

HOUSE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2152

By JOINT COMMITTEE ON WAYS AND MEANS

June 15

1 On page 1 of the printed A-engrossed bill, line 7, after “285A.693,” insert “285A.696,”.

2 In line 19, delete “285A.696,”.

3 On page 2, after line 4, insert:

4 **“SECTION 1. Sections 1a to 7 of this 2009 Act are added to and made a part of ORS**
5 **chapter 285A.”.**

6 In line 6, delete “1” and insert “1a”.

7 In line 28, after “Governor” insert “, the State Treasurer”.

8 In line 44, delete “and” and insert a comma.

9 In line 45, after “ment” insert “and the Oregon Business Development Department”.

10 On page 3, line 3, after “Director” delete the rest of the line and insert “and the Governor.”.

11 In line 4, after “sector” delete the rest of the line and line 5 and insert “with respect to state
12 policies and programs to address the infrastructure needs of this state.”.

13 Delete lines 11 through 15 and insert:

14 **“SECTION 3. (1) The Oregon Infrastructure Finance Authority is established as an adminis-**
15 **trative section within the Oregon Business Development Department, subject to the supervision of**
16 **the administrator of the authority. The authority consists of the administrator and all personnel**
17 **employed by the authority.**

18 **“(2) The authority shall develop and administer programs and funds of the department that ad-**
19 **dress the infrastructure needs of this state pursuant to the policies of, and as may be recommended**
20 **by, the Oregon Infrastructure Finance Authority Board.”**

21 In line 16, delete “(2)” and insert “(3)”.

22 In line 18, delete “(3)” and insert “(4)”.

23 In line 24, after “authority” insert “and the Oregon Infrastructure Finance Authority Board”.

24 In line 28, delete “approve loans or grants to” and insert “enter into agreements for loans,
25 grants or other assistance, including, but not limited to, direct purchase of goods or services,
26 with”.

27 On page 4, line 13, after “Department” delete the rest of the line and line 14 and insert “for the
28 authority for the purposes of sections 1a to 7 of this 2009 Act.”.

29 Delete lines 25 through 28 and insert:

30 **“SECTION 7. The Director of the Oregon Business Development Department, in accord-**
31 **ance with ORS chapter 183, may adopt rules for the operation of the Oregon Infrastructure**
32 **Finance Authority as the director determines necessary or convenient for the authority to**
33 **perform its duties and functions and as are consistent with and necessary to carry out the**
34 **policies established by the Oregon Infrastructure Finance Authority Board.”.**

35 Delete lines 33 through 45 and insert:

1 “**SECTION 8.** ORS 285A.010 is amended to read:

2 “285A.010. As used in ORS 284.101 to 284.146 and ORS chapters 285A, 285B and 285C, unless
3 the context requires otherwise:

4 “(1) ‘**Administrator**’ means the administrator of the Oregon Infrastructure Finance Au-
5 thority.

6 “(2) ‘**Association**’ means a nonprofit, private, incorporated or unincorporated institution,
7 foundation, organization, entity or group, whether local, state, regional or national, that is
8 operating or doing business in Oregon.

9 “(3) ‘**Authority**’ means the Oregon Infrastructure Finance Authority.

10 “(4) ‘**Board**’ means the Oregon Infrastructure Finance Authority Board.

11 “[(1)] (5) ‘**Commission**’ means the [*Oregon Economic and Community Development Commission*]
12 **Oregon Business Development Commission.**

13 “[(2)] (6) ‘**Community**’ means an area or locality in which the body of inhabitants has common
14 economic or employment interests. The term is not limited to a city, county or other political sub-
15 division and need not, but may be, limited by political boundaries.

16 “[(3)] (7) ‘**Department**’ means the [*Economic and Community Development Department*] **Oregon**
17 **Business Development Department.**

18 “[(4)] (8) ‘**Director**’ means the Director of the [*Economic and Community Development*
19 *Department*] **Oregon Business Development Department.**

20 “[(5)] (9) ‘**Distressed area**’ means a county, city, community or other geographic area that is
21 designated as a distressed area by the department, based on indicators of economic distress or dis-
22 location, including but not limited to unemployment, poverty and job loss.

23 “[(6)] (10) ‘**International trade**’ means the export and import of products and services and the
24 movement of capital for the purpose of investment.

25 “(11) ‘**Local government**’ has the meaning given that term in ORS 174.116.

