

Requested by Senator KNOPP (at the request of Representative Kim Wallan)

**PROPOSED AMENDMENTS TO
SENATE BILL 4**

1 On page 1 of the printed bill, line 2, after “development;” insert “creating
2 new provisions; amending ORS 195.144;”.

3 **“SECTION 1. (1) As used in sections 1 to 6 of this 2023 Act:**

4 **“(a) ‘Covered entity’ has the meaning given that term by 15 U.S.C.**
5 **4651(2).**

6 **“(b) ‘Covered incentive’ has the meaning given that term by 15**
7 **U.S.C. 4651(3).**

8 **“(c) ‘Federal semiconductor financial assistance’ means assistance**
9 **available under the program established pursuant to 15 U.S.C.**
10 **4652(a)(1) for financial assistance to the semiconductor industry.**

11 **“(d) ‘Program grants and loans’ means grants awarded and loans**
12 **made under the program developed by the Oregon Business Develop-**
13 **ment Department pursuant to this section.**

14 **“(2)(a) The Oregon Business Development Department shall develop**
15 **a program to award grants and make loans from moneys in the Oregon**
16 **CHIPS Fund established under section 6 of this 2023 Act to businesses**
17 **applying for federal semiconductor financial assistance.**

18 **“(b)(A) The program shall be administered by the department and**
19 **the Governor as set forth in this section.**

20 **“(B) Notwithstanding the duties and powers conferred respectively**
21 **on the department and the Governor under sections 1 to 6 of this 2023**

1 **Act, the department and the Governor may consult each other with**
2 **respect to any duty or power so conferred.**

3 **“(c) It is the intention of the Legislative Assembly that program**
4 **grants and loans be treated by the U.S. Secretary of Commerce as**
5 **covered incentives for purposes of the federal semiconductor financial**
6 **assistance program.**

7 **“(3) Program grant and loan proceeds may be used solely for activ-**
8 **ities undertaken in connection with the federal semiconductor finan-**
9 **cial assistance program and:**

10 **“(a) The development of a site for a semiconductor or other ad-**
11 **vanced manufacturing facility, including, but not limited to, the ac-**
12 **quisition and aggregation of land;**

13 **“(b) Research and development with respect to semiconductors and**
14 **advanced manufacturing; or**

15 **“(c) Partnering with institutions of higher education, including, but**
16 **not limited to, historically Black colleges and universities, regional**
17 **collaborative groups, local workforce development boards as defined**
18 **in ORS 660.300, programs funded through the federal Workforce Inno-**
19 **vation and Opportunity Act (P.L. 113-128) and apprenticeship programs**
20 **registered with the State Apprenticeship and Training Council, for the**
21 **purpose of workforce development and the creation of training, regis-**
22 **tered apprenticeship and internship opportunities, with respect to**
23 **semiconductors and advanced manufacturing.**

24 **“(4)(a) A business that is a covered entity may apply to the de-**
25 **partment under section 2 of this 2023 Act for a program grant or loan.**

26 **“(b)(A) Program loans may be made for a term not to exceed five**
27 **years, as negotiated by the department with the business in the loan**
28 **agreement, and, except as provided in section 5 (3) of this 2023 Act,**
29 **at a zero rate of interest.**

30 **“(B) All amounts received by the department in repayment of a**

1 **program loan shall be transferred to:**

2 **“(i) If received on or before June 30, 2025, the Oregon CHIPS Fund**
3 **established under section 6 of this 2023 Act.**

4 **“(ii) If received on or after July 1, 2025, the Oregon Rainy Day Fund**
5 **established under ORS 293.144.**

6 **“(c) Proceeds from a program grant or loan may be distributed in**
7 **a single payment or in multiple, conditional payments, as specified in**
8 **the program grant or loan agreement.**

9 **“(d) For every \$1 million in program grant or loan proceeds re-**
10 **ceived, the recipient business must, over the period of the grant or**
11 **loan agreement, attain one of the following:**

12 **“(A) The creation of at least _____ new permanent full-time jobs**
13 **in Oregon that pay on average at least the average median income for**
14 **the region of this state in which the services will be performed.**

15 **“(B) The generation of at least \$1.5 million in state and local reve-**
16 **nue. The department and the recipient business may specify in the**
17 **program grant or loan agreement what the term ‘revenue’ includes.**

18 **“(e)(A) In addition to program grants and loans, an application as-**
19 **sistance grant, in an amount not to exceed \$15,000, may be awarded**
20 **to a business whose application is approved under section 3 of this 2023**
21 **Act, for the costs of preparing and submitting the business’s applica-**
22 **tion for federal semiconductor financial assistance.**

23 **“(B) Application assistance grants may be made from moneys in the**
24 **fund or from any other source of funding available for such purpose**
25 **to the department or the Governor.**

26 **“SECTION 2. (1)(a) The Oregon Business Development Department**
27 **shall prescribe an application process, including forms and deadlines,**
28 **by which businesses may apply under this section for program grants**
29 **and loans.**

30 **“(b) At a minimum, the application form must require the applicant**

1 **business to:**

2 **“(A) Establish its eligibility to be treated by the U.S. Secretary of**
3 **Commerce as a covered entity;**

