

**PROPOSED AMENDMENTS TO
SENATE BILL 245**

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**
4 **with section 29 (1) of this 2013 Act, a zone sponsor shall submit to the**
5 **Oregon Business Development Department notice of the sponsor’s**
6 **designation of an enterprise zone under ORS 285C.065 or 285C.250 and**
7 **sufficient information for the department to make a determination**
8 **under this section.**

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

13 **“(A) A zone designation shall be final if the hardship and area re-**
14 **quirements of ORS 285C.090 are met and designation does not cause**
15 **the total number of zones designated to exceed the limits of ORS**
16 **285C.080.**

17 **“(B) A zone may not be designated if the requirements of ORS**
18 **285C.090 are not met or designation would cause the total number of**
19 **zones designated to exceed the limits of ORS 285C.080.**

20 **“(b) If the department’s determination is negative, the notice re-**
21 **quired must state the reasons for the negative determination.**

22 **“(c) A zone sponsor that receives a negative determination under**

1 **this subsection may resubmit the enterprise zone for a determination**
2 **under this section.**

3 **“(3)(a) For purposes of complying with the numeric limits of ORS**
4 **285C.080, the department shall make determinations under this section**
5 **in the order in which notices submitted under subsection (1) of this**
6 **section are received.**

7 **“(b) For purposes of this subsection, a notice that is resubmitted**
8 **after a negative determination shall be considered received on the date**
9 **of the resubmission.**

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

12 On page 8, delete lines 24 through 45.

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

14 **“SECTION 14. (1) No sooner than the 61st day following compliance**
15 **with section 29 (1) of this 2013 Act, a zone sponsor of the governing**
16 **body of a city shall submit to the Oregon Business Development De-**
17 **partment notice of the sponsor’s or city’s designation of a zone or a**
18 **city for electronic commerce under ORS 285C.095 or 285C.100, respec-**
19 **tively, and sufficient information for the department to make a de-**
20 **termination under this section.**

21 **“(2)(a) As soon as practicable after receipt of the notice required**
22 **under subsection (1) of this section, the department shall notify the**
23 **zone sponsor or governing body of the city of the department’s deter-**
24 **mination made in accordance with the following:**

25 **“(A) A zone or city designation shall be final if the requirements**
26 **of ORS 285C.100, if applicable, are met and designation would not cause**
27 **the numeric limits of ORS 285C.095 or 285C.100 to be exceeded.**

28 **“(B) A zone or city may not be designated if the requirements of**
29 **ORS 285C.100, if applicable, are not met or designation would cause the**
30 **numeric limits of ORS 285C.095 or 285C.100 to be exceeded.**

1 **“(b) If the department’s determination is negative, the notice re-**
2 **quired must state the reasons for the negative determination.**

3 **“(c) A zone sponsor or governing body of a city that receives a**
4 **negative determination under this subsection may resubmit the zone**
5 **or city for electronic commerce for a determination under this section.**

6 **“(3)(a) For purposes of complying with the numeric limits of ORS**
7 **285C.095 or 285C.100, the department shall make determinations under**
8 **this section in the order in which notices submitted under subsection**
9 **(1) of this section are received.**

10 **“(b) For purposes of this subsection, a notice that is resubmitted**
11 **after a negative determination shall be considered received on the date**
12 **of the resubmission.**

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

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

16 **“SECTION 18. (1)(a) No sooner than the 61st day following compli-**
17 **ance with section 29 (1) of this 2013 Act, a zone sponsor shall submit**
18 **to the Oregon Business Development Department notice of a boundary**
19 **change under ORS 285C.115 and sufficient information for the depart-**
20 **ment to make a determination under this section.**

21 **“(b) For purposes of this subsection, the information submitted to**
22 **the department must include:**

23 **“(A) A map clearly indicating the existing boundary and the pro-**
24 **posed changes;**

25 **“(B) A legal description of each area to be withdrawn from or added**
26 **to the existing enterprise zone; and**

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

29 **“(2)(a) As soon as practicable after receipt of the notice required**
30 **under subsection (1) of this section, the department shall notify the**

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

3 “(A) A boundary change shall be final if the requirements of ORS
4 285C.115 are met.

