the fund. The de-
7 partment shall coordinate its rulemaking regarding safe drinking water projects with the Water
8 Resources Department and the Department of Human Services. The rules adopted under this sub-
9 section for safe drinking water projects shall:

10 (a) Require the installation of meters on all new active service connections from any distribution
11 lines funded with moneys from the fund or from the proceeds of revenue bonds issued under ORS
12 285B.572 to 285B.578.

13 (b) Require a plan, to be adopted by a municipality receiving financial assistance from the fund,
14 for installation of meters on all service connections throughout the drinking water system not later
15 than two years after the completion of a safe drinking water project.

16 (8)(a) The Economic and Community Development Department shall manage the Water Fund and
17 any expenditures from accounts in the fund and transfers between accounts so that the fund pro-
18 vides a continuing source of financing consistent with ORS 285B.413.

19 (b) If necessary to ensure repayment of bonds issued under ORS 285B.560 to 285B.599, the de-
20 partment may reduce the value of the fund when the department:

21 (A) Finds that without a reduction in fund value, bonds secured by the fund are likely to be in
22 default; and

23 (B) Imposes a moratorium on grants until the requirements of paragraph (a) of this subsection
24 are satisfied.

25 (9)(a) The department may charge administrative costs to the fund, but not to moneys segregated
26 in the account created by subsection (11) of this section, to pay for administrative costs incurred
27 by the department.

28 (b) To the extent permitted by federal law, administrative costs of the department may be paid
29 from bond proceeds.

30 (10) The department may establish other accounts within the Water Fund for the payment of
31 water projects costs, reserves, debt service payments, credit enhancements, costs of issuing revenue
32 bonds, administrative costs and operating expenses or any other purpose necessary to carry out ORS
33 285B.560 to 285B.599.

34 (11) There is created within the Water Fund a separate and distinct account for the proceeds
35 from the sale of water development general obligation bonds issued for safe drinking water projects
36 and credited to the special account under this section. Any investment earnings thereon shall be
37 segregated in and continuously appropriated to a special, separately accounted for subaccount of
38 this account. Moneys credited to this account shall be maintained separate and distinct from moneys
39 credited to subaccounts created under subsection (10) of this section. Notwithstanding ORS
40 285B.566 or subsection (4) of this section, all repayments of moneys loaned from the account created
41 by this subsection, including interest on the moneys, shall be credited to the Water Development
42 Administration and Bond Sinking Fund created by ORS 541.830.

43 (12) As used in this section, "administrative costs" include the department's direct and indirect
44 costs for investigating and processing an application, developing a contract, monitoring the use of
45 funds by a municipality, investigating and resolving a budget discrepancy, closing a project and

1 providing financial and other assistance to a municipality.

2
3 **ENTREPRENEURIAL DEVELOPMENT LOAN FUND**
4

5 **SECTION 37.** ORS 285B.743 is amended to read:

6 285B.743. (1) Any individual or business firm may file with the Economic and Community De-
7 velopment Department an application to borrow money from the Oregon Entrepreneurial Develop-
8 ment Loan Fund as provided in ORS 285B.740 to 285B.758. The application shall be filed in such a
9 manner and contain or be accompanied by such information as the department may require.

10 (2) Upon receipt of an application under this section, the Economic and Community Development
11 Department shall determine whether the applicant is eligible to receive a loan under ORS [285B.139
12 and] 285B.740 to 285B.758. [If the department determines that an applicant is not eligible to receive a
13 loan, the department shall:]

14 [(a) Reject the application with a written statement of the reason for that rejection; or]

15 [(b) Require the applicant to submit additional information concerning the application as may be
16 necessary.] **The department may adopt rules for processing applications from applicants that**
17 **are not eligible to receive a loan under this section.**

18 **SECTION 38.** ORS 285B.746 is amended to read:

19 285B.746. (1) The Economic and Community Development Department may approve a loan re-
20 quested in an application filed under ORS 285B.743 if, after investigation, it finds that:

21 (a) The applicant is enrolled in a small business management program with a small business
22 development center **or certified entity;**

23 (b) The applicant has prepared a business plan for the business, which has been reviewed by a
24 small business development center or other entity certified by the Economic and Community De-
25 velopment Department to review business plans; **and**

26 [(c) The applicant has developed an expenditure plan for the use of the moneys received as a loan
27 for the project under ORS 285B.740 to 285B.758; and]

28 [(d)] (c) The applicant is not effectively owned or controlled by another business entity or other
29 person that, either by itself or when combined with the applicant, is not eligible for a loan under
30 ORS 285B.740 to 285B.758.

31 (2) In addition to the requirements for loan approval described in subsection (1) of this section,
32 in order to obtain a loan under ORS 285B.740 to 285B.758, an applicant must also satisfy two of the
33 following conditions:

34 (a) The business or proposed business, at the time of application, must not have been operating
35 for more than [24] **36** months.

36 (b) The business must have annual revenues of less than [\$100,000] **\$175,000** in the 12-month
37 period immediately preceding the date of application.

38 (c) The business or proposed business is owned in whole or in part by a person certified as being
39 severely disabled by the Department of Human Services or the Commission for the Blind.

40 **SECTION 39.** ORS 285B.749 is amended to read:

41 285B.749. (1) The Economic and Community Development Department may approve an
42 entrepreneurial development loan under ORS 285B.740 to 285B.758 if, after investigation, it finds
43 that:

44 (a) The loan has a reasonable prospect of repayment **from cash flow and collateral and that**
45 **the loan is fully secured by collateral value; and**

1 (b) The applicant provides **equity** funds for the project in the form of cash[,] **or** property [or
2 *business equity*] in an amount equal to **or greater than** 20 percent of the amount of the loan[;
3 *and*].

4 [(c) *The applicant can provide such evidence of assurance for repayment as the department con-*
5 *siders appropriate to the circumstances of the particular applicant. However, loans need not be secured*
6 *with real property.*]

7 (2) The Economic and Community Development Department [*may make an entrepreneurial de-*
8 *velopment loan to any single applicant in an amount not exceeding \$25,000*] **shall determine the**
9 **amount of the initial loan and any subsequent loan to the borrower. The maximum of all**
10 **loans to a borrower from the Oregon Entrepreneurial Development Loan Fund may not ex-**
11 **ceed \$70,000.**

12 (3) Entrepreneurial development loans shall be made for a period not exceeding five years at a
13 rate of interest that does not exceed 18 percent per annum.

14 [(4) *The Economic and Community Development Department may defer repayment of a loan by an*
15 *applicant for a period not exceeding six months. However, interest shall continue to accrue on the un-*
16 *paid principal amount of the loan during such period of deferred repayment.*]

17
18 **BUSINESS DEVELOPMENT PROJECTS**
19

20 **SECTION 40.** ORS 285B.050 is amended to read:

21 285B.050. As used in ORS 285B.050 to 285B.098, unless the context requires otherwise:

22 (1) **“Applicant” means any county, municipality, person or any combination of counties,**
23 **municipalities or persons applying for a loan from the Oregon Business Development Fund**
24 **under ORS 285B.050 to 285B.098.**

25 [(1)] (2) **“Business development project”** means the acquisition, engineering, improvement, reha-
26 bilitation, construction, operation or maintenance of any property, real or personal, that is used or
27 is suitable for use by an economic enterprise and that will result in, or will aid, promote or facili-
28 tate, development of one or more of the following activities:

29 (a) Manufacturing or other industrial production;

30 (b) Agricultural development or food processing;

31 (c) Aquacultural development or seafood processing;

32 (d) Development or improved utilization of natural resources;

33 (e) Convention facilities and trade centers;

34 (f) Transportation or freight facilities; and

35 (g) Other activities that represent new technology or type of economic enterprise the Oregon
36 Economic and Community Development Commission determines is needed to diversify the economic
37 base of an area but not including:

38 (A) Construction of office buildings, including corporate headquarters; and

39 (B) Retail businesses, shopping centers or food service facilities.

40 (3) **“Collateral” has the meaning given that term in ORS 79.0102 for property subject to**
41 **a security interest.**

42 [(2)] (4) **“Commission”** means the Oregon Economic and Community Development Commission
43 established under ORS 285A.040.

44 (5) **“County” means any county or federally recognized Oregon Indian tribe.**

45 (6) **“Emerging small business” has the meaning given that term by ORS 200.005.**

1 [(3)] (7) “Fund” means the Oregon Business Development Fund.

2 [(4) “Collateral” has the meaning given that term in ORS 79.0102 for property subject to a security
3 interest.]

4 (8) “Local development group” means any public or private corporation that has as one
5 of its primary purposes, as stated in its articles of incorporation, charter or bylaws, the
6 promotion of economic development in any part of the State of Oregon.

7 [(5)] (9) “Municipality” means any city, municipal corporation or quasi-municipal corporation.

8 [(6)] (10) “Person” means any individual, association of individuals, joint venture, partnership,
9 limited liability company or corporation.

10 [(7) “Local development group” means any public or private corporation which has as one of its
11 primary purposes, as stated in its articles of incorporation, charter or bylaws, the promotion of eco-
12 nomic development in any part of the State of Oregon.]

13 [(8) “Applicant” means any county, municipality, person or any combination of counties, munici-
14 palities or persons applying for a loan from the Oregon Business Development Fund under ORS
15 285B.050 to 285B.098.]

16 [(9) “Owned and operated by women and minorities” means, with regard to any specific business
17 enterprise, the ownership or control of more than 50 percent of the units of proprietary or ownership
18 interest in that business enterprise by individuals who are women or minority individuals, as defined
19 by ORS 200.005.]

20 [(10) “Emerging small business” has the meaning given that term by ORS 200.005.]

21 [(11) “County” means any county or federally recognized Oregon Indian tribe.]

22 **SECTION 41.** ORS 285B.053 is amended to read:

23 285B.053. (1) Any county, municipality, person or any combination of counties, municipalities
24 and persons may file with the Oregon Economic and Community Development Commission an ap-
25 plication to borrow money from the Oregon Business Development Fund for a business development
26 project as provided in ORS 285B.050 to 285B.098. The application shall be filed in such a manner
27 and contain or be accompanied by such information as the commission may prescribe.

28 (2) Any applicant receiving a loan from the [Oregon Business Development] fund shall
29 [annually] report to the Economic and Community Development Department the estimated number
30 of jobs [created as a result of] **affected by** the business development project financed under ORS
31 285B.050 to 285B.098. [The reporting requirement under this section shall continue for five years fol-
32 lowing the receipt of the loan proceeds or for the life of the loan, whichever period is longer. Agreement
33 to comply with the requirements of this section shall be a condition for obtaining a loan from the
34 Oregon Business Development Fund.]

35 **SECTION 42.** ORS 285B.056 is amended to read:

36 285B.056. [(1) Upon receipt of an application under ORS 285B.053, the Oregon Economic and
37 Community Development Commission shall determine whether the plans and specifications for the pro-
38 posed business development project set forth in or accompanying the application are satisfactory. If the
39 commission determines that the plans and specifications are not satisfactory, it shall:]

40 [(a) Reject the application with a written statement of the reason for that rejection; or]

41 [(b) Require the applicant to submit additional information of the plans and specifications as may
42 be necessary.]

43 [(2) The commission shall charge and collect from the applicant, at the time the application is filed,
44 a fee not to exceed \$100. Moneys referred to in this subsection shall be paid into the Oregon Business
45 Development Fund.] **The Oregon Economic and Community Development Commission shall**

1 **charge fees and establish rules to underwrite loans from the Oregon Business Development**
2 **Fund.**

3 **SECTION 43.** ORS 285B.059 is amended to read:

4 285B.059. (1) The Oregon Economic and Community Development Commission may approve a
5 business development project proposed in an application filed under ORS 285B.050 to 285B.098 if,
6 after investigation, *[it]* **the commission** finds that:

7 (a) The proposed business development project is feasible and a reasonable risk from practical
8 and economic standpoints, and **that** the loan has reasonable prospect of repayment.

9 (b) The applicant can provide good and sufficient collateral for the loan.

10 (c) Moneys in the Oregon Business Development Fund are or will be available for the proposed
11 business development project.

12 (d) There is a need for the proposed business development project[, *and the applicant's financial*
13 *resources are adequate to ensure success of the project*].

14 (e) The applicant has not received or entered into a contract or contracts exceeding \$1 million
15 with the commission, under authority of ORS 285B.050 to 285B.098, for the previous 365 days[, *nor*
16 *is there an amount equal to 20 percent of the total value of the fund in outstanding loans with the*
17 *commission at any one time for business development projects located in the same county as the pro-*
18 *posed project. However, nothing in this paragraph prevents the commission from making a loan to an*
19 *emerging small business, as provided in subsection (6) of this section, for a project in a distressed area*
20 *or making a loan of less than \$100,000, as provided in ORS 285B.080*].

21 *[(2) Preference shall be given to a business development project which has a high ratio of employ-*
22 *ment to the amount of money sought to be borrowed from the Oregon Business Development Fund,*
23 *which benefits businesses with fewer than 50 employees or which is located within a rural or distressed*
24 *area of the state. Consideration also shall be given to the extent of participation by local development*
25 *groups, and the availability and cost of money to the applicant from, or through, commercial lending*
26 *or financial institutions, or other financial sources, inasmuch as the Oregon Business Development*
27 *Fund is intended to complement, not supplant, other sources of money for economic development.]*

28 *[(3)]* (2) The total amount of moneys loaned from the fund for any business development project
29 shall not exceed 50 percent of the cost of the project. *[Working capital equity contributed by the ap-*
30 *applicant or a related party shall not be included in the calculation of total project costs.]*

31 *[(4)]* (3) Except *[in cases where]* **when** the applicant is a county or municipality **or when there**
32 **are payments other than the scheduled principal and interest payments**, no money shall be
33 loaned from the fund for any business development project unless there exists a commitment from
34 a commercial or private lender, or a local development group, to participate in the financing of the
35 project.

36 *[(5)]* (4) To encourage private sector and local development group participation in the financing
37 of business development projects, the commission may subordinate the security position of the fund
38 to that of other lenders.