4 **“(B) Include its draft application for federal semiconductor finan-**
5 **cial assistance;**

6 **“(C) Explain how the proposed activities of the business comply**
7 **with the requirements of the federal semiconductor financial assist-**
8 **ance program;**

9 **“(D) State the amount of program grant or loan proceeds sought**
10 **under this section along with a detailed description of the proposed**
11 **expenditure of the proceeds;**

12 **“(E) If the application includes a request for an application assist-**
13 **ance grant, state the amount of the application assistance grant**
14 **sought and demonstrate the business’s need for the application as-**
15 **sistance grant;**

16 **“(F) Explain how the applicant will meet the requirement under**
17 **section 1 (4)(d) of this 2023 Act, setting forth at a minimum:**

18 **“(i) For job creation, such information as the number, job de-**
19 **scriptions, pay scale and locations of the proposed jobs; or**

20 **“(ii) For state and local revenue, such information as the kinds,**
21 **amounts and timing of the revenue to be generated;**

22 **“(G) Include any other information that the department or the**
23 **Governor considers necessary or important for review of the applica-**
24 **tion; and**

25 **“(H) Sign the application through an authorized director, officer,**
26 **employee or agent under penalties for false swearing.**

27 **“(2)(a) Upon request, the department may consult with a business**
28 **about the business’s application, before or after submission.**

29 **“(b) A business may amend and resubmit its application at any time**
30 **within the application period.**

1 “(3) Trade secrets, as defined in ORS 646.461, that are submitted to
2 the department as part of an application under this section shall be
3 exempt from disclosure under ORS 192.311 to 192.478 until January 1,
4 2027.

5 “SECTION 3. (1)(a) The Oregon Business Development Department
6 shall perform a preliminary review of all timely and complete appli-
7 cations for program grants and loans.

8 “(b) Within 30 days following receipt of an application, the depart-
9 ment shall:

10 “(A) Approve the application;

11 “(B) Approve the application for a program grant or loan, or appli-
12 cation assistance grant, in an amount other than the amount re-
13 quested; or

14 “(C) Reject the entire application or only the request for an appli-
15 cation assistance grant.

16 “(c) As soon as practicable after making a decision about an appli-
17 cation under this subsection, the department shall forward the appli-
18 cation and the department’s preliminary decision to the Governor.

19 “(2)(a) Within 30 days following receipt of an application forwarded
20 by the department, the Governor shall review the application.

21 “(b) Upon review, the Governor shall make a final decision to:

22 “(A) Affirm the department’s approval or rejection;

23 “(B) Affirm the department’s approval for a program grant or loan,
24 or application assistance grant, in an amount other than the amount
25 approved by the department; or

26 “(C) Reverse the department’s approval or rejection, which may
27 include changing the amount of a program grant or loan or application
28 assistance grant, as applicable, or reversing only the decision whether
29 to award an application assistance grant.

30 “(c) The final decisions of the Governor are not subject to appeal.

1 **“(3) In approving applications and setting program grant and loan**
2 **amounts, the department and the Governor shall give preference to:**

3 **“(a) Projects that will promote the long-term economic viability of**
4 **the semiconductor industry in Oregon, including research and devel-**
5 **opment, manufacturing and other critical links in the semiconductor**
6 **supply chain;**

7 **“(b) Projects that will promote and extend Oregon’s leadership in**
8 **the field of technology;**

9 **“(c) Projects that will attract manufacturing jobs to Oregon;**

10 **“(d) Projects that will secure supply in Oregon for critical sectors**
11 **of the state economy;**

12 **“(e) Applicant businesses that have at least 10 full-time employees**
13 **in Oregon;**

14 **“(f) Applicant businesses that have formed partnerships for the**
15 **purpose of workforce development or the creation of training, regis-**
16 **tered apprenticeship or internship opportunities;**

17 **“(g) Applicant businesses that commit to creating a greater number**
18 **of new permanent full-time jobs to meet the requirement under sec-**
19 **tion 1 (4)(d) of this 2023 Act;**

20 **“(h) Applicant businesses that commit to generating a greater**
21 **amount of state and local revenue to meet the requirement under**
22 **section 1 (4)(d) of this 2023 Act;**

23 **“(i) Applications that propose projects described in 15 U.S.C.**
24 **4652(a)(2)(B)(i) that will incorporate significant participation by busi-**
25 **nesses owned by members of underrepresented communities and eco-**
26 **nomically disadvantaged individuals; and**

27 **“(j) Applications that, taken together, represent regional diversity**
28 **in Oregon.**

29 **“(4)(a) As soon as practicable after making a final decision under**
30 **subsection (2) of this section, the Governor shall return the application**

1 to the department with notice of the final decision and the reasons for
2 the decision.

3 “(b) Upon receipt of the Governor’s notice, the department shall:

4 “(A) Notify the applicant of the final decision and the reasons for
5 the decision; and

6 “(B) For an approved application, offer to the applicant a program
7 grant or loan agreement and, if applicable, an application assistance
8 grant.

9 “(c) Upon entering into a program grant or loan agreement with the
10 applicant business, the department shall distribute to the business
11 from the Oregon CHIPS Fund established under section 6 of this 2023
12 Act the amount set forth in the agreement.

