

**PROPOSED AMENDMENTS TO  
HOUSE BILL 4093**

1 On page 1 of the printed bill, line 3, delete “, 285C.095, 285C.160 and  
2 285C.175” and insert “and 285C.250”.

3 Delete lines 14 through 29 and delete pages 2 through 4 and insert:

4 **“SECTION 2.** ORS 285C.090 is amended to read:

5 “285C.090. (1) A proposed enterprise zone must be located in a local area  
6 in which:

7 “(a) Fifty percent or more of the households have incomes below 80 per-  
8 cent of the median income of this state, as defined by the most recent federal  
9 decennial census;

10 “(b) The unemployment rate is at least 2.0 percentage points greater than  
11 the comparable unemployment rate for this entire state, as defined by the  
12 most recently available data published or officially provided and verified by  
13 the United States Government, the Employment Department [*of this state*],  
14 the Portland State University Population Research Center or special studies  
15 conducted under a contract with a regional academic institution; or

16 “(c) The Oregon Business Development Department determines on a  
17 case-by-case basis using evidence provided by the cities, counties or ports  
18 applying for designation of the proposed enterprise zone that there exists a  
19 level of economic hardship at least as severe as that described in paragraph  
20 (a) or (b) of this subsection. The evidence [*shall*] **must** be based on the most  
21 recently available data from official sources and may include[, *but is not*  
22 *limited to,*] a contemporary decline of the population in the proposed enter-

1 prise zone, the percentage of persons in the proposed enterprise zone below  
2 the poverty level relative to the percentage of the entire population of this  
3 state below the poverty level or the unemployment rate for the county or  
4 counties in which the proposed enterprise zone is located.

5 “(2)(a) An **urban** enterprise zone [*must*] **may** consist of a total area of  
6 not more than 12 square miles in size.

7 “(b) **A rural enterprise zone may consist of a total area of not more**  
8 **than 15 square miles in size.**

9 “(c) **For purposes of this subsection,** the area of the zone [*shall*] **must**  
10 be calculated by excluding that portion of the zone that lies below the ordi-  
11 nary high water mark of a navigable body of water.

12 “(3) Except as provided in subsection (4) of this section:

13 “(a) An **urban** enterprise zone must have 12 miles or less, **and a rural**  
14 **enterprise zone must have 15 miles or less,** as the greatest distance be-  
15 tween any two points within the zone; and

16 “(b) Unconnected areas of an enterprise zone may not be more than five  
17 miles apart.

18 “(4) Unconnected areas of a rural enterprise zone may not be more than  
19 15 miles apart when an unconnected area is entirely within a sparsely pop-  
20 ulated county, and the zone:

21 “(a) Must have 20 miles or less as the greatest distance between any two  
22 points within the zone, if only a portion of the zone is contained within a  
23 sparsely populated county; or

24 “(b) Must have 25 miles or less as the greatest distance between any two  
25 points within the zone, if the zone is entirely contained within a sparsely  
26 populated county.

27 “(5) This section does not apply to the designation or redesignation of a  
28 reservation enterprise zone or a reservation partnership zone.

29 “**SECTION 3.** ORS 285C.250 is amended to read:

30 “285C.250. (1) Within a reasonable period of time prior to the termination

1 of enterprise zones under ORS 285C.245 (2), the Director of the Oregon  
2 Business Development Department shall competitively designate the same  
3 number of enterprise zones effective immediately after termination of the  
4 previous enterprise zones. The determination by the director as to the areas  
5 designated as enterprise zones shall be final.

6 “(2)(a) When an enterprise zone is terminated under ORS 285C.245 (4) to  
7 (6), the director may competitively designate a new enterprise zone.

8 “(b) The sponsor of [*the*] **an** enterprise zone terminated under ORS  
9 285C.245 (4) or (5) is not eligible to apply for a new enterprise zone[,  
10 *except*] for **a period not to exceed 10 years after the zone is terminated.**

11 “(c) **Paragraph (b) of this subsection does not apply to** a county  
12 government when the terminated zone was also jointly sponsored by one or  
13 more cities or ports.

14 “(3) Sponsors of existing enterprise zones that are due to terminate may  
15 reapply for designation under subsection (1) of this section.

16 “(4) Any city, county or port may apply to the director for designation  
17 of an enterprise zone in accordance with the criteria set forth in ORS  
18 285C.065 and 285C.090. In addition, the Oregon Business Development De-  
19 partment by rule shall determine the minimum level of economic hardship  
20 in any area to be included within an enterprise zone, any other criteria  
21 necessary to evaluate the need for the enterprise zone and the potential for  
22 accomplishing the purposes of ORS 285C.050 to 285C.250.

23 “(5) All enterprise zones designated under this section shall terminate in  
24 accordance with ORS 285C.245 (2).

25 “(6) When the director designates enterprise zones under this section,  
26 there is no limit on the relative number of urban or rural enterprise zones  
27 designated.

28 “(7) The director may determine when to accept applications for any en-  
29 terprise zone that terminates under subsection (2) of this section or is not  
30 designated under subsection (1) of this section for lack of qualified appli-

1 cants.

2 **“SECTION 4. (1) A report must be filed in the manner prescribed**  
3 **under subsection (2) of this section by each sponsor, as defined in ORS**  
4 **285C.050, with respect to each:**

5 **“(a) New enterprise zone designated pursuant to the amendments**  
6 **to ORS 285C.080 by section 1 of this 2012 Act; and**

7 **“(b) Application to expand the area of a rural enterprise zone pur-**  
8 **suant to the amendments to ORS 285C.090 by section 2 of this 2012 Act.**

9 **“(2) A report required under subsection (1) of this section must:**

10 **“(a) Describe the economic benefits of the applicable amendments**  
11 **to ORS 285C.080 and 285C.090 by sections 1 and 2 of this 2012 Act; and**

12 **“(b) Be submitted to the interim committees of the Legislative As-**  
13 **sembly related to revenue as provided in ORS 192.245 on or before**  
14 **January 31, 2013.**

15 **“(3) The Oregon Business Development Department and the De-**  
16 **partment of Revenue may assist sponsors in preparing the reports.**

17 **“SECTION 5. The amendments to ORS 285C.090 by section 2 of this**  
18 **2012 Act apply to enterprise zones designated before, on or after the**  
19 **effective date of this 2012 Act.**

20 **“SECTION 6. This 2012 Act takes effect on the 91st day after the**  
21 **date on which the 2012 regular session of the Seventy-sixth Legislative**  
22 **Assembly adjourns sine die.”.**

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