39 *[(6)]* (5) In each fiscal year of a biennium, not less than 15 percent of all moneys available for
40 lending from the *[Oregon Business Development]* fund are reserved for loans to certified emerging
41 small business enterprises which are located in or draw their workforces from within distressed
42 areas as determined by the Economic and Community Development Department in cooperation with
43 the Employment Department of this state. Any amounts reserved for loans to such businesses that
44 are not loaned in one fiscal year shall be added to the amount reserved for loans to such businesses
45 in the subsequent fiscal year. If the Economic and Community Development Department is unable

1 to obtain a sufficient number of approvable applications to meet the requirements of this subsection,
2 it may, notwithstanding the limitations imposed by [ORS 285B.050 (1)(g)(B)] **ORS 285B.050**
3 **(2)(g)(B)**, make loans to service and retail businesses operated by [certified] emerging small business
4 enterprises.

5 *[(7) In the operation of the Oregon Business Development Fund, the commission and the depart-*
6 *ment shall, to the maximum extent feasible and consistent with constitutional limitations, seek to assure*
7 *that an amount equal to that specified in subsection (6) of this section be loaned to businesses owned*
8 *and operated by women and minorities.]*

9 **SECTION 44.** ORS 285B.062 is amended to read:

10 285B.062. If the Oregon Economic and Community Development Commission approves the busi-
11 ness development project, the commission, on behalf of the state, and the applicant may enter into
12 a loan contract of not more than \$1 million, secured by good and sufficient collateral, which shall
13 set forth, among other matters:

14 (1) A plan for repayment by the applicant to the Oregon Business Development Fund of moneys
15 borrowed from the fund used for the business development project with interest charged on those
16 moneys at the rate of not less than one percentage point more than the prevailing interest rate on
17 United States Treasury bills, notes or bonds of a comparable term, as determined by the commission.
18 The repayment plan, among other matters:

19 (a) Shall provide for commencement of repayment by the applicant of moneys used for the busi-
20 ness development project and interest thereon no later than one year after the date of the loan
21 contract or at such other time as the commission may provide.

22 (b) May provide for reasonable extension of the time for making any repayment in emergency
23 or hardship circumstances if approved by the commission.

24 (c) Shall provide for such evidence of debt assurance of, and security for, repayment by the ap-
25 plicant as is considered necessary by the commission.

26 (d) Shall set forth a schedule of payments and the period of loan which shall not exceed the
27 usable life of the contracted project or 25 years from the date of the contract, whichever is less, and
28 shall also set forth the manner of determining when loan payments are delinquent. The payment
29 schedule shall include repayment of interest which accrues during any period of delay in repayment
30 authorized by paragraph (a) of this subsection, and the payment schedule may require payments of
31 varying amounts for collection of accrued interest.

32 (e) Shall set forth a procedure for formal declaration of default of payment by the commission,
33 including formal notification of all relevant federal, state and local agencies; and further, a proce-
34 dure for notification of all relevant federal, state and local agencies that declaration of default has
35 been rescinded when appropriate.

36 *[(f) May offer a discount not to exceed 10 percent of the outstanding principal for the early repay-*
37 *ment of the entire outstanding principal of any loan. The commission by rule shall adopt policies that*
38 *provide for greater discounts for earlier repayments and that provide for greater discounts for firms*
39 *that have created at least one job per each \$15,000 loaned to the firm from the Oregon Business De-*
40 *velopment Fund.]*

41 **(f) Shall allow for other forms of payment than principal and interest payments on loans,**
42 **to be outlined in administrative rules.**

43 (2) Provisions satisfactory to the commission for field engineering and inspection, the commis-
44 sion to be the final judge of completion of the contract.

45 (3) That the liability of the state under the contract is contingent upon the availability of mon-

1 eys in the [*Oregon Business Development*] fund for use in the business development project.

2 (4) Such further provisions as the commission considers necessary to insure expenditure of the
3 funds for the purposes set forth in the approved application.

4 [(5) *That the commission may institute appropriate action or suit to prevent use of the facilities of*
5 *a business development project financed by the Oregon Business Development Fund if the applicant is*
6 *delinquent in the repayment of any moneys due the fund.*]

7 **SECTION 45.** ORS 285B.083 is amended to read:

8 285B.083. Except as provided in ORS 285B.086, if any business development project is refinanced
9 or financial assistance is obtained from other sources after the execution of the loan from the state,
10 those [*shall be first*] **may first be** used to repay the state, unless provided otherwise by the com-
11 mittee, if the refinancing or financial assistance applies only to the business development project
12 authorized and does not include any subsequent addition, expansion, improvement or further devel-
13 opment.

14 **SECTION 46.** ORS 285B.089 is amended to read:

15 285B.089. If the Oregon Economic and Community Development Commission approves an appli-
16 cation for the loan of moneys authorized by ORS 285B.086, the commission shall enter into a loan
17 contract, secured by good and sufficient collateral **as determined by the commission**, with the
18 applicant that provides, among other matters:

19 (1) That the loan bear interest at the same rate of interest as provided in ORS 285B.062 (1).

20 (2) That the contract shall set forth a schedule of payments including interest and principal for
21 the period of the loan, which shall not exceed the usable life of the contracted project or 25 years
22 from the date of the contract, whichever is less, and shall set forth the manner of determining when
23 loan payments are delinquent. The same schedule shall include repayment of interest which accrues
24 during any period of delay in repayment authorized by ORS 285B.050 to 285B.098, and the repayment
25 schedule may require payments of varying amounts for collection of that accrued interest. However,
26 the commission may make provisions for extensions of time in making repayment if the delinquencies
27 are caused by acts of God or other conditions beyond the control of the applicant and the security
28 will not be impaired thereby.

29 (3) Such provisions as the commission considers necessary to insure expenditure of the moneys
30 loaned for the purposes provided in ORS 285B.086, including all provisions of ORS 285B.059.

31 **SECTION 47.** ORS 285B.092 is amended to read:

32 285B.092. (1) There is created within the State Treasury a revolving fund known as the Oregon
33 Business Development Fund, separate and distinct from the General Fund. Interest earned by the
34 fund shall be credited to the fund. Moneys in this fund are continuously appropriated to the Oregon
35 Economic and Community Development Commission for the following purposes:

36 (a) Administrative expenses of the commission in marketing public business finance, processing
37 applications, investigating proposed business development projects and servicing outstanding loans.
38 In any one year, administrative expenses charged under this paragraph may not be greater than the
39 total revenues received in that year from fees provided for in subsection (2)(a) of this section, plus
40 four percent of the total asset value of the fund.

41 (b) Payment of loans to applicants under ORS 285B.050 to 285B.098.

42 (c) **Actions the commission deems necessary to obtain repayment of outstanding loans.**

43 [(c)] (d) Purchase or buyout of superior or prior liens or mortgages on or a security interest in
44 any business development project financed in part by a loan from the fund, when the commission
45 determines:

1 (A) A loan from the fund is in default and is in liquidation or at risk of being forced into liqui-
2 dation by another creditor to the project; **and**

3 (B) [*Such*] **The** action is necessary to maintain or enhance the value of the commission's
4 collateral in the project.]; *and*]

5 [(C) *The amount of the purchase or buyout of superior or prior liens or mortgages on that project*
6 *does not exceed \$1 million.*]

7 (2) The fund created by subsection (1) of this section shall consist of:

8 (a) Fees [*required by ORS 285B.056 (2) and 285B.068 (2)*] **as determined by the commission.**

9 (b) Repayment of moneys loaned to counties, municipalities or persons from the [*Oregon Busi-*
10 *ness Development*] fund, including interest on those moneys **or including other receipts.**

11 (c) Payment of such moneys as may be appropriated to the fund by the Legislative Assembly.

12 (d) Moneys obtained from any interest accrued from funds.

13 (e) Moneys from any grant made to the fund by any federal agency.

14 [(3) *Notwithstanding any other law, if at any time there are insufficient funds in the Oregon*
15 *Entrepreneurial Development Loan Fund established by ORS 285B.758, the Director of the Economic*
16 *and Community Development Department may direct the transfer of unobligated funds from the Oregon*
17 *Business Development Fund to the Oregon Entrepreneurial Development Loan Fund. Transfers under*
18 *this subsection shall be in amounts necessary to meet the reasonably foreseeable demand for partic-*
19 *ipation in the entrepreneurial loan program.*]

20 **(3) All repayments, interest and other receipts from outstanding indebtedness or any**
21 **other source shall be retained and accumulated in the fund and shall be used for the pur-**
22 **poses of the fund.**

23 **(4) Notwithstanding any other law, if at any time there are insufficient funds in estab-**
24 **lished business finance programs, the commission may direct the transfer of unobligated**
25 **funds from the fund.**

26 **SECTION 48.** ORS 285B.093 is amended to read:

27 285B.093. (1) The Oregon Economic and Community Development Commission may establish the
28 Oregon Targeted Development Account as an account within the Oregon Business Development
29 Fund.

30 (2) [*If the account is established,*] The purpose of the Oregon Targeted Development Account is
31 to promote cooperation and foster partnership among the commission, the Economic and Community
32 Development Department and financial institutions in Oregon to encourage investment in distressed
33 areas, as defined by the department.

34 (3) The [*Economic and Community Development*] department may make loans from the Oregon
35 Targeted Development Account in distressed areas without regard to the minimum rate of interest
36 that is otherwise applicable under ORS 285B.062. The department may make loans in distressed
37 areas at an interest rate that is determined by the [*Oregon Economic and Community Development*]
38 commission.

39 [(4) *ORS 285B.059 (2) does not apply to business development projects financed wholly or in part*
40 *with moneys from the Oregon Targeted Development Account.*]

41 **SECTION 49.** **The Economic and Community Development Department shall develop rules**
42 **governing repayment of loans to the Oregon Business Development Fund and collection of**
43 **moneys owed the fund. The department may take any action permitted by statute or rule**
44 **that the department deems necessary for repayment of the loan.**

45

CAPITAL ACCESS PROGRAM

SECTION 50. ORS 285B.126 is amended to read:

285B.126. As used in ORS 285B.126 to 285B.147, unless the context requires otherwise:

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

(2) **“Capital access program” means the program established by ORS 285B.126 to 285B.147.**

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

(4) “Financial institution” means a financial institution, as defined in ORS 706.008.

[2] (5) “Loss reserve account” means an account in the State Treasury or any financial institution [which] **that** is established and maintained by the Economic and Community Development Department for the benefit of a financial institution participating in the capital access program [established under ORS 285B.126 to 285B.147].

[3] (6) “Qualified business” means any person, conducting business for profit or not for profit, that is authorized to conduct business in the State of Oregon.

[4] (7) “Qualified loan” means a loan or portion of a loan made by a financial institution to a qualified business for any business activity that has its primary economic effect in Oregon. The term does not include:

(a) A loan for the **purchase of owner-occupied residential housing or for the construction, improvement or purchase of residential housing owned or to be owned by the borrower.**

(b) A loan for purchase of real property that is not used for the business operations of the borrower.

(c) A loan for the refinancing of an existing loan when and to the extent that the outstanding balance is not increased.

SECTION 51. ORS 285B.129 is amended to read:

285B.129. *[(1) The Legislative Assembly finds that:]*

[(a) There is a persistent shortage of equity capital available to small businesses in Oregon.]

[(b) Small businesses make important contributions to economic growth and vitality in this state.]

[(c) Many financial institutions in Oregon are limited in their ability to provide financing to small but rapidly growing businesses.]

[2] It is the purpose of ORS 285B.126 to 285B.147 to establish a capital access program under which the State of Oregon will provide public fiscal resources to assist Oregon financial institutions to overcome obstacles and constraints in meeting the full range of economically sound financing needs of Oregon businesses.

SECTION 52. ORS 285B.132 is amended to read:

285B.132. (1) The Economic and Community Development Department may contract with any financial institution for the purpose of allowing the financial institution to participate in the capital access program established by ORS 285B.126 to 285B.147.

(2) A contract between the [*Economic and Community Development*] department and a financial institution under this section shall provide:

(a) For the creation of a loss reserve account by the department for the benefit of the financial institution.

(b) That the financial institution, qualified business and the department will deposit moneys to the credit of the institution’s loss reserve account when the financial institution makes a qualified loan to a qualified business.

(c) That the department will pay moneys in the loss reserve account, not exceeding an amount

1 equal to the total amount credited to the loss reserve account, to the financial institution to reim-
2 burse the institution for any financial loss incurred as a result of any qualified loan made under the
3 capital access program established by ORS 285B.126 to 285B.147.

4 (d) That the liability of the State of Oregon and the [*Economic and Community Development*]
5 department to the financial institution under the contract is limited to the amount of money credited
6 to the loss reserve account of the institution.

7 (e) That the financial institution shall provide such information as the department may require,
8 including financial information that is identifiable with, or identifiable from, the financial records
9 of a particular customer who is the recipient of a qualified loan.

10 (f) For such other terms as the department may require.

11 (3) A financial institution is not subject to ORS 192.555 (1) when the financial institution pro-
12 vides information to the [*Economic and Community Development*] department as required by sub-
13 section (2)(e) of this section.

14 **SECTION 53.** ORS 285B.135 is amended to read:

15 285B.135. (1) The Economic and Community Development Department shall establish a loss re-
16 serve account for each financial institution with which the department makes a contract under ORS
17 285B.132.

18 (2) The loss reserve account for a financial institution shall consist of moneys paid as fees by
19 borrowers and the financial institution under ORS 285B.138 and moneys transferred to the account
20 from the Capital Access Fund under ORS 285B.138.

21 (3) Notwithstanding ORS chapter 293 or 295, the department may establish and maintain loss
22 reserve accounts with any financial institution under such policies as the department may adopt.
23 [*The department may deposit up to \$50,000 per financial institution in a loss reserve account to en-*
24 *courage a financial institution to participate in the capital access program. The total amount of such*
25 *deposits may not exceed \$250,000 per biennium.*] **The department may establish rules to encourage**
26 **financial institutions to participate in the capital access program.**

27 (4) All moneys in a loss reserve account established under ORS 285B.126 to 285B.147 are the
28 property of the State of Oregon.