13 “(5)(a) If a business that has entered into an agreement pursuant
14 to this section changes ownership during the term of the agreement,
15 the department, in consultation with the Governor, may allow the
16 continued use of the program grant or loan proceeds provided the
17 business enters into a new agreement with the department that com-
18 mits the business to continuing the project as proposed in the appli-
19 cation approved under this section.

20 “(b) In the new agreement, the department may agree to minor
21 changes in the terms of the original agreement that the department,
22 in consultation with the Governor, considers reasonable in the cir-
23 cumstances and faithful to the purpose for which the business’s ap-
24 plication was approved.

25 “SECTION 4. (1) At least once every six months following the date
26 on which a business enters into a program grant or loan agreement
27 with the Oregon Business Development Department under section 3
28 of this 2023 Act, for as long as the agreement is in effect, the business
29 shall report to the department the following:

30 “(a) The status of the business’s application for federal semicon-

1 **ductor financial assistance;**

2 **“(b) Progress on the project to construct, expand or modernize the**
3 **facility for which the grant was awarded or the loan made, including,**
4 **but not limited to, the acquisition or aggregation of land and the sta-**
5 **tus of the permits required for the project;**

6 **“(c) Information regarding:**

7 **“(A) The new permanent full-time jobs created by the project in**
8 **accordance with section 1 (4)(d)(A) of this 2023 Act, setting forth at a**
9 **minimum the number, job descriptions, pay scale and locations of the**
10 **jobs, as well as of any proposed jobs yet to be created; or**

11 **“(B) The state and local revenue generated in accordance with sec-**
12 **tion 1 (4)(d)(B) of this 2023 Act, setting forth at a minimum the kinds,**
13 **amounts and timing of the revenue generated, as well as of any pro-**
14 **posed revenue yet to be generated;**

15 **“(d) Any research and development work conducted with respect to**
16 **semiconductors or advanced manufacturing;**

17 **“(e) Any partnerships the business has engaged in with institutions**
18 **of higher education or regional workforce programs for the purpose**
19 **of workforce development and the creation of training, registered ap-**
20 **prenticeship and internship opportunities;**

21 **“(f) The status of any other consideration for which the business’s**
22 **application was given preference under section 3 (3) of this 2023 Act;**

23 **“(g) The economic impact of the project on businesses in this state,**
24 **including, but not limited to, the impact on supply chains;**

25 **“(h) The economic and environmental impact of the project on**
26 **communities in this state; and**

27 **“(i) Any other information required by the department or the Gov-**
28 **ernor.**

29 **“(2) Not later than September 15 of each year in which any program**
30 **grant or loan agreement remains in effect, the department shall sub-**

1 mit, in the manner required under ORS 192.245, a report summarizing
2 the information received from businesses pursuant to subsection (1)
3 of this section, to the interim committees of the Legislative Assembly
4 related to economic development.

5 **“SECTION 5. (1)(a) A business that received a program grant or**
6 **loan, including an application assistance grant, shall become liable for**
7 **immediate repayment of the full amount of the grant or the out-**
8 **standing principal amount of the loan, if:**

9 **“(A) The business has not begun, on or before January 1, 2027, the**
10 **process of applying for permits required for the project for which the**
11 **grant was awarded or the loan made;**

12 **“(B) The project changes substantially from the project for which**
13 **the business’s application was approved such that the project would**
14 **not have been eligible for the program grant or loan;**

15 **“(C) The business has not created the new permanent full-time jobs,**
16 **or generated the state and local revenue, in fulfillment of the re-**
17 **quirement under section 1 (4)(d) of this 2023 Act, on or before the**
18 **earlier of a date, if any, specified in the program grant or loan agree-**
19 **ment or January 1, _____;**

20 **“(D) The business has not complied with all environmental stan-**
21 **dards applicable to the project under law or has not cured its non-**
22 **compliance within a reasonable time, as determined by the Oregon**
23 **Business Development Department; or**

24 **“(E) The business has not complied with all labor standards appli-**
25 **cable to the project under law or the program grant or loan agreement**
26 **or has not cured its noncompliance within a reasonable time, as de-**
27 **termined by the department.**

28 **“(b) If a project is suspended for a reason beyond the control of the**
29 **business, the amount to be repaid shall be in proportion to the per-**
30 **centage of the project that has not been completed at the time of**

1 suspension, as determined by the department.

2 “(2) Any and all amounts required to be repaid under this section
3 shall be considered to be liquidated and delinquent, and the Oregon
4 Business Development Department shall assign such amounts to the
5 Department of Revenue for collection as provided in ORS 293.250.

6 “(3) If the Oregon Business Development Department discovers that
7 a business willfully made a false statement or misrepresentation, or
8 willfully failed to report a material fact, to obtain a program grant or
9 loan, or an application assistance grant, under sections 1 to 6 of this
10 2023 Act, the Oregon Business Development Department may add to
11 the amount the business is obligated to repay a penalty not to exceed
12 20 percent of the principal amount of the program grant or loan so
13 obtained, plus any applicable interest and fees associated with the
14 Department of Revenue’s costs of collection.