26 “(12) ‘**Municipality**’ means an Oregon city or county, the Port of Portland created by ORS
27 778.010, a county service district organized under ORS chapter 451, a district as defined in
28 ORS 198.010, a tribal council of a federally recognized Indian tribe in this state or an airport
29 district organized under ORS chapter 838.

30 “(13) ‘**Public body**’ has the meaning given that term in ORS 174.109.

31 “[(7)] (14) ‘**Rural area**’ means an area located entirely outside of the acknowledged Portland
32 Metropolitan Area Regional Urban Growth Boundary and the acknowledged urban growth bounda-
33 ries of cities with populations of 30,000 or more.

34 “[(8)] [*Traded sector*] means industries in which member firms sell their goods or services into
35 markets for which national or international competition exists.]

36 “[(9)] (15) ‘**Small business**’ means a business having 100 or fewer employees.

37 “(16) ‘**State agency**’ includes state officers, departments, boards and commissions.

38 “(17) ‘**Traded sector**’ means industries in which member firms sell their goods or services
39 into markets for which national or international competition exists.”.

40 On page 5, delete lines 1 through 8.

41 On page 8, after line 30, insert:

42 “(6) The commission may prepare and submit suggested administrative rules to the Director of
43 the Oregon Business Development Department that the commission determines are necessary for the
44 objectives and programs of the department.”.

45 On page 15, line 42, delete the boldfaced material and insert “Oregon Business Development

1 Department for the Oregon Infrastructure Finance Authority for the purposes set forth in this sec-
2 tion.”.

3 On page 16, line 2, restore the bracketed material.

4 In line 3, restore the bracketed material.

5 In line 15, delete “authority” and insert “Oregon Business Development Department”.

6 In line 18, restore “of Human Ser-”.

7 In line 19, restore the bracketed material.

8 In line 20, delete “authority” and insert “Oregon Business Development Department”.

9 In line 34, delete the boldfaced material and insert “Oregon Business Development
10 Department”.

11 On page 17, delete lines 30 through 45 and insert:

12 “**SECTION 28.** ORS 285A.227 is amended to read:

13 “285A.227. (1) There is created within the State Treasury, separate and distinct from the Gen-
14 eral Fund, the [*Oregon Community Development Fund.*] **Oregon Business, Innovation and Trade**
15 **Fund. Interest earned by the Oregon Business, Innovation and Trade Fund shall be credited**
16 **to the fund. The moneys in the Oregon Business, Innovation and Trade Fund are contin-**
17 **uously appropriated to the Oregon Business Development Department for the purpose of fi-**
18 **ancing programs and projects that promote business and economic development throughout**
19 **the state. The fund shall consist of all moneys credited to the fund, including moneys from**
20 **the Administrative Services Economic Development Fund, federal funds collected or re-**
21 **ceived, and fees, moneys or other revenues, including Miscellaneous Receipts, collected or**
22 **received by the department, and all interest earnings that accrue to the fund.**

23 (2) The [*fund*] **Oregon Business, Innovation and Trade Fund** is created to provide a flexible
24 funding source for financing those programs and projects that are determined by the [*Oregon Eco-*
25 *nomic and Community Development Commission*] **Oregon Business Development Commission** un-
26 der the policies, criteria and standards set forth in ORS 285A.020, 285A.045 and 285A.055 to further
27 **business and** economic [*and community*] development. The [*Economic and Community Development*
28 *Department*] **Oregon Business Development Department** may finance programs and projects de-
29 termined by the commission to further **business and** economic [*and community*] development by
30 making grants or loans using moneys in the fund. Notwithstanding ORS 279A.140, the department
31 may enter into contracts as necessary or appropriate to implement programs and projects deter-
32 mined by the commission to further **business and** economic [*and community*] development using
33 moneys in the fund. [*The Oregon Community Development Fund shall consist of all moneys credited*
34 *to the fund, including moneys from the Administrative Services Economic Development Fund, federal*
35 *funds collected or received, and fees, moneys or other revenues, including Miscellaneous Receipts, col-*
36 *lected or received by the Economic and Community Development Department, and all interest earnings*
37 *that accrue to the fund. The moneys in the Oregon Community Development Fund are continuously*
38 *appropriated to the Economic and Community Development Department to promote economic and com-*
39 *munity development.*]

40 “[2)] (3) The [*Oregon Economic and Community Development Commission*] **Oregon Business**
41 **Development Department**, by rule, shall adopt standards, objectives and criteria for use of the
42 moneys in the [*Oregon Community Development Fund*] **Oregon Business, Innovation and Trade**
43 **Fund and for the adjustment of allocations to programs and projects that receive funding**
44 **from the fund.”.**

45 On page 18, delete lines 1 through 11.

1 In line 14, after “to” insert “the Oregon Business Development Department for the Oregon
2 Infrastructure Finance Authority to”.