29 [*(5) The amounts transferred from the Capital Access Fund to a loss reserve account on behalf of*
30 *any single qualified business shall not exceed \$150,000.*]

31 **SECTION 54.** ORS 285B.138 is amended to read:

32 285B.138. (1) When a financial institution participates in the capital access program [*established*
33 *by ORS 285B.126 to 285B.147*], if the financial institution decides to enroll a qualified loan under the
34 capital access program in order to obtain the protection against loss provided by its loss reserve
35 account, the financial institution shall notify the Economic and Community Development Depart-
36 ment of the loan within 30 days after the loan is made. The notification shall be in writing on a form
37 prescribed by the department.

38 (2) When making a qualified loan that will be enrolled under the capital access program, the
39 financial institution shall require the qualified business to which the loan is made to pay a fee of
40 not less than one and one-half percent of the principal amount of the loan but not more than three
41 and one-half percent of such principal amount. The financial institution shall also pay a fee in an
42 amount equal to the fee paid by the borrower. The financial institution shall deliver the fees col-
43 lected under this subsection to the department for deposit in the loss reserve account for the insti-
44 tution.

45 (3) When depositing fees collected under subsection (2) of this section to the credit of the loss

1 reserve account for a financial institution, the department shall transfer an amount that is not less
2 than the total amount of the fees paid by the borrower and the financial institution from the Capital
3 Access Fund to the loss reserve account for the institution.

4 **(4) Notwithstanding subsections (1) to (3) of this section, the department may adopt rules**
5 **providing that, for qualified loans to businesses in distressed areas or for use in an envi-**
6 **ronmental action on brownfields, the department may transfer an amount that is not less**
7 **than 150 percent of the total amount of the fees paid by the borrower and the financial in-**
8 **stitution from the Capital Access Fund to the loss reserve account of the institution. The**
9 **total amount transferred under this section may not exceed 40 percent of the moneys ap-**
10 **propriated to the fund. For purposes of this subsection, “distressed areas” shall have the**
11 **meaning given that term by the department by rule.**

12 **SECTION 55.** ORS 285B.147 is amended to read:

13 285B.147. (1) There is established in the State Treasury, separate and distinct from the General
14 Fund, the Capital Access Fund. All moneys in the fund are continuously appropriated to the Eco-
15 nomic and Community Development Department for the purpose of making payments to loss reserve
16 accounts established under ORS 285B.126 to 285B.147.

17 (2) Moneys in the Capital Access Fund, with the approval of the State Treasurer, may be in-
18 vested as provided by ORS 293.701 to 293.820, and the earnings from such investment shall be
19 credited to the Capital Access Fund.

20 (3) The Capital Access Fund shall consist of:

21 (a) Moneys appropriated to the fund by the Legislative Assembly.

22 (b) Interest earned on moneys in the fund.

23 (c) Moneys returned to the fund from loss reserve accounts or other sources.

24 **(4) If the department deems retrieval of interest earned on loss reserve accounts appro-**
25 **priate, the department may transfer into the fund up to 50 percent of the interest earned**
26 **on moneys in loss reserve accounts.**

27 [(4)] (5) The [*Economic and Community Development*] department may charge administrative
28 costs to the fund to pay for actual and necessary administrative expenses incurred by the depart-
29 ment in administering the fund and establishing and maintaining loss reserve accounts under ORS
30 285B.126 to 285B.147.

31 32 CREDIT ENHANCEMENT FUND

33
34 **SECTION 56.** ORS 285B.200 is amended to read:

35 285B.200. As used in ORS 285B.200 to 285B.218:

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

37 [(1) “Department” means the *Economic and Community Development Department*.]

38 (2) “Eligible project costs” includes productive equipment and machinery, working capital for
39 operations and export transactions and such other costs as the **Economic and Community De-**
40 **velopment** Department, by rule, may provide.

41 [(3) “*Emerging small business*” has the meaning given that term in ORS 200.005.]

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

43 (4) “Financial institution” includes institutions listed in ORS 706.008 and such other institutions
44 defined by rule of the Economic and Community Development Department as financial institutions
45 for purposes of ORS 285B.200 to 285B.218.

1 (5) "Qualified business" means any existing or proposed business [*entity with an average annual*
2 *employment not exceeding 200 employees*] that, except when located within a distressed area, as de-
3 fined by the Economic and Community Development Department, sells goods or services in markets
4 for which national or international competition exists or that owns, occupies, operates or has en-
5 tered into an agreement to own, occupy or operate real property containing a brownfield, as defined
6 in ORS 285A.185. The term includes professional services companies providing services to traded
7 sector industries and other entities within and outside of this state.

8 (6) "Value-added agricultural products" means agricultural products that have been processed,
9 transformed or refined to the point where they may be distributed to a final consumer without fur-
10 ther processing, transformation or refining. The term also includes agricultural products that are
11 processed, transformed or refined for distribution to other than final consumers when such process-
12 ing, transformation or refining represents a substantial increment in value as determined by the
13 Economic and Community Development Department in consultation with the State Department of
14 Agriculture.

15 **SECTION 57.** ORS 285B.203 is amended to read:

16 285B.203. [(1) *The Legislative Assembly finds that:*]

17 [(a) *Small and medium sized businesses in general, and firms that produce value-added agricul-*
18 *tural products in particular, are adversely affected by the current credit crisis.*]

19 [(b) *Small companies have historically had a difficult time obtaining credit, especially on terms that*
20 *allow them to grow and to create jobs.*]

21 [(c) *The limited availability of credit for export transactions limits the ability of small and medium*
22 *sized businesses in Oregon to compete in international markets.*]

23 [(d) *The challenge for the public economic sector is to design programs, in conjunction with lending*
24 *institutions in the private economic sector, that fill the gaps in credit availability and export finance.*]

25 [(e) *Without substantial financial assistance to promote redevelopment, properties containing*
26 *brownfields, as defined in ORS 285A.185, often remain abandoned or underutilized because of the un-*
27 *certainty concerning environmental contamination at the sites and the cost of reducing or eliminating*
28 *the contamination.*]

29 [(2)] The Legislative Assembly declares that it is the purpose of the Credit Enhancement Fund
30 [established under ORS 285B.215 (1) and (2)] to:

31 [(a)] (1) Create incentives and assistance to increase the flow of private capital to the value-
32 added agriculture industries.

33 [(b)] (2) Promote industrial modernization and technology adoption.

34 [(c)] (3) Encourage the retention and creation of family wage jobs.

35 [(d)] (4) Encourage the export of goods and services by Oregon businesses in international
36 markets.

37 [(e)] (5) Encourage and promote the redevelopment of brownfields[, *as defined in ORS*
38 *285A.185,*] by providing assistance to perform environmental action[, *as defined in ORS 285A.188,*]
39 on brownfield sites.

40 **SECTION 58.** ORS 285B.206 is amended to read:

41 285B.206. (1) The Economic and Community Development Department shall develop a program
42 under which the department, under contracts with financial institutions, shall provide loan guaran-
43 tees, insurance, coinsurance in conjunction with other providers of loan guarantee programs or
44 other forms of credit guarantees for qualified businesses for eligible project costs.

45 (2) In administering the program created by ORS 285B.200 to 285B.218, the department shall

1 consult and cooperate with financial institutions in this state. The program shall be administered
2 so that administrative procedures and application procedures are as responsive to the needs of
3 qualified businesses and financial institutions as practicable, consistent with prudent investment and
4 lending practices and criteria.

5 (3) The department shall prescribe by rule the loan or credit guarantee application procedure
6 for a financial institution on behalf of a qualified business.

7 (4) When the department approves a loan or credit guarantee, the department shall enter into
8 a loan or credit guarantee agreement with the financial institution. The agreement shall specify:

9 (a) The fee to be charged to the financial institution;

10 (b) The evidence of debt assurance of, and security for, the loan or credit guarantee;

11 (c) A loan guarantee or credit guarantee which does not exceed 15 years; and

12 (d) Such other terms and conditions considered necessary or desirable by the department.

13 *[(5) The department may adopt procedures for loan or credit guarantees whereby a qualified busi-*
14 *ness may apply directly to the department for a preliminary guarantee commitment. Such preliminary*
15 *guarantee commitments may be issued by the department subject to the qualified business securing a*
16 *commitment for financing from a financial institution. The procedures adopted by the department shall*
17 *specify the process by which a financial institution may obtain a final loan or credit guarantee.]*

18 **SECTION 59.** ORS 285B.209 is amended to read:

19 285B.209. (1) When making loan or credit guarantees under the program established under [*ORS*
20 *285B.206*] **ORS 285B.200 to 285B.218**, the Economic and Community Development Department shall
21 establish fees and other terms for loan or credit guarantees that are calculated to reasonably assure
22 that businesses with access to other forms of private capital will find it economical not to partic-
23 ipate in the program.

24 (2) The department, with due regard for the possibility of losses and administrative costs, shall
25 set fees and other terms at levels sufficient to reasonably assure that the program is self-financing.

26 *[(3) When making loan or credit guarantees under the program established under ORS 285B.200*
27 *to 285B.218, the department shall establish fees and other terms for loan or credit guarantees that are*
28 *calculated to reasonably assure that qualified businesses with access to other forms of private capital*
29 *will find it economical not to participate in the program.]*

30 *[(4) With due regard for the possibility of losses and administrative costs, the department shall set*
31 *fees and other terms at levels sufficient to reasonably assure that the program is self-financing.]*

32 *[(5) For a preliminary guarantee commitment issued under ORS 285B.206 (5), the department may*
33 *charge the qualified business an application fee. The fee shall be in addition to any other fees charged*
34 *by the department under this section and may not exceed \$250 for each application.]*

35 **SECTION 60.** ORS 285B.215 is amended to read:

36 285B.215. (1) There is established in the State Treasury, separate and distinct from the General
37 Fund, the Credit Enhancement Fund. All moneys in the fund are continuously appropriated to the
38 Economic and Community Development Department for the following purposes:

39 (a) Payment of claims pursuant to contracts for loan or credit guarantees under ORS 285B.200
40 to 285B.218.

41 (b) Payment of administrative costs of the department for actual and necessary administrative
42 expenses incurred by the department in administering the fund and establishing and maintaining the
43 program established under ORS 285B.200 to 285B.218.

44 (c) Repayment of transfers of funds required or authorized by law.

45 (d) Purchase or buyout of superior or prior liens, mortgages or security interests.

1 (2) Moneys in the Credit Enhancement Fund shall consist of:

2 (a) Moneys appropriated to the fund by the Legislative Assembly, including moneys derived from
3 the Administrative Services Economic Development Fund.

4 (b) Proceeds from collateral assigned to the department.

5 (c) Interest earned on moneys in the fund.

6 (d) Transfers of moneys to the fund.

7 (e) Fees assessed for guarantees, as determined by the department.

8 (f) Moneys from gifts.

9 (g) Moneys from any grant made to the fund by any federal agency.

10 (h) Proceeds of insurance provided by the Export-Import Bank of the United States or by any
11 other provider of insurance for export transactions.

12 *[(3) In each biennium, not less than 20 percent of all moneys available for loan guarantees from
13 the Credit Enhancement Fund is reserved for loan guarantees to emerging small businesses.]*

14 **SECTION 61.** ORS 285B.218 is amended to read:

15 285B.218. (1) The Economic and Community Development Department is authorized to pledge
16 up to \$75 million to assure the repayment of loan guarantees or other extensions of credit made to
17 or on behalf of qualified businesses for eligible projects costs.

18 (2) If the balances in the Credit Enhancement Fund are insufficient to cover any claims by fi-
19 nancial institutions that arise from loan and credit guarantees made under ORS 285B.200 to
20 285B.218, the Oregon Department of Administrative Services is directed to transfer in the fiscal year
21 as often as appropriate any funds from the Administrative Services Economic Development Fund to
22 cover such principal, interest and claims, subject to the condition that no such transfer shall be
23 made prior to the satisfaction of **any constitutionally dedicated distribution**, the allocation under
24 ORS 391.130 to the Regional Light Rail Extension Construction Fund *[and the allocation to the De-*
25 *partment of Environmental Quality for the debt services described in section 1, chapter 537, Oregon*
26 *Laws 1993]* **or any allocations related to the lottery bond program authorized by ORS 286.560**
27 **(6)(a) or (b).**

28
29 **REGIONAL ECONOMIC DEVELOPMENT**

30
31 **SECTION 62.** ORS 285B.230 is amended to read:

32 285B.230. As used in ORS 285B.230 to 285B.269, unless the context requires otherwise:

33 (1) "Region" means groups of counties designated by the Economic and Community Development
34 Department or recognized in a regional partnership as provided in ORS 285B.236 (3).

35 (2) "Regional board" means a board comprised of individuals described in ORS 285B.242 (1) and
36 jointly appointed by the county governing bodies of each county in the region to develop, fund, im-
37 plement and monitor the achievement of the regional investment strategy.

38 (3) "Regional investment strategy" is a long-term economic development strategy, updated *[each*
39 *biennium]* **at least once every six years**, that focuses on the economic development priorities of
40 each region, including but not limited to:

41 *[(a) Supporting communities and populations that have been left out of Oregon's economic expan-*
42 *sion and diversification;]*

43 *[(b) Helping companies that are starting up or are already doing business in Oregon to compete*
44 *globally;]*

45 **(a) Retaining and creating jobs and raising real wages;**

1 **(b) Promoting the structures and processes of public and private organizations to effec-**
2 **tively create, adapt, foster and sustain economic development in this state, emphasizing ru-**
3 **ral and distressed areas;**

4 (c) Ensuring that economic strategies reinforce Oregon’s long-term prosperity and livability; and

5 (d) Coordinating [*efforts of economic development, education and workforce development*] **eco-**
6 **nomical development efforts and efforts to support a locally skilled workforce in order to**
7 **compete in the global economy.**

8 (4) “Regional partnership” means a group of regional and economic development partners, in-
9 cluding but not limited to cities, counties, ports, Indian tribes, special districts, nonprofit organiza-
10 tions and private organizations, that join together as a regional partnership in a memorandum of
11 understanding between the members of the partnership and the directors of the Department of
12 Transportation, the Economic and Community Development Department, the Housing and Commu-
13 nity Services Department, the Department of Land Conservation and Development, the State De-
14 partment of Agriculture, the Department of State Lands and the Department of Environmental
15 Quality to provide a forum for coordination of economic development planning and investments so
16 that strategies and processes for economic development are leveraged to the greatest extent possible
17 to meet agreed-upon priority issues, challenges and goals.