15 “(4) Subject to ORS 293.250, all amounts repaid to the Oregon
16 Business Development Department or the Department of Revenue un-
17 der this section, including award amounts, penalties, interest, fees and
18 any other charges, shall be transferred to:

19 “(a) If received on or before June 30, 2025, the Oregon CHIPS Fund
20 established under section 6 of this 2023 Act.

21 “(b) If received on or after July 1, 2025, the General Fund.

22 “SECTION 6. (1) The Oregon CHIPS Fund is established in the State
23 Treasury, separate and distinct from the General Fund. Interest
24 earned by the Oregon CHIPS Fund shall be credited to the fund.

25 “(2) Moneys in the fund shall consist of:

26 “(a) Amounts appropriated or otherwise transferred or credited to
27 the fund by the Legislative Assembly;

28 “(b) Earnings received on moneys in the fund; and

29 “(c) Other moneys, or proceeds of property, from any public or
30 private source that are transferred, donated or otherwise credited to

1 the fund.

2 “(3) Moneys in the Oregon CHIPS Fund are continuously appropri-
3 ated to the Oregon Business Development Department for the follow-
4 ing purposes:

5 “(a) Paying the actual costs incurred by the department in devel-
6 oping and administering sections 1 to 6 of this 2023 Act; and

7 “(b) Carrying out the provisions of sections 1 to 6 of this 2023 Act.

8 “(4) Moneys in the Oregon CHIPS Fund on June 30, 2023, shall be
9 retained in the fund, and used for the purposes set forth in subsection
10 (3) of this section, until June 30, 2025.

11 “(5) Any moneys remaining in the Oregon CHIPS Fund on July 1,
12 2025, shall be transferred to the General Fund.

13 “SECTION 7. Sections 1 to 6 of this 2023 Act are repealed on Janu-
14 ary 2, 2032.

15 “SECTION 8. Notwithstanding ORS 293.144, there is appropriated to
16 the Oregon Business Development Department, for the biennium end-
17 ing June 30, 2023, out of the General Fund, the amount of \$210,000,000
18 to be distributed as follows:

19 “(1) \$200,000,000 for deposit in the Oregon CHIPS Fund established
20 under section 6 of this 2023 Act, to be used for the purpose of carrying
21 out the provisions of sections 1 to 6 and 10 of this 2023 Act; and

22 “(2) \$10,000,000 for deposit in the University Innovation Research
23 Fund established under ORS 285A.230, to be used for any purpose re-
24 lated to economic development for which moneys in the University
25 Innovation Research Fund may be used.

26 “SECTION 9. Sections 10 and 11 of this 2023 Act are added to and
27 made a part of ORS 197.286 to 197.314.

28 “SECTION 10. (1) On or before June 30, 2024, the Governor may, by
29 executive order, bring within an existing urban growth boundary des-
30 ignated lands for the purposes of providing lands available for indus-

1 trial uses that relate to the semiconductor industry, advanced
2 manufacturing or the supply chain for semiconductors or advanced
3 manufacturing.

4 “(2) Lands designated by an executive order under this section must
5 be within a site that consists of one or more tracts of land that are:

6 “(a) Contiguous to the city’s existing urban growth boundary; and

7 “(b) Entirely within three miles of the city’s existing urban growth
8 boundary.

9 “(3) In designating sites under this section, the Governor shall give
10 consideration to the Cities of Albany, Boardman, Coburg, Cornelius,
11 Corvallis, Gresham, Happy Valley, Hillsboro, McMinnville, Medford,
12 Newport, North Plains, Redmond, Scappoose, Sherwood, The Dalles
13 and Tualatin.

14 “(4) Before issuing an executive order under this section, the Gov-
15 ernor shall:

16 “(a) Conduct one public meeting, in coordination with the city
17 nearest to the site and each county in which the site is located, to be
18 held in that city for the purpose of discussing bringing within the ur-
19 ban growth boundary the lands or potential lands; and

20 “(b) Accept public comments for a period of no fewer than 20 days
21 following the public meeting in paragraph (a) of this subsection.

22 “(5) The Governor may designate up to a maximum of 10 sites, as
23 follows:

24 “(a) Four sites that do not exceed 500 acres; and

25 “(b) Six sites that do not exceed 100 acres.

26 “(6) Notwithstanding any other provision of ORS 195.144, 197.286 to
27 197.314, 197.626 or 268.390 or any statewide land use planning goal or
28 administrative rule, lands designated in an executive order under this
29 section are considered within the acknowledged urban growth bound-
30 ary, as described in ORS chapters 197 and 268, as of the date of the

1 executive order.

2 “(7) No later than six months following the entry of an executive
3 order under this section, each local government with jurisdiction over
4 the lands shall, notwithstanding ORS 215.431, 227.188 or 268.390 or ORS
5 chapter 197 or any statewide land use planning goal or administrative
6 rule, amend its comprehensive plan or enact or amend any land use
7 regulation to allow the use of the land for industrial uses under sub-
8 section (1) of this section provided that:

9 “(a) The enactment or amendment is passed by an ordinance of the
10 governing body of the county after a public hearing; and

11 “(b) A copy of the ordinance is delivered to the Land Conservation
12 and Development Commission within 14 days after passage.