3 In line 15, after the period insert “Interest earned by the Title I Bank Fund shall be credited
4 to the fund.”.

5 In line 23, after “The” delete the rest of the line and lines 24 and 25 and insert “Oregon
6 Infrastructure Finance Authority shall administer the fund.”.

7 In line 26, restore the bracketed material and delete the boldfaced material.

8 On page 19, line 14, delete “Infrastructure Finance Authority” and insert “Business Develop-
9 ment Commission and the Oregon Business Development Department, through the Oregon
10 Infrastructure Finance Authority,”.

11 On page 20, line 4, before “Oregon” insert “Oregon Business Development Commission and the
12 Oregon Business Development Department, through the” and after “Authority” insert a comma.

13 In line 17, before “Oregon” insert “Oregon Business Development Department for the”.

14 On page 21, line 31, delete “authority” and insert “Oregon Business Development Department”.

15 In line 32, restore the bracketed material and delete the boldfaced material.

16 On page 23, line 10, after the period delete the rest of the line.

17 Delete line 11 and insert:

18 “(3) The Oregon Business Development Department shall adopt by rule eligibility criteria and
19 award limits for grants from the fund.”.

20 In line 29, delete the boldfaced material and insert “Business Development Department”.

21 In line 32, delete the boldfaced material and insert “department”.

22 In line 35, delete the boldfaced material and insert “department”.

23 After line 42, insert:

24 “**SECTION 45a.** ORS 285A.696 is amended to read:]

25 “285A.696. The [*Oregon Economic and Community Development Commission*] **Oregon Business**
26 **Development Commission** may appoint the Director of the [*Economic and Community Development*
27 *Department*] **Oregon Business Development Department** as their representative and agent in all
28 matters pertaining to ORS 285A.666 to 285A.732. The director shall [*assure*] **ensure** that all pro-
29 visions of ORS 285A.666 to 285A.732 are complied with and that appropriately trained personnel are
30 employed pursuant to ORS 285A.070 to properly administer the fiscal and other portions of ORS
31 285A.666 to 285A.732.”.

32 On page 24, line 32, after the period insert “Interest earned by the Oregon Port Revolving Fund
33 shall be credited to the fund.”.

34 In line 33, before “Oregon” insert “Oregon Business Development Department for the”.

35 On page 43, line 34, delete the boldfaced material and insert “Oregon Business Development
36 Department”.

37 On page 45, line 18, after “quality” insert “of”.

38 In line 29, delete “Infrastructure Finance Authority” and insert “Business Development De-
39 partment”.

40 In line 34, delete the boldfaced material and insert “Oregon Business Development
41 Department”.

42 In lines 35 and 36, restore the bracketed material and delete the boldfaced material.

43 On page 46, line 39, delete “Infrastructure Finance Authority” and insert “Business Develop-
44 ment Department”.

45 In line 41, restore “department.” and delete the boldfaced material.

1 On page 47, line 34, delete the boldfaced material and insert “Oregon Business Development
2 Department”.

3 On page 48, line 1, restore the bracketed material and delete the boldfaced material.

4 In line 8, delete the boldfaced material and insert “Oregon Business Development
5 Department.”.

6 In line 9, delete the boldfaced material.

7 In line 12, restore the bracketed material and delete the boldfaced material.

8 In line 19, after the period insert “Interest earned by the Special Public Works Fund shall be
9 credited to the fund.”.

10 In line 20, before “Oregon” insert “Oregon Business Development Department for the”.

11 In line 21, before the period insert “for the purposes set forth in this section”.

12 On page 49, line 11, restore the bracketed material and delete the boldfaced material.

13 On page 50, line 3, after the period delete the rest of the line and lines 4 through 6 and insert:
14 “(1) The Oregon Infrastructure Finance Authority shall determine eligibility for revenue bond
15 financing under ORS 285B.467 to 285B.479 of development projects that have qualified under ORS
16 285B.419 to 285B.437 and 285B.449 pursuant to rules adopted by the Oregon Business Development
17 Department.”.