18 **SECTION 63.** ORS 285B.236 is amended to read:

19 285B.236. (1) The Economic and Community Development Department, by rule, shall adopt
20 guidelines for submission of regional investment strategies and distribution of funds.

21 (2) The guidelines shall provide that the regional investment strategies are approved in accord-
22 ance with criteria reflecting the economic benefits to the state. Each regional investment strategy
23 must at a minimum set forth in measurable terms the extent to which the strategy will accomplish
24 the economic development priorities of the region.

25 (3) The department, in collaboration with counties, shall establish regions, based on information
26 and advice received from county governing bodies and on historical, cultural and economic links
27 among counties. **Unless there is a recognized regional partnership,** a region shall consist of at
28 least two contiguous counties. For any area in which a regional partnership is established, the de-
29 partment may accept the regional boundaries designated by the partnership.

30 (4) The department shall require each region to examine its economic development needs.

31 **SECTION 64.** ORS 285B.239 is amended to read:

32 285B.239. (1) Regional investment strategies shall serve as a basis for state financial assistance
33 to projects or activities to meet regional **and rural** economic development priorities. Each group
34 of counties that forms a region shall submit a regional investment strategy that at a minimum shall
35 include the following elements:

36 [(1)] (a) An identification of short-term and long-term regional economic development priorities;

37 [(2)] (b) An analysis of the unique or significant resources that provide the foundation for the
38 regional investment strategy;

39 [(3)] (c) An analysis of barriers to implementation of the regional investment strategy and an
40 identification of the means to overcome those barriers;

41 **(d) A rural action plan;**

42 [(4)] (e) A long-term plan to implement the regional investment strategy, including necessary
43 actions by:

44 [(a)] (A) Local governments;

45 [(b)] (B) The private sector;

1 [(c)] (C) State government; and

2 [(d)] (D) Federal government;

3 [(5)] (f) A [two-year] **six-year** investment strategy that describes projects [and] **or** activities to
 4 be undertaken or funded by the state from lottery proceeds and other sources. For a region that has
 5 a recognized regional partnership under ORS 285B.236, the projects or activities may include in-
 6 vestment of all or part of the moneys received by the region from the Regional Investment Fund
 7 [or the Rural Investment Fund] to provide moneys for the administration or financing of long-term
 8 or future economic development projects or activities;

9 [(6)] (g) A plan for involvement of disadvantaged and minority groups in the region;

10 [(7)] (h) Performance measurements for meeting the objective set forth in ORS 285B.236 (2).
 11 Each region shall develop an evaluation plan, as part of its regional investment strategy, for meas-
 12 uring and monitoring regional investment strategy performance. The evaluation plan shall include
 13 regional benchmarks for monitoring achievement of the regional investment strategies and priorities.
 14 When regional benchmarks are established, regional performance measures shall be determined after
 15 negotiation between the regional board and the Oregon Economic and Community Development
 16 Commission. The regional performance measures shall include goals for:

17 [(a)] (A) Projected long-term and short-term job creation and retention activities, including the
 18 number of jobs created and retained and wage levels;

19 [(b)] (B) Leveraging long-term investments; and

20 [(c)] (C) Maximizing moneys leveraged with short-term investments;

21 [(8)] (i) Periodic submission by the regional board of performance reports, in a form prescribed
 22 by the Economic and Community Development Department for regional investment strategies, to the
 23 county governing bodies in the region, the Oregon Economic and Community Development
 24 Commission[, the Governor] and the Legislative Assembly; and

25 [(9)] (j) An overall [strategy management] **management plan** and project or activity implemen-
 26 tation strategy that demonstrates that a region has the capacity to allocate resources and insures
 27 that such resources are effectively used.

28 **(2) Each regional board shall include a rural set aside consistent with the purposes and**
 29 **objectives of the Regional Investment Fund described in subsection (1)(f) of this section.**

30 **(3) In each biennium, a regional board may dedicate all or a portion of the moneys dis-**
 31 **tributed to the board from the Regional Investment Fund for technical assistance and staff**
 32 **support for updating the regional investment strategy and for developing programs and**
 33 **projects. The regional board shall determine the amount of moneys dedicated to such pur-**
 34 **poses.**

35 **SECTION 65.** ORS 285B.242 is amended to read:

36 285B.242. (1) The governing body of each county of this state shall be responsible for the sub-
 37 mission of a regional investment strategy as provided in ORS 285B.239. The governing body of a
 38 county shall designate a regional board to develop the regional investment strategy. The regional
 39 board shall consist of individuals who represent various local interests including cities, counties,
 40 ports, special districts and Indian tribes and significant representation from the private [economic]
 41 sector. The regional board shall include members who are representatives of rural interests[, in-
 42 cluding local government].

43 (2) The regional board shall be responsible for developing the regional investment strategy for
 44 the region.

45 (3) The regional board shall hold a public hearing in each county in the region prior to a vote

1 by the governing bodies of the counties to recommend to the [*Governor*] **Economic and Community**
 2 **Development Department** the regional investment strategy described in ORS 285B.239.

3 (4) In developing the **six-year** implementation strategy provided for in ORS 285B.239 [(5)
 4 (1)(f)], a regional board shall consult with industries, cities, ports, special districts, **rural repre-**
 5 **sentatives**, regional workforce committees and federally recognized Oregon Indian tribes located in
 6 the region.

7 (5) A region shall submit the regional investment strategy to the [*Economic and Community*
 8 *Development*] department for review by the Oregon Economic and Community Development Com-
 9 mission. The department shall work with regions to refine regional investment strategies and ensure
 10 compliance with the requirements of ORS 285B.230 to 285B.269. [*The Oregon Economic and Commu-*
 11 *nity Development Commission shall make recommendations on approval of the strategy to the Governor*
 12 *for final approval or shall return the strategy to the regional board for further modification.*]

13 (6) The [*Economic and Community Development Department*] **commission** shall be responsible for
 14 identifying common issues among regions, developing statewide strategies and organizing opportu-
 15 nities for regions to address them.

16 (7) After a regional investment strategy is developed by a regional board, adopted by the gov-
 17 erning bodies of the counties and approved by the [*Governor*] **commission**, the regional board, [*in*
 18 *each biennium*] **every six years**, shall update the strategy and recommend [*a two-year*] **the** imple-
 19 mentation [*strategy*] **plan**. The implementation [*strategy*] **plan** shall be adopted by the governing
 20 bodies of the counties after input from the cities, ports, special districts, **rural representatives**,
 21 Indian tribes, private [*economic*] sector and other parties in the region, **and** shall be reviewed by the
 22 [*Oregon Economic and Community Development Commission and must be approved by the Governor*
 23 *before taking effect*] **commission**.

24 (8) The [*Governor*] **commission** may delegate responsibility for review and approval of a re-
 25 gional investment strategy to a regional partnership.

26 **SECTION 66.** ORS 285B.245 is amended to read:

27 285B.245. [(1) *After considering the recommendations submitted, the Governor may adopt a pro-*
 28 *posed regional investment strategy or return the strategy to the affected counties for modification.*]

29 [(2)] (1) The Economic and Community Development Department shall coordinate adopted re-
 30 gional investment strategies with existing state and local economic development efforts to support
 31 a state strategy for economic development. Regions using regional investment funds for tourism or
 32 industrial marketing projects must, as a condition for receiving the funds, demonstrate that the
 33 projects complement and are consistent with existing statewide marketing campaigns. The depart-
 34 ment shall work with regions to ensure coordination among statewide marketing efforts and regional
 35 tourism, [*and*] industrial marketing projects **and industrial or commercial land development**
 36 funded through the regional investment program established under ORS 285B.230 to 285B.269.

37 [(3)] (2) The department shall discourage competition among regions for existing Oregon busi-
 38 nesses and economic activity.

39 **SECTION 67.** ORS 285B.260 is amended to read:

40 285B.260. (1) There is created a Regional Investment Fund, separate and distinct from the Gen-
 41 eral Fund, to consist of all moneys credited thereto, including moneys from the Administrative Ser-
 42 vices Economic Development Fund, and all interest earned on the Regional Investment Fund. The
 43 fund is continuously appropriated to the Economic and Community Development Department to be
 44 used for grants to implement ORS 171.845, 280.518 and 285B.230 to 285B.269.

45 (2) The department may use moneys in the Regional Investment Fund to pay for the adminis-

1 trative expenses of operating the regional investment program under ORS 285B.230 to 285B.269.

2 (3) The fund shall not be used to retire any debt [*or to*], **to** reimburse any person or municipality
3 for expenditures made or expenses incurred prior to the adoption of a regional investment strategy
4 **or to substitute for local government expenditures for existing and continuing public ser-**
5 **vices. The department shall adopt rules to carry out the provisions of this subsection.**

6 (4) **After consulting with regional boards and representatives of rural communities, the**
7 **department, by rule, shall adopt standards, objectives and criteria for the use and distrib-**
8 **ution of moneys in the Regional Investment Fund.**

9 (5) **The Regional Investment Fund is created to provide a flexible funding source for fi-**
10 **nancing those locally determined programs and projects that may not be eligible for financ-**
11 **ing through other state and federal funding sources.**

12 **SECTION 68.** ORS 285B.263 is amended to read:

13 285B.263. (1) In each biennium, the Economic and Community Development Department shall
14 expend moneys from the Regional Investment Fund for:

15 (a) Technical assistance and staff support for preparation and update of regional investment
16 strategies;

17 (b) Projects or activities implementing an approved regional investment strategy and imple-
18 menting priorities described in the strategy; [*and*]

19 (c) Personnel necessary to administer the strategies and projects or activities[.]; **and**

20 (d) **Other activities consistent with the adopted regional investment strategy in accord-**
21 **ance with ORS 285B.239.**

22 (2) In each biennium, the Oregon Economic and Community Development Commission, by rule
23 and in agreement with the Association of Oregon Counties, League of Oregon Cities and Oregon
24 Public Ports Association, may provide funds from any source available to the department to estab-
25 lish strategic regional investment opportunities consistent with the policies described in ORS
26 285B.266. Funding for projects or activities under this subsection shall be awarded, at the discretion
27 of the commission, according to the quality of the defined projects or activities.

28 (3) In each biennium, a regional board may dedicate a portion of regional investment funds for
29 technical assistance and staff support for regional investment strategy development and refinement
30 and development and administration of regional partnerships. The portion of funds so dedicated shall
31 be determined by the commission. The commission shall provide regional boards with these funds
32 prior to approval of regional investment strategies.

33 (4) In each biennium, a regional board may dedicate a portion of regional investment funds to
34 provide grants or loans to individual private businesses for fixed asset acquisition. Such funds must
35 be used to make grants and loans that are consistent with the regional investment strategy and that
36 support the regional priorities included in the regional investment strategy. The terms and condi-
37 tions of grants or loans to be made under this subsection must be contained in the regional invest-
38 ment strategy at the time it is submitted for [*state*] **department** review.

39 (5) After a regional investment strategy is adopted, the department in each calendar quarter
40 shall provide regional investment funds, less any moneys used for technical assistance and staff
41 support for regional investment strategy development, to the region. Moneys received under this
42 subsection shall be used for development of projects or activities based upon an evaluation by the
43 regional board of the merit and readiness of the projects or activities. Projects and activities that
44 receive such financial assistance must be consistent with the priorities of the approved regional in-
45 vestment strategy.

1 (6) In each biennium, each regional board shall submit a report to the [*Governor*] **commission**
2 and the Legislative Assembly that describes the expenditure of moneys received under this section
3 and indicates the success, as defined by specified performance measurements, of the funded projects
4 or activities in achieving the regional economic development priorities described in ORS 285B.236
5 (2).

6 **SECTION 69.** ORS 285B.264 is amended to read:

7 285B.264. [(1) *Notwithstanding ORS 285B.254 (3), distributions from the Rural Investment Fund*
8 *created under ORS 285B.254 and*] The Regional Investment Fund created under ORS 285B.260 shall
9 be evaluated **by the Economic and Community Development Department** to determine if the
10 regional investment strategy funded by a distribution has met the criteria established by the strat-
11 egy for:

12 [(a)] (1) Long-term and short-term job creation and retention activities, including the number of
13 jobs created and retained and wage levels;

14 [(b)] (2) Leveraging long-term investments; [and]

15 [(c)] (3) Maximizing moneys leveraged with short-term investments[.]; **and**

16 (4) **The success of other strategic, long term economic development projects funded.**

17 [(2) *The Economic and Community Development Department shall adopt rules to ensure that future*
18 *grants to a regional board are based on the past performance of the board in meeting the criteria es-*
19 *tablished for the regional investment strategy described in subsection (1) of this section.*]

20 **SECTION 70.** ORS 196.620 is amended to read:

21 196.620. (1) For each mitigation bank, the Department of State Lands shall establish a system
22 of resource values and credits.