13 **“SECTION 11. (1) The Supreme Court shall have exclusive jurisdic-
14 tion to review the legal effect of a Governor’s executive order under
15 section 10 of this 2023 Act.**

16 “(2)(a) Proceedings for review under subsection (1) of this section
17 are initiated when a person with standing files a petition for judicial
18 review and a brief with the State Court Administrator.

19 “(b) Copies of the petition and brief must be served on the Gover-
20 nor, Attorney General, Business Oregon and each local government
21 with jurisdiction over any part of the lands designated by the
22 Governor’s order.

23 “(3) A person does not have standing to file a petition under this
24 section if the person did not provide comments to the Governor under
25 section 10 (4) of this 2023 Act.

26 “(4) A person is precluded from filing a petition for review under
27 this section based on an issue that could have been, but was not, made
28 with sufficient specificity to the Governor under section 10 (4) of this
29 2023 Act so as to afford the Governor an opportunity to respond to the
30 issue.

1 **“(5) A petition for review and opening brief under this section must:**

2 **“(a) Be filed within 21 days following the date that the executive**
3 **order to which the petition and the brief are directed was issued;**

4 **“(b) Include an affidavit showing how the petitioner has demon-**
5 **strated standing;**

6 **“(c) State with particularity the grounds on which the petitioner**
7 **assigns error;**

8 **“(d) Identify the manner in which the petitioner has raised the is-**
9 **sue as to which error is assigned under section 10 (4) of this 2023 Act;**

10 **“(e) State a request for relief the petition seeks;**

11 **“(f) Include a copy of the executive order; and**

12 **“(g) Comply with the specifications for opening briefs before the**
13 **Supreme Court set forth in the Oregon Rules of Appellate Procedure.**

14 **“(6)(a) Within 14 days after the petition filing date, any person**
15 **listed in subsection (2)(b) of this section may file a response brief and**
16 **shall serve the response on the petitioner and all other served entities.**

17 **“(b) The Court is not required to accept or consider any brief or**
18 **argument from any person except those served copies under subsection**
19 **(2)(b) of this section.**

20 **“(c) The Court may consolidate its review if multiple petitions for**
21 **review are filed under this section.**

22 **“(7)(a) Within seven days following delivery of a petition for review**
23 **as required by subsection (5) of this section, the Governor shall deliver**
24 **a certified copy of the record related to a Governor’s executive order**
25 **under section 10 of this 2023 Act. The record shall consist of:**

26 **“(A) All documents received by the Governor during the comment**
27 **period under section 10 (4)(b) of this 2023 Act;**

28 **“(B) All documents distributed by the Governor, any agency or a**
29 **local government at a public meeting under section 10 (4)(a) of this**
30 **2023 Act;**

1 “(C) The notice of public meeting related to the executive order,
2 along with a list of persons to whom the notice was sent;

3 “(D) Audio recordings of the public meeting, if any;

4 “(E) A copy of the executive order; and

5 “(F) Any reports and any amendments thereto received by the
6 Governor that may have been developed by the Governor, a state
7 agency or local government related to the executive order.

8 “(b) The Governor shall make available a physical or electronic
9 copy of the record to any requesting person within seven days of a
10 request. The Governor may charge a reasonable fee for persons re-
11 questing a physical copy of the record.

12 “(8)(a) Within seven days following delivery of the record to the
13 Supreme Court, a party may object to the record by personal delivery
14 to the Court and intervening parties. The Court may rule on the ob-
15 jection separately, or address any record objection in its final decision
16 in the Court’s discretion.

17 “(9)(a) The Supreme Court may reverse or remand for reconsider-
18 ation an executive order of the Governor under section 10 of this 2023
19 Act only if the Court finds that the Governor:

20 “(A) Failed to comply with the criteria in section 10 of this 2023 Act;
21 or

22 “(B) Exceeded the Governor’s constitutional authority.

23 “(b) The Court may not substitute its judgment for that of the
24 Governor as to any issue of fact or any issue within the discretion of
25 the Governor.

26 “(c) Failure to comply with statutory procedures, including notice
27 requirements and scope of record, is not grounds for reversing or re-
28 manding an executive order under section 10 of this 2023 Act.

29 “(10)(a) The Supreme Court shall decide the matter on an expedited
30 basis at its earliest practicable convenience.

1 **“(b) The Court may decide the matter on the briefs or hold oral**
2 **argument.**

3 **“(c) The Court may affirm, remand to the Governor or reverse the**
4 **executive order, in whole or in part. The Court shall affirm all parts**
5 **of the executive order that the Court does not remand.**

6 **“(d) If the Court affirms, the Court may affirm without opinion or**
7 **issue a separate opinion.**

8 **“(e) If the Court remands, the Governor shall have an additional**
9 **six months from the date of remand to issue a new executive order for**
10 **purposes of bringing land within an urban growth boundary compliant**
11 **with section 10 (1) of this 2023 Act. The Court shall retain jurisdiction**
12 **over any matters remanded. Any judicial review of a new executive**
13 **order under this subsection shall be filed with the Court and processed**
14 **in the manner specified in this section.**

15 **“SECTION 12. Sections 10 and 11 of this 2023 Act are repealed on**
16 **January 2, 2028.**