18 In line 7, delete “Upon determining” and insert “After a determination is made”.

19 In line 8, restore the bracketed material and delete the boldfaced material.

20 In line 21, after the period delete the rest of the line.

21 In line 34, delete the boldfaced material and insert “Business Development Department,”.

22 In line 39, restore the bracketed material and delete the boldfaced material.

23 On page 51, line 9, delete the boldfaced material and insert “Oregon Business Development De-
24 partment”.

25 In line 16, after the period insert “Interest earned by the Oregon Unified International Trade
26 Fund shall be credited to the fund.”.

27 In line 17, before “Oregon” insert “Oregon Business Development Department for the”.

28 On page 53, line 19, delete the boldfaced material and insert “Director of the Oregon Business
29 Development Department.”.

30 In line 20, delete the boldfaced material.

31 In line 24, before “Oregon” insert “Oregon Business Development Department for the”.

32 In line 29, delete the boldfaced material and insert “Oregon Business Development Department
33 for the authority”.

34 On page 54, line 35, delete “joint”.

35 In line 37, after “Department” insert a period and delete the rest of the line and line 38.

36 In line 39, delete “and administrator”.

37 On page 55, line 2, after the period insert “Interest earned by the Economic Infrastructure
38 Project Fund shall be credited to the fund.”.

39 In lines 16 through 18, delete the boldfaced material.

40 In lines 31 through 36, delete the boldfaced material.

41 In line 37, delete “cated by the director”.

42 In line 38, after “285A.227” delete the rest of the line.

43 In line 39, delete the boldfaced material.

44 In line 41, delete the boldfaced material.

45 On page 56, line 8, delete the second “the”.

1 In line 9, restore the bracketed material and delete the boldfaced material and after “director”
2 insert “of the Oregon Business Development Department. The director”.

3 In line 14, delete the boldfaced material and insert “Director of the Oregon Business Develop-
4 ment Department”.

5 In line 21, before “Oregon” insert “Oregon Business Development Department for the”.

6 In line 42, before “Oregon” insert “Oregon Business Development Department, the”.

7 On page 57, line 3, before “Oregon” insert “Oregon Business Development Department, the”.

8 In line 13, delete the boldfaced material and insert “Director of the Oregon Business Develop-
9 ment Department,”.

10 In line 18, before “Oregon” insert “Oregon Business Development Department, the”.

11 In line 21, before the first “Oregon” insert “Oregon Business Development Department, the”.

12 In line 30, before “Oregon” insert “Oregon Business Development Department for the”.

13 On page 58, line 37, after the period insert “Interest earned by the Water Fund shall be credited
14 to the fund.”.

15 In line 38, before “Oregon” insert “Oregon Business Development Department for the”.

16 On page 59, line 5, restore “department” and delete “authority”.

17 In lines 31 and 32, restore the bracketed material and delete the boldfaced material.

18 On page 60, delete lines 27 through 42 and insert:

19 “**SECTION 123.** ORS 285B.572 is amended to read:

20 “285B.572. [(1) *The Economic and Community Development Department shall adopt by rule stan-*
21 *dards to determine the eligibility of a water project for revenue bond financing under ORS 285B.560*
22 *to 285B.599.*]

23 “(1) **The Oregon Infrastructure Finance Authority shall determine eligibility of a water**
24 **project for revenue bond financing under ORS 285B.560 to 285B.599 pursuant to rules adopted**
25 **by Oregon Business Development Department.**

26 “(2) Upon determining that a water project is eligible for revenue bond financing, the [*depart-*
27 *ment*] **authority** shall forward a description of the project to the State Treasurer. The State Treas-
28 urer shall determine whether to issue revenue bonds.

29 “**SECTION 124.** ORS 285B.575 is amended to read:

30 “285B.575. (1) At the request of the [*Economic and Community Development Department,*] **Oregon**
31 **Business Development Department**, the State Treasurer may issue in the name of the State of
32 Oregon revenue bonds secured by moneys paid to the Water Fund and pledged to finance or refi-
33 nance in whole or in part the cost of a water project. The revenue bonds issued under this section
34 shall be issued in the manner prescribed by ORS chapter 286A, and refunding bonds may be issued
35 to refinance the revenue bonds.

36 “(2) The department or the State Treasurer may appoint bond counsel as prescribed under ORS
37 286A.130.”.