23 (2) A credit from a mitigation bank may be withdrawn for a condition imposed on a permit in
24 accordance with ORS 196.825 (5), for any other authorization issued in accordance with ORS 196.800
25 to 196.905 or to resolve a violation of ORS 196.800 to 196.905. **At the request of a mitigation bank**
26 **sponsor, the Director of the Department of State Lands may authorize the withdrawal of**
27 **mitigation bank credits by a public benefit corporation as defined in ORS 65.001 or a public**
28 **body as defined by ORS 174.109 designated by the director for the purpose of reserving credits**
29 **for future use in accordance with this subsection. The director shall manage such trans-**
30 **actions to ensure that each credit is used no more than one time to satisfy a use in ac-**
31 **cordance with this section.**

32 (3) Credits from a freshwater mitigation bank may be used only as described in subsection (2)
33 of this section for permits, authorizations or resolutions of violations approved within the service
34 area of the mitigation bank, consistent with the mitigation bank instrument, unless the Director of
35 the Department of State Lands determines, in exceptional circumstances, that it is environmentally
36 preferable to exceed this limitation.

37 (4) Credits from an estuarine mitigation bank may be used only as described in subsection (2)
38 of this section for permits, authorizations or resolutions of violations approved within the same
39 estuarine ecological system.

40 (5) The director may not withdraw any credits from any mitigation bank until the director has:

41 (a) Taken actions sufficient to establish hydrological function of the mitigation bank site;

42 (b) Conducted other creation, restoration and enhancement actions to establish other wetland
43 functions and values at the mitigation bank site; and

44 (c) Evaluated the results of the actions and determined that a high probability exists that the
45 wetland functions and values of the mitigation bank site are equal to or greater than the functions

1 and the values of the wetland area to be damaged or destroyed.

2 (6) The price for any mitigation credit shall be set at an amount that will compensate the state
3 for all of the costs and expenses the state has incurred, and is expected to incur in establishing and
4 maintaining that portion of the mitigation bank.

5 (7) The director shall not consider the availability or nonavailability of mitigation bank credits
6 in deciding whether to grant or deny any removal or fill permit under ORS 196.600 to 196.905.

7 (8) The director annually shall:

8 (a) Evaluate the wetlands functions and values created within each wetland mitigation bank site;
9 and

10 (b) Compare the current functions and values with those that the director anticipated that the
11 mitigation bank would provide. If the director finds any significant disparity between the actual and
12 anticipated functions and values, the director shall:

13 (A) Suspend the withdrawal of credits to that mitigation site; or

14 (B) Take prompt action to ensure that the anticipated functions and values are established.

15 (9) The director may not withdraw credits from the mitigation bank for a specific permit, au-
16 thorization or resolution of a violation if the director determines that:

17 (a) The credits for that specific permit, authorization or resolution of a violation would not ad-
18 equately maintain habitat or species diversity; or

19 (b) The mitigation bank site for which credits are proposed to be withdrawn is not sufficiently
20 similar in wetland functions and values to the wetland area to be damaged or destroyed.

21 22 **INDUSTRY OUTREACH**

23
24 **SECTION 71. The Industry Outreach Fund is established in the State Treasury, separate
25 and distinct from the General Fund. The Industry Outreach Fund shall consist of all moneys
26 credited to the fund, including moneys from the Administrative Services Economic Develop-
27 ment Fund. Interest earned by the Industry Outreach Fund shall be credited to the fund.
28 Moneys in the fund are continuously appropriated to the Economic and Community Devel-
29 opment Department for all of the following purposes:**

30 (1) **To provide funds for activities outlined in ORS 285B.266.**

31 (2) **To assist traded sector and cluster affiliated Oregon businesses and consortia in
32 making investments that advance industry related development activities or other identified
33 competitiveness objectives of existing Oregon cluster businesses.**

34 35 **INDUSTRIAL DEVELOPMENT REVENUE BONDS**

36
37 **SECTION 72. ORS 285B.320 is amended to read:**

38 285B.320. *[The Legislative Assembly finds that by use of the powers and procedures described in*
39 *ORS 285B.320 to 285B.371 for the assembling and financing of lands for industrial, solid waste dis-*
40 *posal, commercial and research and development uses and for the construction and financing of facili-*
41 *ties for such uses, financed through the issuance of bonds secured solely by the properties, lease*
42 *payments, loan payments, rentals or other financing payments thus made available, the state may be*
43 *able to reduce substantially in various counties the occurrence of economic conditions requiring more*
44 *expensive remedial action.] It is the purpose of ORS 285B.320 to 285B.371 to authorize the exercise*
45 *of powers granted by ORS 285B.320 to 285B.371 by this state in addition to and not in lieu of any*

1 other powers it may possess.

2 **SECTION 73.** ORS 285B.323 is amended to read:

3 285B.323. As used in ORS 285B.320 to 285B.371, unless the context requires otherwise:

4 (1) "Bond" means any evidence of indebtedness, including but not limited to any bond, note,
5 obligation, loan agreement, financing agreement, contracts for leasing, rental or financing of real
6 or personal property, including contracts for rental, long term leases under an optional contract for
7 purchase, financing agreements with vendors, financial institutions or others or for purchase of any
8 property secured by revenues or from other financing sources as provided in ORS 285B.320 to
9 285B.371. A bond, as defined in this subsection and issued under ORS 285B.320 to 285B.371, shall
10 be considered a revenue bond for purposes of ORS 286.031.

11 (2) "Economic development project" includes any properties, real or personal, used or useful in
12 connection with a revenue producing enterprise [*or any solid waste disposal facilities and*], **exempt**
13 **facilities or nonprofit entities and** related vehicles, rolling stock or equipment. "Economic devel-
14 opment project" [*shall*] **does** not include any facility or facilities designed primarily for the gener-
15 ation, transmission, sale or distribution of electrical energy.

16 (3) "Eligible project" means an economic development project found by the Oregon Economic
17 and Community Development Commission to meet standards of the commission [*adopted under ORS*
18 *285A.110*]. The commission may treat as a single eligible project for bonding purposes any number
19 of economic development projects determined to be eligible projects.

20 (4) **"Exempt facility" means any facility described in section 142(a) of the Internal Re-**
21 **venue Code of 1986, as amended and in effect as of June 30, 2007. If section 142(a) of the**
22 **Internal Revenue Code of 1986 is amended or altered on or after July 1, 2007, the Economic**
23 **and Community Development Department may adopt by rule a definition of "exempt**
24 **facility" that is consistent with section 142(a) of the Internal Revenue Code of 1986 as**
25 **amended or altered.**

26 (5) **"Nonprofit entity" means an institution, organization or other entity exempt from**
27 **taxation under section 501(c)(3) of the Internal Revenue Code of 1986, as amended and in ef-**
28 **fect as of June 30, 2007. If section 501(c)(3) of the Internal Revenue Code of 1986 is amended**
29 **or altered on or after July 1, 2007, the department may adopt a definition of "nonprofit**
30 **entity" that is consistent with section 501(c)(3) of the Internal Revenue Code of 1986 as**
31 **amended or altered.**

32 **SECTION 74.** ORS 285B.326 is amended to read:

33 285B.326. (1) Upon determining **that** an economic development project **is** an ["eligible
34 project,"] the Oregon Economic and Community Development Commission shall forward the appli-
35 cation to the State Treasurer, who shall determine whether to issue the bonds.

36 (2) The commission shall collect [*the*] fees set forth in [*subsection (3) of this section from an ap-*
37 *plicant that seeks to have an economic development project declared eligible for financing*] **rules es-**
38 **tablished by the Economic and Community Development Department.** [*The fee may be collected*
39 *even though the project has not been determined to be eligible for financing.*] Moneys collected under
40 this subsection shall be deposited in the Oregon Community Development Fund created under ORS
41 285A.227 and are continuously appropriated to the commission for the purpose of administration or
42 funding of [*any program it is authorized to operate.*] **the Oregon Industrial Development Revenue**
43 **Bond and Express Bond Program.**

44 [(3) *The fees described in subsection (2) of this section are as follows:*]

45 [(a) *\$250 for an application of not to exceed \$500,000.*]

1 plovee in writing of the right of the employee to exercise an election as in this section provided.

2 (3) A political subdivision (other than a school district) not participating in the retirement sys-
3 tem established by chapter 401, Oregon Laws 1945, as amended, which employs one or more em-
4 ployees, each of whose position requires 600 hours of service per year, or an agency created by two
5 or more political subdivisions to provide themselves governmental services, which employs one or
6 more employees, each of whose position requires 600 hours of service per year, may, through its
7 governing body, notify the board in writing, that it elects to include its employees in the system
8 hereby established. Such public employer may request the board to make a study and estimate of the
9 cost of including it and its eligible employees, other than volunteer firefighters, in the system, which
10 the board thereupon shall cause to be made and the cost of which the employer shall bear. Upon
11 completion of the study and estimate the employer may apply for admission to the system, where-
12 upon it shall begin to participate therein and its eligible employees other than volunteer firefighters
13 shall become members of the system. If the employer is an agency created by two or more political
14 subdivisions to provide themselves governmental services and ceases thereafter to transmit to the
15 board contributions for any of its eligible employees, the benefits based upon employer contributions
16 to which such employees would otherwise be entitled shall be reduced accordingly.

17 (4) No inmate of a state institution or an alien on a training or educational visa working for
18 any participating employer, even though the inmate or alien received compensation from a partic-
19 ipating employer, shall be eligible to become a member of the system. No person employed by a
20 participating employer and defined by such employer as a student employee is eligible to become a
21 member of the system for such student employment.

22 (5) A person holding an elective office or an appointive office with a fixed term or an office as
23 head of a department to which the person is appointed by the Governor may become a member of
24 the system by giving the board written notice of desire to do so within 30 days after taking the of-
25 fice or, in the event that the officer is not eligible to become a member of the system at the time
26 of taking the office, within 30 days after becoming so eligible. Membership so established shall not
27 be discontinued during the appointive or elective term of the officer except upon separation of the
28 officer from service.

29 (6) A public employer employing volunteer firefighters may apply to the board at any time for
30 them to become members of the system. Upon receiving the application the board shall fix a wage
31 at which, for purposes of this chapter only, they shall be considered to be employed and which shall
32 be the basis for computing the amounts of the contributions, if any, which they pay into, and of the
33 benefits which they and their beneficiaries receive from, the fund; and if the wage so fixed is satis-
34 factory to the employer, shall include the firefighters in the system.

35 (7)(a) In the event that an employee enters the service of a public employer which is partic-
36 ipating in or later begins to participate in the system and in the event that at the time of entering
37 that service or at the time that the employer begins to participate in the system the employee has
38 commenced to purchase and is continuing to purchase a retirement annuity, if the employer deems
39 the annuity adequate for the purposes of this chapter, it may enter into an agreement with the em-
40 ployee and the board pursuant to which the employee may be exempted from contributing to the
41 Public Employees Retirement Fund, and, if no public funds are being used to purchase the annuity
42 or a corresponding pension, the employer, in lieu of the contributions which it otherwise would
43 make to the fund on account of the employee, may make contributions toward the cost of purchasing
44 the annuity. Such employee otherwise shall be subject to the provisions of this chapter, except that
45 neither the employee nor any person claiming under the employee shall receive any payments from

1 the retirement fund as service or disability allowance.

2 (b) An employee who enters into an agreement under paragraph (a) of this subsection may elect
3 at any time thereafter to start to participate in the system by giving written notice of desire to
4 participate to the board and to the employer. The employee shall receive no retirement credit for
5 the period during which the employee was exempted from contributing to the fund under the
6 agreement, but the employee shall be considered to have completed the six months' service required
7 for membership in the system. When the employee starts to participate in the system the employer
8 shall start to contribute to the fund on account of the employee in the same manner as the employer
9 contributes on account of other employees who are active members of the system and the employer
10 shall stop making contributions toward the cost of purchasing the retirement annuity.

11 (8)(a) All new appointees in the Federal Cooperative Extension Service or in any other service
12 in which participation in the Federal Civil Service retirement program is mandatory, who receive
13 a federal appointment on or after July 1, 1955, may participate in the Public Employees Retirement
14 System only by giving written notice of their election to so participate to the Public Employees
15 Retirement Board within six months after the effective date of their appointment.

16 (b) All persons employed by the Federal Cooperative Extension Service or by any other service
17 in which participation in the Federal Civil Service retirement program is mandatory, who are under
18 federal appointment as of July 1, 1955, and who are members of the state retirement system, shall
19 continue such membership unless, prior to February 1, 1956, they give written notice to the Public
20 Employees Retirement Board of their desire to cancel their membership.

21 (c) Any person who is an active member of the Public Employees Retirement System, who, on
22 or after July 1, 1955, is employed by the Federal Cooperative Extension Service or by any other
23 service in which participation in the Federal Civil Service retirement program is mandatory, and
24 who is given a federal appointment, shall continue such membership in the Public Employees Re-
25 tirement System unless, within six months after the effective date of the appointment, the person
26 gives written notice to the Public Employees Retirement Board of the desire to cancel membership.

27 (d) A cancellation of membership under paragraph (b) or (c) of this subsection terminates mem-
28 bership in the Public Employees Retirement System and cancels the right to any benefits from, or
29 claims against, that system. Such cancellation prevents the withdrawing member from claiming
30 thereafter any retirement credit for any period of employment before the cancellation. Upon receipt
31 of a notice of cancellation, the Public Employees Retirement Board shall refund the member account
32 of the withdrawing member, regardless of the age of the withdrawing member.

33 (9) Employees, including managers, of foreign trade offices of the Economic and Community
34 Development Department who live and perform services in foreign countries under the provisions
35 of [ORS 285A.090 (13)] **ORS 285A.075 (1)(g)** shall not be members of the system. However, any
36 person who is an active member of the system immediately before becoming an employee of a foreign
37 trade office shall continue to be a member of the system during the period of time the person serves
38 as an employee of the foreign trade office.

39 (10) An employee who is participating in an alternative retirement program established pursuant
40 to ORS 353.250 or an optional retirement plan established pursuant to ORS 341.551 may not be an
41 active member of the Public Employees Retirement System.

42 **SECTION 77.** ORS 238A.005 is amended to read:

43 238A.005. For the purposes of this chapter:

44 (1) "Active member" means a member of the pension program or the individual account program
45 of the Oregon Public Service Retirement Plan who is actively employed in a qualifying position.