17 **“SECTION 13. In addition to and not in lieu of any other appropri-**
18 **ation, there is appropriated to the Higher Education Coordinating**
19 **Commission, for distribution to the Knight Campus Graduate**
20 **Internship Program at the University of Oregon, for the biennium**
21 **beginning July 1, 2023, out of the General Fund, the amount of**
22 **\$2,392,500. Moneys distributed under this section must be used to:**

23 **“(1) Provide student access to modern semiconductor equipment;**

24 **“(2) Expand staff;**

25 **“(3) Provide student scholarships;**

26 **“(4) Establish a student success advocate for priority populations;**
27 **and**

28 **“(5) Host an Inclusion Symposium for the purpose of building**
29 **community amongst priority populations within the semiconductor**
30 **industry.**

1 **“SECTION 14. Section 15 of this 2023 Act is added to and made a**
2 **part of ORS chapter 197.**

3 **“SECTION 15. (1) Notwithstanding ORS chapter 195, 197A, 215 or 227**
4 **or any other provision of this chapter, any statewide land use planning**
5 **goal, rule of the Land Conservation and Development Commission or**
6 **local land use regulation, zoning ordinance, regional framework plan,**
7 **functional plan or comprehensive plan, a local government shall eval-**
8 **uate and approve an application for the development of an industrial**
9 **use, including land division, if:**

10 **“(a) The applicant requests review under this section;**

11 **“(b) The applicant has received a grant or loan under section 2 of**
12 **this 2023 Act or receives federal semiconductor financial assistance as**
13 **defined in section 1 of this 2023 Act for the industrial use;**

14 **“(c) The industrial use can be serviced by all necessary**
15 **infrastructure, by the time a building permit will be issued;**

16 **“(d) The industrial use will not pose any unreasonable risk to public**
17 **health or safety due to a lack of urban services, a lack of improve-**
18 **ments necessary for emergency services or noncompliance with engi-**
19 **neering, street or utility requirements; and**

20 **“(e) The industrial use will be located:**

21 **“(A) Inside an urban growth boundary;**

22 **“(B) On lands zoned to allow industrial use; and**

23 **“(C) Not within an area designated under a statewide planning goal**
24 **relating to natural disasters and hazards, including flood plains or**
25 **mapped environmental health hazards, unless the development com-**
26 **plies with regulations directly related to the hazard.**

27 **“(2) In evaluating an application for the development of an indus-**
28 **trial use under subsection (1) of this section, a local government shall**
29 **approve the application if it finds substantial evidence for each of the**
30 **criteria required under subsection (1)(b) to (d) of this section. The lo-**

1 cal government may not apply additional criteria.

2 “(3) Within 21 days after receiving an application for development
3 under this section, a local government shall notify the applicant if the
4 application is incomplete, and shall specify the missing information.
5 If the applicant has been notified of the missing information, the ap-
6 plication is considered complete when the applicant has submitted:

7 “(a) All of the missing information;

8 “(b) Some of the missing information and written notice that no
9 other information will be provided; or

10 “(c) Written notice that none of the missing information will be
11 provided.

12 “(4) Within 21 days of receiving a complete application for develop-
13 ment under this section, the local government must notify each state
14 agency, local government or special district that would be responsible
15 for providing urban services to the proposed development.

16 “(5) The local government:

17 “(a) May not hold a hearing on the application; and

18 “(b) Is not required to consider written comments from any person
19 other than the applicant and those listed in subsection (4) of this sec-
20 tion.

21 “(6) Within 120 days after receiving a complete application for de-
22 velopment under this section, the local government shall issue a final
23 decision approving or denying the application for development. The
24 final decision must be in writing in any form reasonably intended to
25 communicate the local government’s basis for the determination.

26 “(7) A final decision made under this section is not a land use de-
27 cision, and may be appealed only by the applicant and only in the
28 manner set forth in ORS 34.010 to 34.100.

29 “(8) In applying the standards in subsection (1) of this section, a
30 local government may only regulate siting and design of industrial

1 **uses through clear and objective conditions, provided that the condi-**
2 **tions do not, individually or cumulatively, discourage the development**
3 **of an industrial use under this section through unreasonable cost and**
4 **delay.**

5 **“SECTION 16.** ORS 195.144 is amended to read:

6 “195.144. (1) For purposes of land use planning in Oregon, the Legislative
7 Assembly designates the land in Washington County that was designated as
8 rural reserve in Metro Resolution No. 11-4245, adopted on March 15, 2011,
9 as the acknowledged rural reserve in Washington County, except that:

10 “(a) The Legislative Assembly does not designate as rural reserves the
11 real property in Area 5C on Metro’s map denominated as the ‘Urban and
12 Rural Reserves in Washington County, Attachment A to Staff Report for
13 Resolution No. 11-4245 (03/17/11 DRAFT),’ that is more particularly described
14 as:

15 “(A) Tax lots 1500 and 1501, section 1 of township 2 south, range 2 west,
16 Willamette Meridian; and

17 “(B) A tract of land being in the north one-half of section 18, township
18 2 south, range 1 west, Willamette Meridian, Washington County Oregon, and
19 being more particularly described as follows: Beginning at the northeast
20 corner of that tract of land conveyed to John Lasich, et ux, by deed recorded
21 October 22, 1931, in Book 148, page 116, of the Washington County Deed
22 Records; thence westerly along the north line said tract 1444.2 feet, more or
23 less, to the southwest corner of that property described in Deed Document
24 No. 81038291 of the Washington County Book of Records; thence southerly
25 and perpendicular to said north line, 50.00 feet; thence easterly on a line
26 being parallel with and 50.00 feet southerly of said north line 1444.2 feet,
27 more or less, to the east line of said Lasich tract; thence northerly 50.00 feet
28 to the point of beginning.