38 On page 61, line 22, after “285B.584.” delete the rest of the line.

39 In line 23, before “Oregon” insert “The”.

40 In line 42, delete “authority” and insert “Oregon Business Development Department”.

41 On page 62, line 3, delete the boldfaced material and insert “Oregon Business Development De-
42 partment”.

43 In line 6, restore “department” and delete “authority”.

44 On page 70, line 30, after the period insert “Interest earned by the Marine Navigation Im-
45 provement Fund shall credited to the fund.”.

1 In line 31, before “Oregon” insert “Oregon Business Development Department for the”.
2 In line 44, restore “department.” and delete “authority.”.
3 On page 71, line 42, after “earnings” insert “and interest earned”.
4 In line 43, after the period delete the rest of the line and line 44 and insert “The moneys in the
5 Channel Deepening Account are continuously appropriated”.
6 In line 45, before “Oregon” insert “Oregon Business Development Department for the”.
7 On page 72, line 13, after “earnings” insert “and interest earned”.
8 In line 14, after the period delete the rest of the line and lines 15 through 17.
9 In line 18, before “Oregon” insert “The moneys in the Channel Deepening Debt Service Account
10 are continuously appropriated to the Oregon Business Development Department for the”.
11 Delete lines 25 through 40 and insert:
12 “**SECTION 146.** ORS 777.284 is amended to read:
13 “777.284. (1) [*Within six months after August 29, 2003, the Director of the Economic and Commu-*
14 *nity Development Department*] **The Director of the Oregon Business Development Department**
15 shall enter into, or modify, a grant agreement with the primary sponsor [*that commits the Economic*
16 *and Community Development Department*] **committing the Oregon Business Development De-**
17 **partment** to request that the State Treasurer issue lottery bonds as provided in ORS 285B.551 (3)
18 and section 6, chapter 942, Oregon Laws 2001, to obtain lottery bond proceeds for deposit in the
19 Channel Deepening Account for payment of the Oregon nonfederal share.
20 “(2) The total amount paid to the primary sponsor pursuant to the grant agreement may not
21 exceed the lesser of the amount of the Oregon nonfederal share or the total amount deposited in the
22 Channel Deepening Account. The grant agreement:
23 “(a) Shall specify a method for determining the total amount of the Oregon nonfederal share;
24 and
25 “(b) May not contain provisions or be construed or enforced in any manner that would cause
26 the grant agreement to constitute a debt or liability of the state that violates section 7, Article XI
27 of the Oregon Constitution.”.
28 On page 75, line 4, restore the bracketed material.
29 On page 80, line 40, delete “operative date specified in section 172” and insert “effective
30 date”.
31 On page 81, delete lines 1 through 10 and insert:
32 “**SECTION 154.** **Notwithstanding the transfer of duties, functions and powers to the**
33 **Oregon Business Development Commission by this 2009 Act, the rules of the Economic and**
34 **Community Development Department with respect to the duties, functions or powers of the**
35 **Oregon Economic and Community Development Commission that are in effect on the effec-**
36 **tive date of this 2009 Act continue in effect until superseded or repealed by rules of the**
37 **Oregon Business Development Department. References in such rules to the Oregon Eco-**
38 **nomic and Community Development Commission or to an officer or employee of the Oregon**
39 **Economic and Community Development Commission are considered to be references to the**
40 **Oregon Business Development Commission or an officer or employee of the Oregon Business**
41 **Development Commission.”.**
42 On page 82, line 7, delete “operative date specified in section 172” and insert “effective date”.
43 In line 16, delete “operative date specified in section 172” and insert “effective date”.
44 In line 45, after “to” insert “the Oregon Business Development Department for the Oregon
45 Infrastructure Finance Authority”.

1 On page 83, line 11, delete “Infrastructure Finance Authority” and insert “Business Develop-

2 ment Department”.

3 In line 22, delete “operative date specified in section 172” and insert “effective date”.

4 In line 29, after the second “the” delete the rest of the line and line 30 and insert “Economic

5 and Community Development”.

6 In line 31, delete “oper-” and insert “effective date”.

7 In line 32, delete “ative date specified in section 172”.

8 In line 33, delete “Infrastructure Finance Authority” and insert “Business Development De-

9 partment”.

10 In line 34, delete “Oregon Economic and Community Development Commission and the”.

11 On page 84, line 28, delete “285A.696,”.

12 Delete lines 30 through 38.

13 In line 39, delete “174” and insert “172”.

14 On page 85, line 3, delete “175” and insert “173”.

15 In line 6, delete “176” and insert “174”.

16 _____