1 (2) "Actuarial equivalent" means a payment or series of payments having the same value as the
2 payment or series of payments replaced, computed on the basis of interest rate and mortality as-
3 sumptions adopted by the board.

4 (3) "Board" means the Public Employees Retirement Board.

5 (4) "Eligible employee" means a person who performs services for a participating public em-
6 ployer, including elected officials other than judges. "Eligible employee" does not include:

7 (a) Persons engaged as independent contractors;

8 (b) Aliens working under a training or educational visa;

9 (c) Persons, other than workers in the Industries for the Blind Program under ORS 346.190,
10 provided sheltered employment or make-work by a public employer;

11 (d) Persons categorized by a participating public employer as student employees;

12 (e) Any person who is an inmate of a state institution;

13 (f) Employees of foreign trade offices of the Economic and Community Development Department
14 who live and perform services in foreign countries under the provisions of [ORS 285A.090 (13)] **ORS**
15 **285A.075 (1)(g)**;

16 (g) An employee actively participating in an alternative retirement program established under
17 ORS 353.250 or an optional retirement plan established under ORS 341.551;

18 (h) Employees of the Oregon University System who are actively participating in an optional
19 retirement plan offered under ORS 243.800;

20 (i) Any employee who belongs to a class of employees that was not eligible on August 28, 2003,
21 for membership in the system under the provisions of ORS chapter 238 or other law;

22 (j) Any person who belongs to a class of employees who are not eligible to become members of
23 the Oregon Public Service Retirement Plan under the provisions of ORS 238A.070 (2);

24 (k) Any person who is retired under ORS 238A.100 to 238A.245 or ORS chapter 238 and who
25 continues to receive retirement benefits while employed; and

26 (L) Judges.

27 (5) "Firefighter" means:

28 (a) A person employed by a local government, as defined in ORS 174.116, whose primary job
29 duties include the fighting of fires;

30 (b) The State Fire Marshal, the chief deputy state fire marshal and deputy state fire marshals;
31 and

32 (c) An employee of the State Forestry Department who is certified by the State Forester as a
33 professional wildland firefighter and whose primary duties include the abatement of uncontrolled
34 fires as described in ORS 477.064.

35 (6) "Fund" means the Public Employees Retirement Fund.

36 (7)(a) "Hour of service" means:

37 (A) An hour for which an eligible employee is directly or indirectly paid or entitled to payment
38 by a participating public employer for performance of duties in a qualifying position; and

39 (B) An hour of vacation, holiday, illness, incapacity, jury duty, military duty or authorized leave
40 during which an employee does not perform duties but for which the employee is directly or indi-
41 rectly paid or entitled to payment by a participating public employer for services in a qualifying
42 position, as long as the hour is within the number of hours regularly scheduled for the performance
43 of duties during the period of vacation, holiday, illness, incapacity, jury duty, military duty or au-
44 thorized leave.

45 (b) "Hour of service" does not include any hour for which payment is made or due under a plan

1 maintained solely for the purpose of complying with applicable workers' compensation laws or un-
2 employment compensation laws.

3 (8) "Inactive member" means a member of the pension program or the individual account pro-
4 gram of the Oregon Public Service Retirement Plan whose membership has not been terminated, who
5 is not a retired member and who is not employed in a qualifying position.

6 (9) "Individual account program" means the defined contribution individual account program of
7 the Oregon Public Service Retirement Plan established under ORS 238A.025.

8 (10) "Member" means an eligible employee who has established membership in the pension pro-
9 gram or the individual account program of the Oregon Public Service Retirement Plan and whose
10 membership has not been terminated under ORS 238A.110 or 238A.310.

11 (11) "Participating public employer" means a public employer as defined in ORS 238.005 that
12 provides retirement benefits for employees of the public employer under the system.

13 (12) "Pension program" means the defined benefit pension program of the Oregon Public Service
14 Retirement Plan established under ORS 238A.025.

15 (13) "Police officer" means a police officer as described in ORS 238.005.

16 (14) "Qualifying position" means one or more jobs with one or more participating public em-
17 ployers in which an eligible employee performs 600 or more hours of service in a calendar year,
18 excluding any service in a job for which benefits are not provided under the Oregon Public Service
19 Retirement Plan pursuant to ORS 238A.070 (2).

20 (15) "Retired member" means a pension program member who is receiving a pension as provided
21 in ORS 238A.180 to 238A.195.

22 (16)(a) "Salary" means the remuneration paid to an active member in return for services to the
23 participating public employer, including remuneration in the form of living quarters, board or other
24 items of value, to the extent the remuneration is includable in the employee's taxable income under
25 Oregon law. Salary includes the additional amounts specified in paragraph (b) of this subsection,
26 but does not include the amounts specified in paragraph (c) of this subsection, regardless of whether
27 those amounts are includable in taxable income.

28 (b) "Salary" includes the following amounts:

29 (A) Payments of employee and employer money into a deferred compensation plan that are made
30 at the election of the employee.

31 (B) Contributions to a tax-sheltered or deferred annuity that are made at the election of the
32 employee.

33 (C) Any amount that is contributed to a cafeteria plan or qualified transportation fringe benefit
34 plan by the employer at the election of the employee and that is not includable in the taxable in-
35 come of the employee by reason of 26 U.S.C. 125 or 132(f)(4), as in effect on August 29, 2003.

36 (D) Any amount that is contributed to a cash or deferred arrangement by the employer at the
37 election of the employee and that is not included in the taxable income of the employee by reason
38 of 26 U.S.C. 402(e)(3), as in effect on August 29, 2003.

39 (E) Retroactive payments made to an employee to correct a clerical error, pursuant to an award
40 by a court or by order of or pursuant to a conciliation agreement with an administration agency
41 charged with enforcing federal or state law protecting the employee's rights to employment or
42 wages, which shall be allocated to and deemed paid in the periods in which the work was done or
43 in which the work would have been done.

44 (F) The amount of an employee contribution to the individual account program that is paid by
45 the employer and deducted from the compensation of the employee, as provided under ORS 238A.335

1 (1) and (2)(a).

2 (G) The amount of an employee contribution to the individual account program that is not paid
3 by the employer under ORS 238A.335.

4 (H) Wages of a deceased member paid to a surviving spouse or dependent children under ORS
5 652.190.

6 (c) "Salary" does not include the following amounts:

7 (A) Travel or any other expenses incidental to employer's business which is reimbursed by the
8 employer.

9 (B) Payments made on account of an employee's death.

10 (C) Any lump sum payment for accumulated unused sick leave, vacation leave or other paid
11 leave.

12 (D) Any severance payment, accelerated payment of an employment contract for a future period
13 or advance against future wages.

14 (E) Any retirement incentive, retirement bonus or retirement gratuitous payment.

15 (F) Payment for a leave of absence after the date the employer and employee have agreed that
16 no future services in a qualifying position will be performed.

17 (G) Payments for instructional services rendered to institutions of the Department of Higher
18 Education or the Oregon Health and Science University when those services are in excess of full-
19 time employment subject to this chapter. A person employed under a contract for less than 12
20 months is subject to this subparagraph only for the months covered by the contract.

21 (H) The amount of an employee contribution to the individual account program that is paid by
22 the employer and is not deducted from the compensation of the employee, as provided under ORS
23 238A.335 (1) and (2)(b).

24 (I) Any amount in excess of \$200,000 for a calendar year. If any period over which salary is
25 determined is less than 12 months, the \$200,000 limitation for that period shall be multiplied by a
26 fraction, the numerator of which is the number of months in the determination period and the de-
27 nominator of which is 12. The board shall adopt rules adjusting this dollar limit to incorporate
28 cost-of-living adjustments authorized by the Internal Revenue Service.

29 (17) "System" means the Public Employees Retirement System.

30 **SECTION 78.** ORS 285B.551 is amended to read:

31 285B.551. (1) Pursuant to ORS 286.560 to 286.580, lottery bonds may be issued:

32 (a) To provide financial and other assistance, including but not limited to loans and grants, to
33 municipalities, ports and other persons and entities in accordance with the laws governing use of
34 moneys in the Special Public Works Fund created by ORS 285B.455, the Water Fund created by ORS
35 285B.563, the Safe Drinking Water Revolving Loan Fund created by ORS 285A.213, the Oregon Port
36 Revolving Fund created by ORS 285A.708, the Brownfields Redevelopment Fund created by ORS
37 285A.188, the Oregon Business Development Fund created by ORS 285B.092 and the Marine Navi-
38 gation Improvement Fund created by ORS 777.267.

39 (b) To fund Oregon's share of the costs of the Columbia River channel deepening project.

40 (c) To fund Oregon's share of the costs of studies and ecosystem restoration projects in the
41 lower Columbia River estuary designed to improve habitat for listed endangered or threatened spe-
42 cies of Columbia River anadromous salmonids.

43 (2) The use of lottery bond proceeds is authorized based on the following findings:

44 (a) The financial and other assistance to municipalities, ports and other persons and entities
45 will assist in the establishment and expansion of businesses in Oregon and in the construction, im-

1 improvement and expansion of infrastructure, community and port facilities and other facilities that
2 comprise the physical foundation for industrial and commercial activity and provide the basic
3 framework for continued and expanded economic opportunities and quality communities throughout
4 Oregon.

5 (b) The Columbia River channel deepening project is necessary to allow newer, larger
6 steamships access to Oregon and Washington deep draft ports. A deeper shipping channel will allow
7 the Columbia River to continue as a world leader in agricultural exports and as a key trade corridor
8 for farms and businesses throughout Oregon and the region.

9 (c) Such financial and other assistance to municipalities, ports and other persons and entities
10 and the deepening of the Columbia River channel will therefore promote economic development
11 within this state, and thus the use of net proceeds derived from the operation of the Oregon State
12 Lottery to pay debt service on lottery bonds issued under this section to provide such financial and
13 other assistance to municipalities, ports and other persons and entities and to pay a portion of the
14 costs of deepening the Columbia River channel is an authorized use of state lottery funds under
15 section 4, Article XV of the Oregon Constitution, and ORS 461.510.

16 (d) The current lower Columbia River estuary habitat for listed endangered or threatened spe-
17 cies of Columbia River anadromous salmonids could be improved through ecosystem restoration
18 projects. The use of the Oregon State Lottery to pay debt service on lottery bonds issued under this
19 section to pay for studying how the estuary could be improved and to pay for ecosystem restoration
20 projects are authorized uses of state lottery funds.

21 (3) The aggregate principal amount of lottery bonds issued pursuant to subsection (1)(a) of this
22 section for financial and other assistance to municipalities, ports and other persons and entities may
23 not exceed the sum of \$227.27 million and an additional amount estimated by the State Treasurer
24 to be necessary to pay bond-related costs. The aggregate principal amount of lottery bonds issued
25 pursuant to subsection (1)(b) of this section for the Columbia River channel deepening project may
26 not exceed the sum of \$17.7 million and an additional amount estimated by the State Treasurer to
27 be necessary to pay bond-related costs. Lottery bonds issued pursuant to this section may be issued
28 only at the request of the Director of the Economic and Community Development Department. The
29 director may not request the issuance of lottery bonds pursuant to subsection (1)(b) of this section
30 until a final environmental impact statement has been issued and a record of decisions has been
31 submitted to Congress by the United States Army Corps of Engineers, Congress has authorized the
32 Columbia River channel deepening project, and the Washington sponsors' shares of the costs of the
33 Columbia River channel deepening project have been committed.

34 (4) The net proceeds of lottery bonds issued pursuant to subsection (1)(a) and (b) of this section
35 shall be deposited in the Economic Infrastructure Project Fund, which is hereby established in the
36 State Treasury separate and distinct from the General Fund. All moneys in the Economic
37 Infrastructure Project Fund are continuously appropriated to the Economic and Community Devel-
38 opment Department for any purpose for which moneys in the Special Public Works Fund created by
39 ORS 285B.455 may be used, any purpose for which moneys in the Water Fund created by ORS
40 285B.563 may be used, any purpose for which moneys in the Safe Drinking Water Revolving Loan
41 Fund created by ORS 285A.213 may be used, any purpose for which moneys in the Oregon Port
42 Revolving Fund created by ORS 285A.708 may be used, any purpose for which moneys in the
43 Brownfields Redevelopment Fund created by ORS 285A.188 may be used, any purpose for which
44 moneys in the Oregon Business Development Fund created by ORS 285B.092 may be used and any
45 purpose for which moneys in the Marine Navigation Improvement Fund created by ORS 777.267 may

1 be used. The Director of the Economic and Community Development Department shall allocate the
 2 moneys deposited in the Economic Infrastructure Project Fund for the purposes described in this
 3 subsection in accordance with the [*policies*] **priorities** developed by the Oregon Economic and
 4 Community Development Commission in accordance with ORS [285A.045] **285A.020**. However, the
 5 director shall transfer from the Economic Infrastructure Project Fund and deposit into the Channel
 6 Deepening Account of the Marine Navigation Improvement Fund the proceeds of any lottery bonds
 7 sold to finance a portion of the costs of the Columbia River channel deepening project. Upon de-
 8 termining the relative allocation of moneys deposited in the Economic Infrastructure Project Fund
 9 among the purposes described in this subsection, the director shall transfer from the Economic
 10 Infrastructure Project Fund, and deposit into each of the other funds described in this subsection,
 11 the amounts so allocated. Notwithstanding any other provision of law governing the funds described
 12 in this subsection, the funds described in this subsection may be credited with moneys transferred
 13 from the Economic Infrastructure Project Fund by the director in accordance with this subsection.

14 (5) The aggregate principal amount of lottery bonds issued pursuant to subsection (1)(c) of this
 15 section for the costs of studies and ecosystem restoration projects in the lower Columbia River
 16 estuary may not exceed the sum of \$750,000 and an additional amount estimated by the State
 17 Treasurer to be necessary to pay bond-related costs. The net proceeds of lottery bonds issued pur-
 18 suant to subsection (1)(c) of this section shall be deposited in the Oregon Community Development
 19 Fund created by ORS 285A.227 and may be used only for the Oregon nonfederal share of United
 20 States Army Corps of Engineers Columbia River estuary projects authorized by Congress prior to
 21 August 9, 2001. The director may not request the issuance of lottery bonds pursuant to subsection
 22 (1)(c) of this section until Congress and Washington have authorized their respective shares of the
 23 costs of the studies and ecosystem restoration projects in the lower Columbia River estuary.