29 “(b) The Legislative Assembly designates as acknowledged urban reserve
30 the real property that is part of the original plat of Bendemeer, Washington

1 County, Oregon, more particularly described as:

2 “(A) All of lots 1 through 18, inclusive;

3 “(B) The parts of lots 64, 65 and 66 that are situated between the east
4 boundary of the right of way of Northwest West Union Road and the east
5 boundary of the right of way of Northwest Cornelius Pass Road;

6 “(C) The real property that is more particularly described as: Beginning
7 at a point of origin that is the south bank of Holcomb Creek and the west
8 boundary of the right of way of Northwest Cornelius Pass Road; thence
9 easterly along the south bank of Holcomb Creek, continuing along the south
10 bank of Holcomb Lake to its intersection with the west boundary of Area
11 8C; thence southerly along the west boundary of Area 8C to its intersection
12 with the north boundary of the right of way of Northwest West Union Road;
13 thence westerly along the right of way to its intersection with the west
14 boundary of the right of way of Northwest Cornelius Pass Road; thence
15 northerly along the right of way to the point of origin;

16 “(D) The real property that is more particularly described as tax lot 4050
17 in section 14A of township 1 north, range 2 west, Willamette Meridian;

18 “(E) The portion of Northwest West Union Road and its right of way from
19 the intersection of the road with the west boundary of Area 8C to the
20 intersection of the road with the west boundary of the right of way of
21 Northwest Bendemeer Road on Metro’s map denominated as the ‘Urban and
22 Rural Reserves in Washington County, Attachment A to Staff Report for
23 Resolution No. 11-4245 (03/17/11 DRAFT)’; and

24 “(F) The real property that is more particularly described as tax lot 400
25 in section 14D of township 1 north, range 2 west, Willamette Meridian.

26 “(2) For purposes of land use planning in Oregon, the Legislative Assem-
27 bly designates the land in Washington County that was designated as urban
28 reserve in Metro Resolution No. 11-4245, adopted on March 15, 2011, as the
29 acknowledged urban reserve in Washington County, except that:

30 “(a) The real property in Area 8A on Metro’s map denominated as the

1 ‘Urban and Rural Reserves in Washington County, Attachment A to Staff
2 Report for Resolution No. 11-4245 (03/17/11 DRAFT),’ east of the east
3 boundary of the right of way of Northwest Jackson School Road and east
4 of the east bank of Storey Creek and the east bank of Waibel Creek is in-
5 cluded within the acknowledged urban growth boundary.

6 “(b) The real property in Area 8A on Metro’s map denominated as the
7 ‘Urban and Rural Reserves in Washington County, Attachment A to Staff
8 Report for Resolution No. 11-4245 (03/17/11 DRAFT),’ that is south of the
9 south boundary of the right of way of Highway 26 and west of the real
10 property described in paragraph (a) of this subsection is [*designated as ac-*
11 *knowledge rural reserve*] **included within the acknowledged urban**
12 **growth boundary.**

13 “(c) The real property in Area 8B on Metro’s map denominated as the
14 ‘Urban and Rural Reserves in Washington County, Attachment A to Staff
15 Report for Resolution No. 11-4245 (03/17/11 DRAFT),’ [*that is more partic-*
16 *ularly described as tax lot 100 in section 21AA of township 1 north, range 2*
17 *west, Willamette Meridian, and tax lots 900, 901, 1100, 1200, 1300 and 1400 in*
18 *section 15 of township 1 north, range 2 west, Willamette Meridian, is not*
19 *designated as a reserve area.*] **is included within the acknowledged urban**
20 **growth boundary.**

21 “[*(d) The real property in Area 8B on Metro’s map denominated as the*
22 *‘Urban and Rural Reserves in Washington County, Attachment A to Staff*
23 *Report for Resolution No. 11-4245 (03/17/11 DRAFT),’ that is not described in*
24 *paragraph (c) of this subsection is designated as acknowledged rural reserve.*]

25 “[*(e)*] **(d)** The real property in Area 7B on Metro’s map denominated as
26 the ‘Urban and Rural Reserves in Washington County, Attachment A to Staff
27 Report for Resolution No. 11-4245 (03/17/11 DRAFT),’ that is north of the
28 south bank of Council Creek is designated as acknowledged rural reserve.

29 “[*(f)*] **(e)** The real property in Area 7B on Metro’s map denominated as
30 the ‘Urban and Rural Reserves in Washington County, Attachment A to Staff

1 Report for Resolution No. 11-4245 (03/17/11 DRAFT),’ that is south of the
2 south bank of Council Creek is included within the acknowledged urban
3 growth boundary.

