

SENATE AMENDMENTS TO SENATE BILL 245

By COMMITTEE ON RURAL COMMUNITIES AND ECONOMIC DEVELOPMENT

April 17

1 On page 6 of the printed bill, delete lines 36 through 45.

2 On page 7, delete lines 1 through 13 and insert:

3 **“SECTION 10. (1) No sooner than the 61st day following compliance with section 29 (1)**
4 **of this 2013 Act, a zone sponsor shall submit to the Oregon Business Development Depart-**
5 **ment notice of the sponsor’s designation of an enterprise zone under ORS 285C.065 or**
6 **285C.250 and sufficient information for the department to make a determination under this**
7 **section.**

8 **“(2)(a) As soon as practicable after receipt of the notice required under subsection (1)**
9 **of this section, the department shall notify the zone sponsor of the department’s determi-**
10 **nation made in accordance with the following:**

11 **“(A) A zone designation shall be final if the hardship and area requirements of ORS**
12 **285C.090 are met and designation does not cause the total number of zones designated to**
13 **exceed the limits of ORS 285C.080.**

14 **“(B) A zone may not be designated if the requirements of ORS 285C.090 are not met or**
15 **designation would cause the total number of zones designated to exceed the limits of ORS**
16 **285C.080.**

17 **“(b) If the department’s determination is negative, the notice required must state the**
18 **reasons for the negative determination.**

19 **“(c) A zone sponsor that receives a negative determination under this subsection may**
20 **resubmit the enterprise zone for a determination under this section.**

21 **“(3)(a) For purposes of complying with the numeric limits of ORS 285C.080, the depart-**
22 **ment shall make determinations under this section in the order in which notices submitted**
23 **under subsection (1) of this section are received.**

24 **“(b) For purposes of this subsection, a notice that is resubmitted after a negative deter-**
25 **mination shall be considered received on the date of the resubmission.**

26 **“(c) The department shall adopt rules necessary to administer this subsection.”.**

27 On page 8, delete lines 24 through 45.

28 On page 9, delete lines 1 through 8 and insert:

29 **“SECTION 14. (1) No sooner than the 61st day following compliance with section 29 (1)**
30 **of this 2013 Act, a zone sponsor of the governing body of a city shall submit to the Oregon**
31 **Business Development Department notice of the sponsor’s or city’s designation of a zone or**
32 **a city for electronic commerce under ORS 285C.095 or 285C.100, respectively, and sufficient**
33 **information for the department to make a determination under this section.**

34 **“(2)(a) As soon as practicable after receipt of the notice required under subsection (1)**
35 **of this section, the department shall notify the zone sponsor or governing body of the city**

1 of the department's determination made in accordance with the following:

2 “(A) A zone or city designation shall be final if the requirements of ORS 285C.100, if ap-
3 plicable, are met and designation would not cause the numeric limits of ORS 285C.095 or
4 285C.100 to be exceeded.

5 “(B) A zone or city may not be designated if the requirements of ORS 285C.100, if appli-
6 cable, are not met or designation would cause the numeric limits of ORS 285C.095 or 285C.100
7 to be exceeded.

8 “(b) If the department's determination is negative, the notice required must state the
9 reasons for the negative determination.

10 “(c) A zone sponsor or governing body of a city that receives a negative determination
11 under this subsection may resubmit the zone or city for electronic commerce for a deter-
12 mination under this section.

13 “(3)(a) For purposes of complying with the numeric limits of ORS 285C.095 or 285C.100,
14 the department shall make determinations under this section in the order in which notices
15 submitted under subsection (1) of this section are received.

16 “(b) For purposes of this subsection, a notice that is resubmitted after a negative deter-
17 mination shall be considered received on the date of the resubmission.

18 “(c) The department shall adopt rules necessary to administer this subsection.”.

19 On page 11, delete lines 8 through 19 and insert:

20 “**SECTION 18.** (1)(a) No sooner than the 61st day following compliance with section 29 (1)
21 of this 2013 Act, a zone sponsor shall submit to the Oregon Business Development Depart-
22 ment notice of a boundary change under ORS 285C.115 and sufficient information for the
23 department to make a determination under this section.

24 “(b) For purposes of this subsection, the information submitted to the department must
25 include:

26 “(A) A map clearly indicating the existing boundary and the proposed changes;

27 “(B) A legal description of each area to be withdrawn from or added to the existing en-
28 terprise zone; and

29 “(C) Any further information required by the department for the purposes of making a
30 determination under this section.