24 (6) The proceeds of lottery bonds issued pursuant to this section may be used only for the pur-
 25 poses set forth in this section and for bond-related costs.

26 **SECTION 79.** ORS 285B.740 is amended to read:

27 285B.740. It is the intent of the Legislative Assembly that in the administration of ORS 285B.740
 28 to 285B.758, the Economic and Community Development Department work closely with regional
 29 economic development organizations, community development corporations, small business develop-
 30 ment centers and organizations that promote and assist small businesses owned and operated by
 31 women and minorities[, *as defined by ORS 285B.050 (9)*]. The Economic and Community Development
 32 Department, to the maximum extent feasible and consistent with prudent financial controls, may
 33 delegate the administration and operation of the loan program created by ORS 285B.740 to 285B.758
 34 to local and community-based entities. To carry out the policy described in this section:

35 (1) The Economic and Community Development Department may contract with any nonprofit
 36 corporation or agency with experience and expertise in business finance to administer all or any
 37 part of the loan program created by ORS 285B.740 to 285B.758.

38 (2) When entering into an agreement for the administration of the loan program by any nonprofit
 39 corporation or agency, the Economic and Community Development Department may agree to waive
 40 any claims it may have against such corporation or agency for losses arising out of the normal
 41 course of business, so long as the corporation or agency does not act negligently or fraudulently in
 42 providing loans under ORS 285B.740 to 285B.758.

43 (3) When entering into an agreement to have a nonprofit corporation or agency administer the
 44 loan program created by ORS 285B.740 to 285B.758, the Economic and Community Development
 45 Department may pay loan origination and loan servicing fees to the corporation or agency. The

1 amount of such fees may be determined in the agreement between the department and the adminis-
2 tering corporation or agency.

3 **SECTION 80.** ORS 286.585 is amended to read:

4 286.585. (1) Pursuant to ORS 286.560 to 286.580 and 348.716 and subject to future legislative
5 approval, lottery bonds may be issued to make grants or loans to Oregon cities to fund projects for
6 the reconstruction, renovation or development of community sports facilities in order to make the
7 facilities suitable for use by a major league baseball team if a city is selected as an expansion site
8 by major league baseball or if a major league baseball team agrees to relocate to a city.

9 (2) The use of lottery bond proceeds is authorized based on the following findings:

10 (a) The financial assistance to cities will assist in the construction, improvement and expansion
11 of infrastructure and community facilities that comprise the physical foundation for commercial ac-
12 tivity and provide the basic framework for continued and expanded economic opportunities and
13 quality communities throughout Oregon.

14 (b) Such financial assistance to cities will therefore promote economic development within this
15 state, and thus the use of net proceeds derived from the operation of the Oregon State Lottery to
16 pay debt service on lottery bonds issued under this section to provide such financial assistance to
17 cities is an appropriate use of state lottery funds under section 4, Article XV of the Oregon Con-
18 stitution, and ORS 461.510.

19 (3) Lottery bonds issued pursuant to this section shall be issued only at the request of the Di-
20 rector of the Economic and Community Development Department.

21 (4) The net proceeds of lottery bonds issued pursuant to this section shall be deposited in the
22 Economic Infrastructure Project Fund established by ORS 285B.551. The Director of the Economic
23 and Community Development Department shall allocate the moneys deposited in the Economic
24 Infrastructure Project Fund for the purpose described in this section in accordance with the
25 [*policies*] **priorities** developed by the Oregon Economic and Community Development Commission in
26 accordance with [*ORS 285A.045*] **ORS 285A.020**.

27 (5) The proceeds of lottery bonds issued pursuant to this section shall be used only for the
28 purposes set forth in this section and for bond-related costs.

29 **SECTION 81.** ORS 777.760 is amended to read:

30 777.760. As used in ORS 777.755 to 777.800, unless the context requires otherwise:

31 (1) "Board" means the board of directors of an export trading corporation.

32 (2) "Commissioner" means a member of the board of commissioners of a port.

33 (3) "Commissioners of the port" means the board of commissioners of the port which formed the
34 export trading corporation.

35 (4) "Export trading corporation" means a municipal corporation formed by a port under ORS
36 294.125, 294.316, 646.740 and 777.755 to 777.800.

37 (5) "Export trading project" means a transaction or arrangement for the purchase, sale, ex-
38 change or delivery of goods or services in international trade or commerce.

39 (6) "Port" means a municipal corporation formed under ORS [*285A.666 to 285A.732,*] 777.005 to
40 777.725, 777.915 to 777.953 and 777.990 or ORS chapter 778.

41 (7) "Services" includes, but is not limited to, architectural, automatic data processing, business,
42 communications, consulting, engineering, financial, insurance, legal, management, product research
43 and design, repair, training and transportation services.

44 **SECTION 82.** ORS 777.953 is amended to read:

45 777.953. (1) The board, on its own motion, may initiate a proposal for annexation to the port of

1 territory that is not within another port organized under [ORS 285A.600 to 285A.708 and] this
2 chapter. Such territory may be either wholly or partially within or outside the same county in which
3 the port is located. However, if the territory proposed to be annexed is outside Coos County, then
4 the territory must be situated entirely within the watershed of the Coos River and its tributaries.
5 The proposal for annexation shall be made in a resolution adopted by the board.

6 (2) After adoption of a resolution proposing annexation of the territory described in subsection
7 (1) of this section to the port, the board shall fix a day for a public hearing before the board at
8 which time the electors of the port and of the affected territory may appear and be heard on the
9 question of annexation.

10 (3) The board shall cause notice of the hearing to be published once each week for two succes-
11 sive weeks prior to the day of the hearing in a newspaper of general circulation in the county and
12 shall cause notices of the hearing to be posted in four public places in the port for the same period.

13 (4) After the public hearing, the board shall file the resolution proposing annexation with the
14 governing body of the county in which the territory proposed to be annexed is situated. The county
15 governing body shall order an election to be held in the territory. The county governing body shall
16 also order the board to hold an election within the boundaries of the port on the same day, both
17 elections to be held for the purpose of submitting the proposed annexation to the electors. The board
18 shall certify the results of the election to the county governing body. The order of annexation shall
19 be entered by the county governing body when a majority of all the votes cast in the territory and
20 the port are in favor of the annexation.

21 (5) After the date of entry of an order by the county governing body annexing territory to the
22 port, the territory annexed shall become subject to the outstanding indebtedness, bonded or other-
23 wise, of the port in like manner as the territory within the port.

24 (6) ORS 198.705 to 198.955 and 777.326 do not apply to an annexation proceeding conducted un-
25 der this section.

26 **SECTION 83.** ORS 184.632 is amended to read:

27 184.632. (1) The Legislative Assembly finds that:

28 (a) The ports in Oregon provide effective local assistance to state transportation development
29 efforts.

30 (b) The ports in this state develop and market facilities and services to support important ex-
31 isting industries in this state, such as aviation, maritime commerce, international trade, tourism,
32 recreation and transportation.

33 (c) Port facilities, including roads, railroads, airports, harbors and navigation channels, are an
34 integral element of the transportation infrastructure of this state.

35 (2) Therefore, the Legislative Assembly declares that it is the policy of this state to include
36 Oregon's ports in planning and implementing transportation programs. To that end, the Department
37 of Transportation and the Oregon Department of Aviation may work to:

38 (a) Coordinate with the Economic and Community Development Department [*and the Ports Di-*
39 *vision*] to facilitate port planning and development;

40 (b) Promote local cooperation in statewide planning and development of the ports;

41 (c) Promote long-term economic self-sufficiency of the ports;

42 (d) Encourage cost-effective investments with prudent financial consideration of port develop-
43 ment projects; and

44 (e) Facilitate the efforts of the ports to expand and respond to greater domestic and interna-
45 tional market opportunities.

SECTION 84. ORS 284.540 is amended to read:

284.540. (1) There is established the Governor's Council on Oregon's Economy.

(2) The members of the council are:

(a) The presiding officer of the Oregon Economic and Community Development Commission;

(b) The chairperson of the Oregon Transportation Commission;

(c) The chairperson of the State Board of Agriculture;

[(d) The chairperson of the International Trade Commission;]

[(e)] (d) The president of the State Board of Higher Education; and

[(f)] (e) Other persons designated by the Governor.

(3) The council shall meet quarterly to:

(a) Discuss and coordinate the activities of each entity described in subsection (2) of this section that relate to economic development and improving the economy in Oregon; and

(b) Discuss and recommend to the Legislative Assembly methods for creating certainty for the development process.

SECTION 85. ORS 284.706 is amended to read:

284.706. (1) There is created the Oregon Innovation Council consisting of the following voting members:

(a) The Governor or the Governor's designated representative, who shall be chairperson of the council.

(b) Five members appointed by the Governor who are engaged in the operations of Oregon traded sector industries.

(c) One member appointed by the Governor who is a representative of an Oregon-based, generally accredited, not-for-profit private institution of higher education.

(d) A member of the Oregon Growth Account Board, appointed by the board, who has experience in the field of venture capital.

(e) A member of the Engineering and Technology Industry Council, appointed by the Engineering and Technology Industry Council.

(f) The Director of the Economic and Community Development Department.

(g) The Chancellor of the Oregon University System.

(h) The Commissioner for Community College Services.

(i) The State Treasurer.

(2)(a) The Speaker of the House of Representatives shall appoint two members to the council who are members of the House of Representatives.

(b) The President of the Senate shall appoint two members to the council who are members of the Senate.

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

(3) The following persons, or their representatives, shall serve as ex officio, nonvoting members of the council:

(a) The chairperson of the Oregon Economic and Community Development Commission.

[(b) The chairperson of the International Trade Commission.]

[(c)] (b) The president of the State Board of Higher Education.

[(d)] (c) The chairperson of the State Board of Education.

[(e)] (d) An executive officer of an association representing Oregon-based, generally accredited, not-for-profit private institutions of higher education, appointed by the Governor.

1 (4) The term of office of each appointed voting member of the council is three years, but an
2 appointed member serves at the pleasure of the appointing authority. Before the expiration of the
3 term of an appointed voting member, the appointing authority shall appoint a successor whose term
4 begins on July 1 next following. An appointed member is eligible for reappointment. If there is a
5 vacancy for any cause, the appointing authority shall make an appointment to become immediately
6 effective for the remainder of the unexpired term.

7 (5) A majority of the voting members of the council constitutes a quorum for the transaction
8 of business.

9 (6) Official action by the council requires the approval of a majority of the voting members of
10 the council.

11 (7) The council shall meet at least twice per fiscal year at a place, day and time determined by
12 the chairperson. The council may also meet at other times and places specified by a call of the
13 chairperson or by written request of a majority of the voting members of the council.

14 (8) The council may adopt rules necessary for the operation of the council.

15 (9) The council may establish committees and delegate to the committees duties as the council
16 considers desirable.

17 (10) The Economic and Community Development Department shall provide staff support to the
18 council.

19 (11) Members of the council who are not members of the Legislative Assembly are entitled to
20 compensation and expenses incurred by them in the performance of their official duties in the man-
21 ner and amounts provided for in ORS 292.495. Claims for compensation and expenses of members
22 of the council who are public officers shall be paid out of funds appropriated to the public agency
23 that employs the member. Claims for compensation and expenses of members of the council who are
24 not public officers shall be paid out of funds appropriated to the Economic and Community Devel-
25 opment Department for that purpose.

26 (12) All agencies of state government, as defined in ORS 174.111, are directed to assist the
27 council in the performance of its duties and, to the extent permitted by laws relating to
28 confidentiality, to furnish such information and advice as the members of the council consider nec-
29 essary to perform their duties.