4 “(3) For purposes of land use planning in Oregon, in relation to the fol-
5 lowing real property in Washington County that is not reserved by desig-
6 nation in Metro Resolution No. 11-4245, adopted on March 15, 2011, the
7 Legislative Assembly designates:

8 “(a) As acknowledged rural reserve the real property that is situated
9 south of the City of North Plains on Metro’s map denominated as the ‘Urban
10 and Rural Reserves in Washington County, Attachment A to Staff Report for
11 Resolution No. 11-4245 (03/17/11 DRAFT),’ more particularly described as tax
12 lots 100, 101, 200 and 201 in section 11 of township 1 north, range 3 west,
13 Willamette Meridian, tax lots 1800 and 2000 and that portion of tax lot 3900
14 that is north of the south line of the Dobbins Donation Land Claim No. 47
15 in section 12 of township 1 north, range 3 west, Willamette Meridian, and
16 the portion of Northwest Gordon Road and its right of way from the south
17 boundary of the right of way of Northwest Beach Road to the south bound-
18 ary of tax lot 200 in section 11 of township 1 north, range 3 west, Willamette
19 Meridian.

20 “(b) As acknowledged rural reserve the real property that is situated
21 north of the City of Cornelius on Metro’s map denominated as the ‘Urban
22 and Rural Reserves in Washington County, Attachment A to Staff Report for
23 Resolution No. 11-4245 (03/17/11 DRAFT),’ and that is north of the south
24 bank of Council Creek, east of the east right of way of Northwest
25 Cornelius-Schefflin Road and west of the west bank of Dairy Creek.

26 “(c) As acknowledged rural reserve the real property that is north of the
27 City of Forest Grove on Metro’s map denominated as the ‘Urban and Rural
28 Reserves in Washington County, Attachment A to Staff Report for Resol-
29 ution No. 11-4245 (03/17/11 DRAFT),’ more particularly described as east of
30 Area 7B, west of the east right of way of Highway 47 and south of the north

1 right of way of Northwest Purdin Road.

2 “(d) As acknowledged rural reserve the real property that is situated west
3 of Area 8B on Metro’s map denominated as the ‘Urban and Rural Reserves
4 in Washington County, Attachment A to Staff Report for Resolution No.
5 11-4245 (03/17/11 DRAFT).’

6 “(4) Land in a county in Metro that is planned and zoned for farm, forest
7 or mixed farm and forest use and that is not designated as urban reserve
8 may not be included within the urban growth boundary of Metro before at
9 least 75 percent of the land in the county that was designated urban reserve
10 in this section has been included within the urban growth boundary and
11 planned and zoned for urban uses.

12 “(5) The real property described in subsection (2)(a) of this section, except
13 for the land denominated as ‘UGB 2014’ on the Metro Map titled ‘HB 4078
14 Reserves and Urban Growth Boundary Washington County Area - Attach-
15 ment 1 (June 2014)’ and that is south of Northwest Sunset Highway and
16 north of Northwest Evergreen Road:

17 “(a) Is employment land of state significance; and

18 “(b) Must be planned and zoned for employment use.

19 “(6) **The real property described in subsection (2)(b) and (c) of this**
20 **section:**

21 “(a) **Must be planned and zoned for industrial use, including:**

22 “(A) **High-technology manufacturing and production, including re-**
23 **search and development;**

24 “(B) **Employment uses that support high-technology manufacturing**
25 **and production; and**

26 “(C) **Commercial uses that are accessory to and located within the**
27 **same building as the high-technology manufacturing or production use**
28 **or use supporting the high-technology manufacturing or production**
29 **use;**

30 “(b) **May not be zoned for or developed as a data storage, processing**

1 **or information center as a primary use; and**

2 **“(c) May not allow retail warehouses or commercial recreation.**

3 **“[(6)] (7) If the real property described in subsection [(2)(f)] (2)(e) of this**
4 **section or section 4 (1) to (3), chapter 92, Oregon Laws 2014, is planned and**
5 **zoned for employment use, in its first legislative review of the urban growth**
6 **boundary on or after April 1, 2014, Metro shall not count the employment**
7 **capacity of the real property described in subsection [(2)(f)] (2)(e) of this**
8 **section or in section 4 (1) to (3), chapter 92, Oregon Laws 2014, in deter-**
9 **mining the employment capacity of the land within Metro.**

10 **“SECTION 17. No later than six months following the effective date**
11 **of this 2023 Act, each local government with jurisdiction over the real**
12 **property described in ORS 195.144 (2)(b) and (c) may, notwithstanding**
13 **any statewide planning goals or ORS 215.431 or 227.188 or ORS chapter**
14 **197, amend its comprehensive plan or enact or amend any land use**
15 **regulation to allow the use of the property for uses allowed under**
16 **195.144 (6), provided that:**

17 **“(1) The enactment or amendment is passed by an ordinance of the**
18 **governing body of the county after a public hearing; and**

19 **“(2) A copy of the ordinance is delivered to the Land Conservation**
20 **and Development Commission within 14 days after passage.**

21 **“SECTION 18. Section 17 of this 2023 Act is repealed on January 2,**
22 **2024.**

23 **“SECTION 19. This 2023 Act being necessary for the immediate**
24 **preservation of the public peace, health and safety, an emergency is**
25 **declared to exist, and this 2023 Act takes effect on its passage.”.**

26