5 “(B) A boundary change is not effective if the requirements of ORS
6 285C.115 are not met.

7 “(b) If the department's determination is negative, the notice re-
8 quired must state the reasons for the negative determination.

9 “(c) A zone sponsor that receives a negative determination under
10 this subsection may resubmit the boundary change for a determi-
11 nation under this section.”.

12 On page 16, delete lines 24 through 45.

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

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

16 “285C.250. (1) Within a reasonable period of time prior to the termination
17 of enterprise zones under ORS 285C.245 (2), the Director of the Oregon
18 Business Development Department shall [*competitively designate the same*
19 *number of enterprise zones*] **notify all eligible zone sponsors that**, effective
20 immediately after termination of the previous enterprise zones, **the same**
21 **number of enterprise zones are available for designation.** The determi-
22 nation by the director as to the areas designated as enterprise zones shall
23 be final.

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

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

30 “(c) Paragraph (b) of this subsection does not apply to a county govern-

1 ment when the terminated zone was also jointly sponsored by one or more
2 cities or ports.

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

6 “(4) Any city, county or port may [*apply to the director for designation*
7 *of*] **designate** an enterprise zone in accordance with **ORS 285C.065 and with**
8 the criteria set forth in ORS [*285C.065 and*] 285C.090. In addition, the Oregon
9 Business Development Department by rule shall determine the minimum
10 level of economic hardship in any area to be included within an enterprise
11 zone, any other criteria necessary to evaluate the need for the enterprise
12 zone and the potential for accomplishing the purposes of ORS 285C.050 to
13 285C.250.

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

16 “(6) When the director [*designates*] **makes a determination with re-**
17 **spect to** enterprise zones **designated** under this section, there is no limit
18 on the relative number of urban or rural enterprise zones designated.

19 “(7) The director may determine when to accept [*applications for any*]
20 **designations of an** enterprise zone that terminates under subsection (2) of
21 this section or is not designated under subsection (1) of this section for lack
22 of qualified applicants.”

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

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

26 “**SECTION 29. (1) Before submitting notice, as required under sec-**
27 **tion 10, 14 or 18 of this 2013 Act, as applicable, of the designation of**
28 **an enterprise zone under ORS 285C.065 or 285C.250 or a zone or city for**
29 **electronic commerce under ORS 285C.095 or 285C.100, respectively, or**
30 **a change of the boundary of an enterprise zone under ORS 285C.115,**

1 the zone sponsor or governing body of the city shall notify the Oregon
2 Business Development Department of the zone sponsor's or the city's
3 intent to make the designation or boundary change.

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

8 “(b) After the consultation required under this subsection, the zone
9 sponsor or city may submit to the department notice of the desig-
10 nation or boundary change, at the time and in the manner required
11 under section 10, 14 or 18 of this 2013 Act, as applicable.

12 “(3) A notice sent pursuant to subsection (1) of this section does
13 not bind the zone sponsor or the city to the action that is the subject
14 of the notice.

15 “SECTION 30. Sections 10, 14, 18 and 29 of this 2013 Act, the
16 amendments to ORS 285C.050, 285C.060, 285C.065, 285C.067, 285C.068,
17 285C.070, 285C.080, 285C.090, 285C.095, 285C.100, 285C.105, 285C.115,
18 285C.120, 285C.135, 285C.175, 285C.180, 285C.185, 285C.245, 285C.250 and
19 315.507 by sections 1 to 8, 11, 12, 15, 16, 19 to 24, 26 and 27 of this 2013
20 Act and the repeal of ORS 285C.066 and 285C.075 by section 25 of this
21 2013 Act apply to enterprise zones and zones and cities for electronic
22 commerce designated, zone cosponsors added and enterprise zone
23 boundaries changed, on and after the effective date of this 2013 Act.

24 “SECTION 31. This 2013 Act takes effect on the 91st day after the
25 date on which the 2013 regular session of the Seventy-seventh Legis-
26 lative Assembly adjourns sine die.”.

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