30 **SECTION 86. ORS 285A.085, 285A.090, 285A.095, 285A.100, 285A.105, 285A.110, 285A.112,**
31 **285A.114, 285A.125, 285A.131, 285A.133, 285A.136, 285A.139, 285A.141, 285A.203, 285A.209,**
32 **285A.606, 285A.609, 285A.612, 285A.618, 285A.624, 285A.630, 285A.633, 285B.071, 285B.074,**
33 **285B.077, 285B.095, 285B.139, 285B.144, 285B.150, 285B.159, 285B.162, 285B.166, 285B.183,**
34 **285B.212, 285B.254, 285B.257, 285B.332, 285B.752 and 285B.755 are repealed.**

35
36 **CONFLICT AMENDMENTS**

37
38 **SECTION 87. Notwithstanding section 29, chapter ___, Oregon Laws 2007 (Enrolled House**
39 **Bill 2263) (amending ORS 285A.090), if House Bill 2263 becomes law, ORS 285A.090 is repealed.**

40 **SECTION 88.** If House Bill 2263 becomes law, ORS 285A.020, as amended by section 2 of this
41 2007 Act, is amended to read:

42 285A.020. (1) The Legislative Assembly finds that:

43 (a) Oregon possesses many unique and sustaining virtues that will guide and assist in main-
44 taining the state's economic health, including but not limited to Oregon's:

45 (A) Special heritage;

- 1 (B) Respect for and cultivation of the environment; and
2 (C) Attention to quality of life issues that are important to the state's economic development,
3 including but not limited to access to quality, affordable child care for all children in Oregon.
4 (b) Oregon is strategically placed to compete and succeed in the global community.
5 (c) All regions of the state should share in Oregon's economic recovery.
6 (d) Creating and retaining quality jobs is vital to the state's continued economic development.
7 (e) Oregon's agriculture and natural resource industries provide opportunities for beneficial
8 economic enterprise, including sustainable economic development activities.
9 (f) A well educated and trained workforce is necessary to advance in today's global economy.
10 (g) The ability of existing businesses to grow and prosper is critical to Oregon's economy.
11 (h) Utilizing the state's competitive advantages is essential to retain existing businesses and
12 attract new companies and investment into the state.
13 (i) Continued economic development depends on strengthening traded sector industries.
14 (j) International trade development and promotion is invaluable for future economic development
15 opportunities.
16 (k) Small businesses remain a critical element of the state's economic development, comprising
17 more than 90 percent of Oregon's businesses.
18 (L) Capacity building in rural and distressed areas is a key component of economic development
19 and revitalization efforts.
20 (m) Oregon's ports are important partners in the state's economic development efforts and are
21 key components of local and state economic development strategies.
22 (n) Improving and enhancing infrastructure is necessary to the state's future economic develop-
23 ment.
24 (o) Federal, state and local agencies working together will continue to enhance industrial site
25 development and other economic development activities.
26 (p) The Economic and Community Development Department should be encouraged to convene
27 community development partners to explore the prospect of making loans to private industrial
28 landowners from the Brownfields Redevelopment Fund for future development opportunities.
29 (2) It is the purpose of ORS chapters 285A, 285B and 285C to advance Oregon's economy.
30 (3) The Legislative Assembly declares that it is the immediate economic strategy of the state to:
31 (a) Promote a favorable investment climate to strengthen businesses, create jobs and raise real
32 wages;
33 (b) Improve the national and global competitiveness of Oregon companies; and
34 (c) Assist Oregon communities in building capacity to retain, expand and attract businesses.
35 (4) To promote the advancement of the Oregon economy and implement the immediate economic
36 strategy of the state, the Economic and Community Development Department shall invest resources
37 in accordance with the following principles:
38 (a) Processes for making public investments and working with local and regional issues must
39 be designed for flexibility so that actions can adapt to the constantly changing conditions and de-
40 mands under which communities and businesses operate.
41 (b) Partnerships among local, state and federal governments and public and private organiza-
42 tions and entities should be strengthened to further the economic strategy of the state.
43 (c) The expected impact of public investment and assistance shall be identified, in terms of
44 measurable outcomes, whenever possible.
45 (d) State, federal and community goals, constraints and obligations should be identified at the

1 beginning of the planning process, and the state should work actively with community partners, re-
2 gions and state and local agencies to address and accomplish their mutual objectives.

3 (5) When the department provides funds or assistance for projects, programs, technical support
4 or other authorized activities pursuant to [ORS 329.905 to 329.975 and] ORS chapters 285A, 285B
5 and 285C, the department shall give priority to projects, programs and activities that:

- 6 (a) Retain and create jobs and raise real wages;
- 7 (b) Promote capacity building, emphasizing rural and distressed areas;
- 8 (c) Assist small business creation and expansion;
- 9 (d) Invest and engage in training a skilled workforce;
- 10 (e) Retain and expand existing companies and recruit new investment to Oregon;
- 11 (f) Capitalize on Oregon's competitive advantages and strategically invest resources to offset
12 competitive disadvantages;
- 13 (g) Support innovation and research;
- 14 (h) Assist industry clusters to succeed;
- 15 (i) Market Oregon's advantages;
- 16 (j) Promote international trade and attract foreign direct investment;
- 17 (k) Support the development of industrial and commercial lands;
- 18 (L) Advance the efforts of ports to promote economic development activities; and
- 19 (m) Build capacity in Oregon's arts and cultural organizations, creative businesses and individ-
20 ual artists.

21 **SECTION 89. If House Bill 2263 becomes law, section 8 of this 2007 Act (amending ORS**
22 **285A.075) is repealed and ORS 285A.075, as amended by section 28, chapter ___, Oregon Laws**
23 **2007 (Enrolled House Bill 2263), is amended to read:**

24 285A.075. *[(1) The Economic and Community Development Department, through research, pro-*
25 *motion and coordination of activities in this state, shall foster the most desirable growth and ge-*
26 *ographical distribution of agriculture, industry and commerce in the state. The department shall serve*
27 *as a central coordinating agency and clearinghouse for activities and information concerning the re-*
28 *sources and economy of the state.]*

29 **(1) The Economic and Community Development Department shall:**

30 **(a) Implement programs and adopt rules in accordance with applicable provisions of ORS**
31 **chapter 183 that are consistent and necessary to carry out the policies established by the**
32 **Oregon Economic and Community Development Commission and the duties, functions and**
33 **powers vested by law in the department.**

34 **(b) Act as the official state liaison agency for persons interested in locating industrial**
35 **or business firms in the state and for state and local groups seeking new industry or busi-**
36 **ness, and maintain the confidentiality of negotiations conducted pursuant to this paragraph,**
37 **if requested.**

38 **(c) Coordinate state and federal economic and community development programs.**

39 **(d) Administer the state's participation in the federal Community Development Block**
40 **Grant funding program authorized by 42 U.S.C. 5301 et seq.**

41 **(e) Actively recruit domestic and international business firms to those communities de-**
42 **siring business recruitment.**

43 **(f) Consult with local governments to establish regions for the purpose of job develop-**
44 **ment and community assistance to facilitate economic activities in the region. Regions es-**
45 **tablished for this purpose need not be of the same size in geographic area or population.**

1 (g) Establish and operate foreign trade offices in foreign countries in which the depart-
2 ment considers a foreign trade office necessary. The department shall use department em-
3 ployees, contracts with public or private persons or a combination of employees and
4 contractors to establish and operate foreign trade offices. Department employees, including
5 managers, who are assigned to work in a foreign trade office shall be in the unclassified
6 service, and the director shall set the salaries of such employees. ORS 276.428, 279A.120,
7 279A.140, 279A.155, 279A.275, 279B.025, 279B.235, 279B.270, 279B.280, 279C.370, 279C.500 to
8 279C.530, 279C.540, 279C.545, 279C.800 to 279C.870, 282.020, 282.050, 282.210, 282.220, 282.230,
9 283.140, 459A.475, 459A.490, 653.268 and 653.269 do not apply to the department's operation of
10 foreign trade offices outside the state.

11 (h) Consult with other state agencies and with local agencies and officials prior to de-
12 fining or designating distressed areas for purposes of ORS 285A.020.

13 (i) Budget moneys for travel and various other expenses of industrial or commercial site
14 location agents, film or video production location agents, business journal writers, elected
15 state officials or other state personnel to accomplish the purposes of ORS chapters 285A,
16 285B and 285C. The department may expend moneys duly budgeted to pay the travel and
17 other expenses of such persons if the director determines the expense may promote the
18 purposes of this subsection.

19 (j) Promulgate rules to govern contracts.

20 (k) Develop strategies to address issues that are necessary and appropriate to Oregon's
21 future and adopt goals that include measurable indicators of success (Oregon benchmarks)
22 that show the extent to which each goal is being achieved.

23 (L) Use practices and procedures that the department determines are the best practices
24 for carrying out the duties of the department.

25 (2) The department shall have no regulatory power over the activities of private persons. Its
26 functions shall be solely advisory, coordinative and promotional.

27 [(3) *The department shall Administer the state's participation in the federal Community Develop-*
28 *ment Block Grant funding program authorized by 42 U.S.C. 5301 et seq.*]

29 [(4) *In order to accomplish the purposes of ORS chapters 285A, 285B and 285C, the department*
30 *may expend moneys duly budgeted to pay the travel and various other expenses of industrial or com-*
31 *mercial site location agents, film or video production location agents, business journal writers, elected*
32 *state officials or other state personnel whom the Director of the Economic and Community Development*
33 *Department determines may promote the purposes of this subsection.*]

34 [(5) *In accordance with applicable provisions of ORS chapter 183, the department may adopt rules*
35 *necessary for the administration of laws that the department is charged with administering.*]

36 [(6) *ORS 276.428, 279A.120, 279A.140, 279A.155, 279A.275, 279B.025, 279B.235, 279B.270,*
37 *279B.280, 279C.370, 279C.500 to 279C.530, 279C.540, 279C.545, 279C.800 to 279C.870, 282.020, 282.050,*
38 *282.210, 282.220, 282.230, 283.140, 459A.475, 459A.490, 653.268 and 653.269 do not apply to the de-*
39 *partment's operation of foreign trade offices outside the state.*]

40 [(7)] (3) Notwithstanding ORS 279A.140, the department may **award grants or** enter into con-
41 tracts [*for personal services*] as necessary or appropriate to carry out the duties, functions and
42 powers vested in the department by law.

43 [(8)(a) *The department may contract directly with the Oregon Downtown Development Association,*
44 *or its successor entity, to provide downtown development and redevelopment assistance and similar*
45 *services to municipalities in Oregon.*]

1 *[(b) The department may contract directly with Rural Development Initiatives, or its successor en-*
 2 *tity, to provide training, technical assistance, planning assistance and other support and services to*
 3 *municipalities in Oregon to build economic and community development capacity.]*

4 *[(c) Contracts entered into under this subsection are exempt from the requirements of ORS 279.835*
 5 *to 279.855 and ORS chapters 279A, 279B and 279C.]*

6 *[(9) If the director determines that moneys are available, the department may transfer funds from*
 7 *the Special Public Works Fund created under ORS 285B.455 or from the Water Fund established un-*
 8 *der ORS 285B.563 to a state agency to provide financial assistance in the delivery of technical assist-*
 9 *ance or other services to one or more water systems for evaluation of water quality or services or for*
 10 *planning the improvement of water quality or services. The department may structure the financial as-*
 11 *sistance under this subsection in the form of an interagency grant or loan or in any other manner the*
 12 *director considers necessary or appropriate.]*

13 **SECTION 90. If House Bill 3265 becomes law, section 97, chapter __, Oregon Laws 2007**
 14 **(Enrolled House Bill 3265) (amending ORS 285B.323), is repealed and ORS 285B.323, as**
 15 **amended by section 73 of this 2007 Act, is amended to read:**

16 285B.323. As used in ORS 285B.320 to 285B.371, unless the context requires otherwise:

17 (1) “Bond” or “revenue bond” means *[any evidence of indebtedness, including but not limited to*
 18 *any bond, note, obligation, loan agreement, financing agreement, contracts for leasing, rental or fi-*
 19 *ncing of real or personal property, including contracts for rental, long term leases under an optional*
 20 *contract for purchase, financing agreements with vendors, financial institutions or others or for pur-*
 21 *chase of any property secured by revenues or from other financing sources as provided in ORS*
 22 *285B.320 to 285B.371. A bond, as defined in this subsection and issued under ORS 285B.320 to*
 23 *285B.371, shall be considered a revenue bond for purposes of ORS 286.031]* **a revenue bond, as de-**
 24 **defined in section 2, chapter __, Oregon Laws 2007 (Enrolled House Bill 3265).**

25 (2) “Economic development project” includes any properties, real or personal, used or useful in
 26 connection with a revenue producing enterprise, **an exempt [facilities] facility or a nonprofit**
 27 **[entities] entity, and [related] vehicles, rolling stock or equipment related to an enterprise, facility**
 28 **or entity.** “Economic development project” does not include any facility or facilities designed pri-
 29 marily for the generation, transmission, sale or distribution of electrical energy.

30 (3) “Eligible project” means an economic development project found by the Oregon Economic
 31 and Community Development Commission to meet standards of the commission. The commission may
 32 treat as a single eligible project for bonding purposes any number of economic development projects
 33 determined to be eligible projects.

34 (4) “Exempt facility” means any facility described in section 142(a) of the Internal Revenue Code
 35 of 1986, as amended and in effect as of June 30, 2007. If section 142(a) of the Internal Revenue Code
 36 of 1986 is amended or altered on or after July 1, 2007, the Economic and Community Development
 37 Department may adopt by rule a definition of “exempt facility” that is consistent with section 142(a)
 38 of the Internal Revenue Code of 1986 as amended or altered.

39 (5) “Nonprofit entity” means an institution, organization or other entity exempt from taxation
 40 under section 501(c)(3) of the Internal Revenue Code of 1986, as amended and in effect as of June
 41 30, 2007. If section 501(c)(3) of the Internal Revenue Code of 1986 is amended or altered on or after
 42 July 1, 2007, the department may adopt a definition of “nonprofit entity” that is consistent with
 43 section 501(c)(3) of the Internal Revenue Code of 1986 as amended or altered.

44 **SECTION 91. If House Bill 3265 becomes law, section 97a, chapter __, Oregon Laws 2007**
 45 **(Enrolled House Bill 3265) (amending ORS 285B.326), is repealed and ORS 285B.326, as**

1 **amended by section 74 of this 2007 Act, is amended to read:**

2 285B.326. (1) Upon determining that an economic development project is an eligible project, the
3 Oregon Economic and Community Development Commission shall [*forward the application to*] **re-**
4 **quest that** the State Treasurer[, *who shall determine whether to*] issue the bonds.

5 (2) The commission shall collect fees set forth in rules established by the Economic and Com-
6 munity Development Department. Moneys collected under this subsection shall be deposited in the
7 Oregon Community Development Fund created under ORS 285A.227 and are continuously appropri-
8 ated to the commission for the purpose of administration or funding of the Oregon Industrial De-
9 velopment Revenue Bond and Express Bond Program.

10 (3)(a) In addition to the fees described in subsection (2) of this section, the commission may
11 charge and receive reimbursement for expenses incurred in:

12 (A) The initial review of an application for economic development projects sought to be declared
13 eligible for financing; and

14 (B) Matters arising after the issuance of a bond.

15 (b) Reimbursement for expenses under this subsection shall be charged and received in accord-
16 ance with rules established by the department.

17 **SECTION 92. The amendments to ORS 285B.323 and 285B.326 by sections 90 and 91 of this**
18 **2007 Act become operative on January 1, 2008.**

19
20 **CAPTIONS**

21
22 **SECTION 93. The unit captions used in this 2007 Act are provided for the convenience**
23 **of the reader and do not become part of the statutory law of this state or express any leg-**
24 **islative intent in the enactment of this 2007 Act.**

25
26 **EMERGENCY CLAUSE**

27
28 **SECTION 94. This 2007 Act being necessary for the immediate preservation of the public**
29 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**
30 **on its passage.**

31 _____