31 “(2)(a) As soon as practicable after receipt of the notice required under subsection (1)
32 of this section, the department shall notify the zone sponsor of the department's determi-
33 nation made in accordance with the following:

34 “(A) A boundary change shall be final if the requirements of ORS 285C.115 are met.

35 “(B) A boundary change is not effective if the requirements of ORS 285C.115 are not met.

36 “(b) If the department's determination is negative, the notice required must state the
37 reasons for the negative determination.

38 “(c) A zone sponsor that receives a negative determination under this subsection may
39 resubmit the boundary change for a determination under this section.”.

40 On page 16, delete lines 24 through 45.

41 On page 17, delete lines 1 through 9 and insert:

42 “**SECTION 24.** ORS 285C.250, as amended by section 3, chapter 71, Oregon Laws 2012, is
43 amended to read:

44 “285C.250. (1) Within a reasonable period of time prior to the termination of enterprise zones
45 under ORS 285C.245 (2), the Director of the Oregon Business Development Department shall

1 [competitively designate the same number of enterprise zones] **notify all eligible zone sponsors that,**
2 effective immediately after termination of the previous enterprise zones, **the same number of en-**
3 **terprise zones are available for designation.** The determination by the director as to the areas
4 designated as enterprise zones shall be final.

5 “(2)(a) When an enterprise zone is terminated under ORS 285C.245 (4) to (6), the director [*may*
6 *competitively designate*] **shall notify all eligible zone sponsors that** a new enterprise zone is
7 **available for designation.**

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

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

13 “(3) Sponsors of existing enterprise zones that are due to terminate may [*reapply for*
14 *designation*] **designate the enterprise zones** under subsection (1) of this section.

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

21 “(5) All enterprise zones designated under this section shall terminate in accordance with ORS
22 285C.245 (2).

23 “(6) When the director [*designates*] **makes a determination with respect to** enterprise zones
24 **designated** under this section, there is no limit on the relative number of urban or rural enterprise
25 zones designated.

26 “(7) The director may determine when to accept [*applications for any*] **designations of an** en-
27 terprise zone that terminates under subsection (2) of this section or is not designated under sub-
28 section (1) of this section for lack of qualified applicants.”.

29 On page 19, delete lines 11 through 19 and insert:

30 “**SECTION 28.** Section 29 of this 2013 Act is added to and made a part of ORS 285C.050
31 to 285C.250.

32 “**SECTION 29.** (1) Before submitting notice, as required under section 10, 14 or 18 of this
33 2013 Act, as applicable, of the designation of an enterprise zone under ORS 285C.065 or
34 285C.250 or a zone or city for electronic commerce under ORS 285C.095 or 285C.100, respec-
35 tively, or a change of the boundary of an enterprise zone under ORS 285C.115, the zone
36 sponsor or governing body of the city shall notify the Oregon Business Development De-
37 partment of the zone sponsor’s or the city’s intent to make the designation or boundary
38 change.

39 “(2)(a) As soon as practicable after receipt of a notice sent pursuant to subsection (1)
40 of this section, the department shall contact the zone sponsor or the governing body of the
41 city to arrange a consultation about the designation or boundary change.

42 “(b) After the consultation required under this subsection, the zone sponsor or city may
43 submit to the department notice of the designation or boundary change, at the time and in
44 the manner required under section 10, 14 or 18 of this 2013 Act, as applicable.

45 “(3) A notice sent pursuant to subsection (1) of this section does not bind the zone

1 sponsor or the city to the action that is the subject of the notice.

2 “SECTION 30. Sections 10, 14, 18 and 29 of this 2013 Act, the amendments to ORS
3 285C.050, 285C.060, 285C.065, 285C.067, 285C.068, 285C.070, 285C.080, 285C.090, 285C.095, 285C.100,
4 285C.105, 285C.115, 285C.120, 285C.135, 285C.175, 285C.180, 285C.185, 285C.245, 285C.250 and
5 315.507 by sections 1 to 8, 11, 12, 15, 16, 19 to 24, 26 and 27 of this 2013 Act and the repeal of
6 ORS 285C.066 and 285C.075 by section 25 of this 2013 Act apply to enterprise zones and zones
7 and cities for electronic commerce designated, zone cosponsors added and enterprise zone
8 boundaries changed, on and after the effective date of this 2013 Act.

9 “SECTION 31. This 2013 Act takes effect on the 91st day after the date on which the 2013
10 regular session of the Seventy-seventh Legislative Assembly adjourns sine die.”.

11
